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THE PUBLIC DOMAIN

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UNIV. OF MICH.

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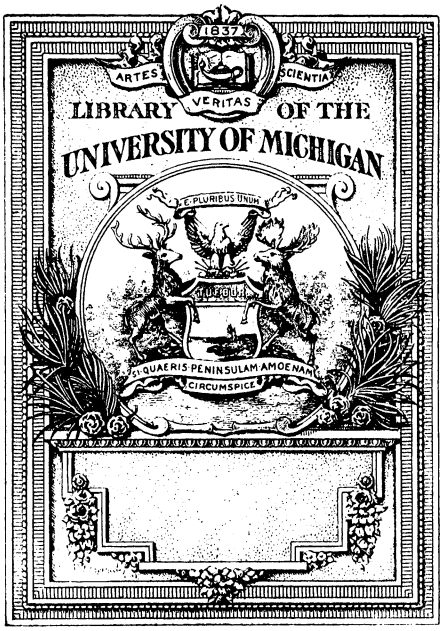

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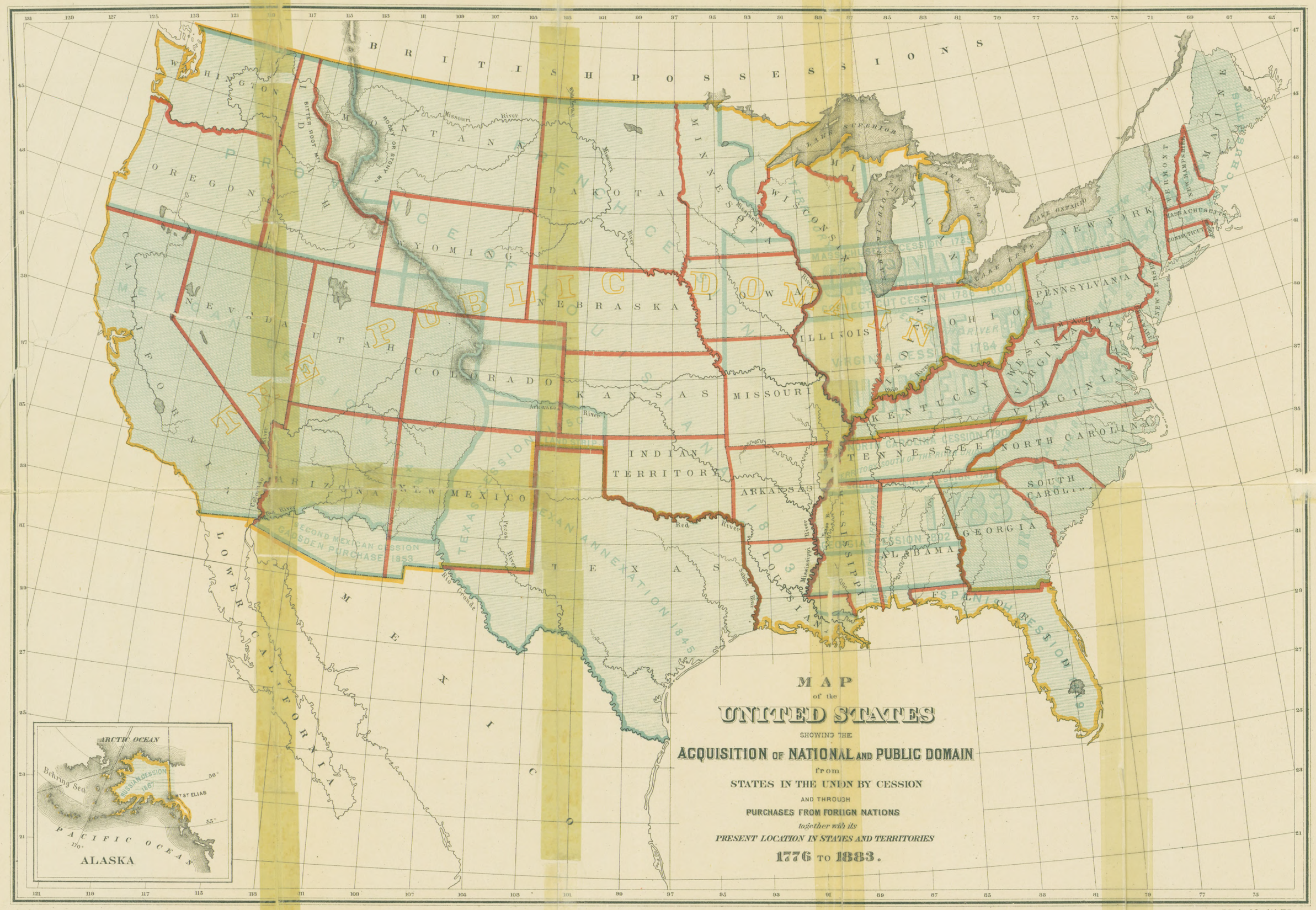

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THE PUBLIC DOMAIN.

ITS HISTORY,

WITH STATISTICS,

WITH REFERENCES TO THE NATIONAL DOMAIN, COLONIZATION, ACQUIREMENT OF TERRITORY, THE SURVEY, ADMINISTRATION AND SEVERAL METHODS OF SALE AND DISPOSITION OF THE PUBLIC DOMAIN OF THE UNITED STATES, WITH SKETCH OF LEGISLATIVE HISTORY OF THE LAND STATES AND TERRITORIES, AND REFERENCES TO THE LAND SYSTEM OF THE COLONIES, AND ALSO THAT OF SEVERAL FOREIGN GOVERNMENTS.

PUBLIC LAND COMMISSION.

COMMITTEE ON CODIFICATION.

PREPARED, IN PURSUANCE OF THE ACTS OF CONGRESS OF MARCH 3, 1879, AND JUNE 16, 1880, BY THOMAS DONALDSON, OF THE COMMISSION AND COMMITTEE, AND GIVING THE RESULT OF THE SEVERAL LAND LAWS FOR THE SALE AND DISPOSITION OF THE PUBLIC DOMAIN TO JUNE 30, 1880.

REVISED JULY 16, 1881.

ADDENDA TO JUNE 30 AND DECEMBER 1, 1883.—PAGES 517 TO 1302.

ALL FORMS AND REGULATIONS TO DECEMBER 1, 1883.

REVISION AND ADDENDA TO JUNE 30 AND DECEMBER 1, 1883, PREPARED IN PURSUANCE OF A JOINT RESOLUTION OF CONGRESS APPROVED AUGUST 7, 1882.

BY

THOMAS DONALDSON.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
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OF

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ACTS OF CONGRESS OF MARCH 3, 1879, AND JUNE 16, 1880.

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Prepared and compiled by the Commission:
Preliminary report, with testimony, February 24, 1880, 1 vol.

By the Committee on Codification.

Prepared and compiled by Mr. Alexander T. Britton:
United States Land Laws, General and Permanent, 1 vol.
United States Land Laws, Local and Temporary, 2 vols.

Prepared and executed by Mr. Thomas Donaldson:
The Public Domain, its History, with Statistics, 1 vol.

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INTRODUCTORY.

[TO THE THIRD EDITION.]

To avoid cutting the plates of the first and second editions of this book, from pages No. 1 to 516, as issued in 1880 and 1881, the additional matter, bringing the book down to June 30, 1882, June 30, 1883, and, where possible, to December 1, 1883, begins at page 517 and ends at page 1302, and is in addenda and original chapters.

The system of thirty-five chapters adopted for and used in the original editions has been followed with the addition of chapter 36, the annual business of the General Land Office from June 30, 1882, to June 30, 1883, and chapter 37, "The Yellowstone National Park." Maps illustrative of the text of several chapters have been added

Chapter 32, "Existing methods of sale and disposition of public lands," pages 1157 to 1179, is brought down to December 1, 1883.

The work was completed to June 30, 1882, several months ago, but in view of the value of recent statistics or information the book was held back and chapter 36, the annual business of the General Land Office for and to June 30, 1883, added. Information has been especially sought for and given on matters which are of present and future interest. As immediate legislation is requisite to save any of the remaining arable public domain, the operations of existing laws and the evils thereunder are given in detail. The chapters on "Land grants for railroads," "Private land claims," and "Existing settlement and disposition of land" will be found full, and much important data given, not found in such compact form for reference in any other publication.

Forms used in entries under the several laws are given in full, and an attempt made to make clear, if possible, the present overgrown and cumbersome public land system.

The regulations and forms are all official, and are in effect December 1, 1883.

The tables and statistics are all official. The conclusions, inferences, and many suggestions are mine, and I alone am responsible for them.

The index is especially full, and should be relied upon to give the details for reference in finding the contents of this work.

It is a matter of regret that Congress did not in terms order the printing of the volume of "Report and letters and testimony taken by the Public Land Commission," Forty-sixth Congress, second session (Ex. Doc. No. 46, 690 pages). It is presumed, however, that such was the intention. It contains a mass of testimony relating to the entire subject of the public lands, with suggestions of experts and persons occupying the public domain. It is necessary to a full understanding of the character and quality of the remaining public lands, and should be reprinted. It was prepared under the direction of the Public Land Commission, which was composed of General James A. Williamson, Commissioner of the General Land Office, an experienced and cautious administrator; Clarence King, esq., the eminent geologist and scientist; Alex. T. Britton, an acknowledged leader amongst the able bar of public land attorneys; Maj. John W. Powell, United States Geologist, who adds to practical knowledge of the public domain scientific acquirements of value and use; and the undersigned.

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My thanks are due to Hon. Noah C. McFarland, Commissioner of the General Land Office—at whose request the addenda to this work was executed—and Mr. Luther Harrison, the efficient and experienced chief clerk; also to Mr. W. H. Walker, J. Dempster Smith, J. W. Donnelly, and other chiefs of divisions of the same office, for valuable aid and information furnished, without which the book could not have been prepared. Dr. T. M. Baldwin, of the General Land Office, has essentially aided, together with Mr. W. H. Boyle, in making this volume of service to the public.

Maj. George M. Lockwood, chief clerk of the Department of the Interior, has cheerfully assisted me in every manner possible. My thanks are especially due to numerous gentlemen and lady clerks of the General Land Office, underpaid and overworked, who, in addition to their regular duties, have worked many hours and days in preparing statistics and information for use herein.

From the Commissioner to the porters of the General Land Office I am indebted to all for courtesies.

Capt. H. T. Brian and his patient assistants of the Government Printing Office, along with Mr. J. H. Roberts and James W. White and Thomas B. Penicks, of the same department, by constant attention and zeal, have added to former obligations.

If the data, statistics, and conclusions herein shall, in any manner, contribute toward the saving and preservation of the remaining public lands for actual settlers and residents, the labor will not have been lost, and the investigation and time required to prepare the matter will have been well spent.

THOMAS DONALDSON.

JANUARY 15, 1884.

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absolute. Under this second and enlarged charter, the first permanent settlements were made at Henrico and City Point, at the latter under Lord De La War, in 1610, and at the former under Sir Thomas Dale and Sir Thomas Gates, in 1611.

The third charter of Virginia, granted by King James I., March 12, 1612, annexed to Virginia all the islands (Bermudas) within three hundred leagues of the coast and between the thirtieth and forty-first degrees of north latitude, and allowed the company to hold meetings for business—an assembly.

The three charters of Virginia were vacated by the court of King's Bench by *quo warranto* before July 15, 1625, the last year of King James' reign, and the London Virginia Company dissolved after pecuniary losses of more than £150,000 in attempting colonization in America.

In 1619 was held a house of burgesses, or colonial legislature, at Jamestown. It met on the 19th of June, and was the first legislative body in this country for the enactment of laws by deputies of the people for their own government.

In 1625, May 13, Charles I. was crowned, and in the same year he issued a royal proclamation for a commission to govern Virginia, alleging judicial repeal of the charters and transformed the colony into a royal province. After this, the chartered limits of the colony were reduced by including successive portions of it in other colonies. The territory of Maryland, Delaware, and North Carolina, with parts of Pennsylvania, New Jersey, South Carolina, and Georgia, was originally included in the jurisdiction of the London Company. The residuum of the original territory of the first colony of Virginia was claimed by the State of Virginia at the breaking out of the revolutionary war, and was afterwards ceded to the Confederation for national uses.

In 1632 the laws of the colony were amended and improved.

The colony reluctantly accepted the Commonwealth in 1652, and during this period the house of burgesses gained important privileges.

In 1660 they readily accepted Charles II.

In 1676 occurred Bacon's rebellion, a revolt against the tyranny and avarice of the governors, Sir William Berkeley, Arlington, and Culpepper, in exacting excessive taxes and other oppression.

In 1689 William and Mary were acknowledged.

In 1765 Virginia adopted resolutions against the right of any foreign government to levy taxes therein.

In June, 1775, Lord Dunmore, governor from 1772, became so offensive to the people by his intolerance and exactions that he was forced to abandon the capital, which then was Williamsburg, and take refuge on board a man-of-war in James River.

A bill or declaration of rights was adopted by a convention composed of forty-four members of the colonial house of burgesses which met at Williamsburg, May 6, 1776, and which adopted said bill of rights on the 12th of June, 1776.

A constitution was framed by the same convention and adopted by it June 29, 1776.

The constitution thus framed was ratified by the popular vote and remained in force until 1830. On the 26th of June, 1788, Virginia adopted the Constitution of the United States, and thereby became a member of the Union.

She also became successor to the Crown and colony in the ownership of the unappropriated and vacant lands within her limits, and to the land rights of the Crown.

Her enormous western possessions north of the Ohio River were ceded by her to the National Government March 1, 1784. The lands thus ceded lie in the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota.

South of the Ohio she owned the territory of the present State of Kentucky, whose organization into a State she consented to.

The ceding by Virginia of her lands to the National Government, the first definite cession, virtually settled one of the most vexatious of all the questions before the Congress of the Confederation, and gave the first actual public domain for disposition by the Congress of the Confederation.

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MASSACHUSETTS.

COLONIZATION.

For several years after the permanent settlement of the Virginia, or first, colony, the second, or Plymouth Company, was unsuccessful; and finally, becoming discouraged in regard to the establishment of colonies within its charter limits, it was reorganized, in 1620, "for location in New England, in America."

This charter was granted November 3, 1620, from the fortieth to the forty-eighth degree of north latitude. It confirmed the grants previously made, and the territory it included, named New England, was placed under the government of the Council of Plymouth, at Plymouth, Devon, England.

A number of Puritans, having been driven from England by the persecutions inflicted upon them during the reign of Elizabeth, had settled at Amsterdam, in Holland. Failing to obtain from James I. a relaxation of the persecuting policy, they determined to seek an asylum in North America, and first directed their attention to the valley of the Hudson. After tedious negotiations with the London Company, of Virginia, for a settlement within the limits of the first colony of Virginia, they finally obtained a patent for a tract of land in the name of John Wincomb, but without explicit assurance of security in the rights of conscience. After some hesitation, they embarked their first company of emigrants upon the Mayflower, at Delft Haven, and after a voyage of sixty-three days they arrived, November 11, 1620, at Provincetown Harbor, Cape Cod, and there signed a compact on ship-board. Sailing northwest along the coast, on December 22, 1620, they landed at Plymouth and begun the foundation of New England. The place of their landing being outside the limits of the first colony of Virginia, their patent from the London Company was useless, and they were compelled to settle upon the territory of the northern colony, trusting to circumstances for legal authority. From this settlement arose one of the noblest reorganizations of society by colonization that history records. Overcoming herculean difficulties of climate and soil, the colonists achieved within the following decade such a measure of success and substantial progress that the Plymouth Company was induced, in spite of aristocratic and ecclesiastical prejudices, to grant them a charter in January, 1630, covering a tract lying between the Cohasset and Narraganset rivers, and extending westward "to the utmost bounds of a country in New England called Pokanoket, alias Sowamset." The grant embraced also a tract lying fifteen miles wide along each side of the Kennebec River, which was subsequently incorporated with the province of Maine. They obtained several other patents or grants from the Plymouth Company after this, but none were confirmed by the Crown.

Lord Sheffield gave a patent, in January, 1623, to the New England Company, for the location of a colony at Cape Ann, but it did not succeed. Other colonies were planted after 1622.

In March, 1628, the Council of Plymouth sold to Sir Henry Roswell, Sir John Young, and four associates, a patent for that part of New England lying between the parallels passing through points three miles north of the mouth of the "Merrimack" and three miles south of the mouth of Charles River, extending westward to the Pacific. This territory, called Massachusetts, from the Indian name of a bay upon its coast, was settled by English nonconformists, who purchased rights under the patent to the Massachusetts Company. On the petition to this company, seconded by the influence of Lord Dorchester, Charles I., March, 1629, confirmed the grant of the Council of Plymouth to Roswell and his followers, with the assignments that had been made under it, in a charter incorporating the colony under the name of "The Governor and Company of Massachusetts Bay," in New England. The officers provided for this colony were appointed at the then seat of government, Plymouth, England, August 29, 1629, and under resolution of the company the official government was transferred to Massachusetts. The colonists under this charter, two hundred in number, settled at Salem in 1630, where John Endicott had arrived in 1628.

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In 1630, fifteen hundred colonists, under John Winthrop as governor, arrived and settled at Boston, where the general court assembled and where the capital was now located.

In 1643 the confederacy was formed of the colonies of Massachusetts Bay, Plymouth, Connecticut, and New Haven. Massachusetts at this time included the New Hampshire and Maine settlements.

After the Restoration in England (the colonists having had prior to this internal dissensions), Charles II. appointed a royal commission to examine into the affairs of the colony and to govern it.

The Royal Council of Foreign Plantations, created in 1660, held its first meeting December 10, 1660. At a meeting, March 4, 1661, the New England colonies were considered and the appointment of the committee for the settlement of New England was soon after announced.

A royal commission came to Boston July 23, 1664, headed by Richard Nicolls, *en route* to New York. Their object was to claim New England for the Duke of York under his charter of 1664, to suppress disorders, and settle boundary disputes. The King had resolved upon the consolidation of the New England colonies, and a long and severe struggle ensued.

June 18, 1684, the high court of chancery of England, upon a writ of *quo warranto*, vacated the charter of Massachusetts and the prior grant to Roswell and his associates, with all the assignments made under it.

After the accession of James II., July 6, 1685, on the 20th of December, 1686, Sir Edmund Andros arrived, assumed the governorship, attempted the consolidation of New England, and failed. He was arrested after two years and four months of authority and imprisoned. The general court assembled. The old governor, Danforth, was made acting governor awaiting action of the King, William of Orange, who was accepted and proclaimed in Massachusetts Bay and in Plymouth May 29, 1689. October 7, 1691, William and Mary granted a new charter consolidating the colonies of Massachusetts Bay, New Plymouth, Maine, Acadia or Nova Scotia, and the territory intervening between the two last mentioned, into a single colony under the name of Massachusetts Bay. This charter was the longest in text issued by the British Crown in America, and the most carefully drawn. Sir William Phipps, a native of New England, was the first governor under it.

[Extract from the charter of the Province of the Massachusetts Bay, in New England, October 7, 1691. 3d William and Mary.]

William and Mary, by the grace of God, king and queen of England, Scotland, France, and Ireland, defenders of the faith, &c. to all to whom these presents shall come, greeting:

* * * We do, by these presents, for us, our heirs, and successors, will and ordain, that the territories and colonies commonly called or known by the names of the colony of the Massachusetts Bay and Colony of New Plymouth, the province of Maine, the territory called Acadia or Nova Scotia, and all that tract of land lying between the said territories of Nova Scotia and the said province of Maine, be erected, united, and incorporated; and we do, by these presents, unite, erect, and incorporate the same into one real province, by the name of our province of the Massachusetts Bay in New England; and of our especial grace, certain knowledge, and mere motion, we have given and granted, and by these presents, for us, our heirs, and successors, do give and grant, unto our good subjects the inhabitants of our said province or territory of the Massachusetts Bay, and their successors, all that part of New England in America, lying and extending from the Great River, commonly called Monomack, alias Merimack, on the north part, and from three miles northward of the said river to the Atlantic, or Western sea or ocean, on the south part, and all the lands and hereditaments whatsoever, lying within the limits aforesaid, and extending as far as the outermost points or promontories of land called Cape Cod and Cape Malabar, north and south, and in latitude, breadth, and in length, and longitude, of and within all the breadth and compass aforesaid, throughout the main land there, from the said Atlantic or Western sea and ocean, on the east part, towards the South Sea or westward, as far as our colonies of Rhode Island, Connecticut, and the Naragansett country; and also, all that part and portion of main land, beginning at the entrance of Piscataqua harbor, and so to pass up the same into the river of Newichwannock, and through the same

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into the furthest head thereof, and from thence northwestward, till one hundred and twenty miles be finished, and from Piscataqua harbor mouth aforesaid, northeastward along the seacoast to *Sagadehock*,* and from the period of one hundred and twenty miles aforesaid, to cross overland, to the one hundred and twenty miles before reckoned up, into the land from Piscataqua harbor through Newichwannock River; and also the north half of the Isles of Shoals, together with the Isles of Capawock and Nantuckett, near Cape Cod aforesaid; and also the lands and hereditaments lying and being in the country or territory commonly called Acadia, or Nova Scotia, and all those lands and hereditaments lying and extending between the said country or territory of Nova Scotia, and the said river of Sagadehock, or any part thereof.

That it shall and may be lawful for the said governor and general assembly to make or pass any grant of lands lying within the bounds of the colonies formerly called the colonies of the Massachusetts Bay, and New Plymouth, and Province of Maine, in such manner as heretofore they might have done by virtue of any former charter or letters patent; which grants of lands, within the bounds aforesaid, we do hereby will and ordain to be and continue for ever of full force and effect, without our further approbation or consent. And so as nevertheless, and it is our royal will and pleasure, that no grant or grants of any lands lying or extending from the river of Sagadehock to the gulf of St. Lawrence and Canada rivers, and to the main sea northward and eastward, to be made or past by the governor and general assembly of our said province, be of any force, validity, or effect, until we, our heirs or successors, shall have signified our or their approbation of the same.

The grant for Maine to Sir Ferdinando Gorges, of date April 9, 1639, having been purchased by Massachusetts in 1677, Maine was, by this charter, incorporated with the last-named colony. Acadia, which was included in this charter, had been ceded or restored by England to France under the treaty of Breda, in 1667, and the transfer subsequently acknowledged by the treaty of Ryswick, in 1697. On its cession to England by the treaty of Utrecht, in 1712, it became a distinct province, with the line of the Saint Croix for its western boundary, and it now constitutes the provinces of New Brunswick and Nova Scotia.

August 26, 1726, George I., by an explanatory charter, regulated omissions in the original charter as to the legislative and other officials and organized her assembly into a provincial congress at Concord.

The general court in 1778 adopted a constitution which was rejected by the people. Her first State constitution was not adopted until 1780.

She adopted the Constitution of the United States February 6, 1788, and thereby became a member of the Union. She succeeded to the Crown in the ownership of vacant and unoccupied lands and became the proprietor of the same class of lands in Maine. These were all disposed of under State laws. (Maine was admitted into the Union March 15, 1820.) Massachusetts ceded to the United States all clams to western territory lying on an extension westward between latitudinal lines representing the north and south boundary lines of her limits under charter. She claimed lands now in Pennsylvania (sold to that State by the United States in 1792), and in Illinois, Wisconsin, and Michigan. Her cession was dated April 19, 1785.

MAINE.

COLONIZATION.

By the charter granted by Henry IV., of France, to Pierre du Gast, in 1603, North America, between latitude 40° and 46° north, was called under the grant "Acadia." Under and by authority of this grant Passamaquoddy Bay was explored by an expedition in 1604, and the coast of Maine examined in 1605, by still another. The Penobscot, Kennebec, and Saco rivers were visited by this expedition. In 1606 Port Royal

* The following words, viz: "*and up the river thereof to Knybecky River, and through the same to the head thereof, and unto the land northwestward, until one hundred and twenty miles be ended, being accounted from the mouth of Sagadehock,*" as inserted in Gorges's grants (from which the descriptive part of the boundaries of Maine in this charter is taken), appear to have been inadvertently omitted, being necessary to render those boundaries intelligible; and should follow the word *Sagadehock*, to which the asterisk is affixed.—NOTE BY ALBERT GALLATIN.

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was determined upon as the place for permanent location, and further attempts under this charter to found colonies within the limits of the territorial boundaries of the now State of Maine were abandoned.

By and under the treaty of Paris in 1673 Great Britain took possession of the territory. Although the French abandoned attempts at colonization prior to 1673, they had missionary and trading posts, and traded with the Indians in that portion of Acadia now known as Maine.

Under the first charter of Virginia in 1606, the Plymouth Company began at once to colonize the coast of New England. The first settlement was made in the summer of 1607, August 19, at the mouth of the Kennebec, by one hundred colonists under George Popham. A fortification, store-house, and some cabins were built, and the place called Saint George. But the winter of 1607–'8 was very severe; some of the settlers starved, and some were frozen, the store-house was burned, and when summer came the remnant escaped to England. Among those who perished was George Popham, who died February 5, 1608, O. S., and was buried near the site of Fort Popham, since built by the United States.

By the patent or grant of 1621, William Alexander, Earl of Stirling, claimed that he was entitled to certain lands on the coast of Maine, included in a grant to the Plymouth Company. Under order of James I., the Plymouth Company or Council prior to its dissolution issued patent to the Earl of Stirling for the territory east of the Saint Croix and south of the Saint Lawrence, "for a tract of the main land of New England, beginning at Saint Croix, and from thence extending along the seacoast to Pennequid and the river Kennebec."

August 10, 1622, the Council of Plymouth granted to Sir Ferdinando Gorges (one of its members) and to Captain John Mason, jointly, the lands lying between the Merrimack and Kennebec rivers, under the name of Laconia. On November 7, 1629, the President and Council of Plymouth gave to Captain John Mason a charter covering that portion of the above-described colony of Laconia situated between the two lines, each sixty miles long, traversing the entire length of the Merrimack and Piscataqua Rivers, and joined at their inland extremities by a straight line. In 1631, Gorges, Mason, and others obtained another charter to a portion of Laconia lying on both sides of the Piscataqua. Prior to the dissolution of the Plymouth Council in 1635, Gorges had obtained from it a charter covering all that part of Laconia lying east of the Piscataqua, which was confirmed by the King in 1639, four years after the dissolution of the Council. The remaining area of Maine had been patented to two other parties in two separate tracts, thus dividing the entire province between three patents and consolidating a number of minor grants, under the charter from King Charles I., April 3, 1639, to Sir Ferdinando Gorges, also confirming the charter of August 10, 1622, to Sir Ferdinando Gorges and Captain John Mason. Gorges established a government under it, but by his death in 1647 it was broken up. He chartered the city of Gorgiana, now York, Me., in 1624. He was lord proprietor of Maine, by appointment, with the office hereditary in his family.

Gorges, engaging in the civil war on the royal side, in England, was taken prisoner by the parliamentary forces, and thus compromised his rights under the republican government that followed. The province suffered on the withdrawal of his authority, especially after his death in 1647, from the factious intrigues of ambitious men. The loss and suffering thus entailed inclined the colonists to accept the claim of jurisdiction which Massachusetts began to urge in 1652. This claim was founded upon a new interpretation of the limits of the grant from the Council of Plymouth to Roswell and his associates in 1628. The northern boundary was, by this construction, not the parallel passing three miles north of the mouth of the Piscataqua, but that passing three miles north of its source, or 43° 43′ north latitude, which strikes the Atlantic coast at Casco Bay. During the following year Massachusetts employed skillful mathematicians to make out this new boundary. In 1658 the new line had been generally recognized in the inhabited districts; but in 1664 the King, by letter, ordered the restoration of the province to the heirs of Gorges. In defiance of this order, Massa-

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chusetts, in 1666, resumed the government of the province, and in 1668 sent four com missioners, with a troop of horse, to enfore her authority. In 1677 the two lords chief justices of King's bench and of common pleas, to whom this question had been referred, decided adversely to the claim of Massachusetts, the initial point of her northern boundary being fixed three miles north of the mouth of the Merrimack.

March 12, 1664, the Duke of York's grant, including the Province of Maine, was made by Charles II., which merged in the Crown by the accession of the Duke of York to the throne of England as James II., but not before certain other grants had been made thereunder. See also the grant of the Province of Maine, of date June 29, 1674, by Charles II. to James, Duke of York. The unusual privileges under this also merged in the Crown upon the accession of James II.

March 13, 1677, Ferdinando Gorges, grandson of Sir Ferdinando, sold by deed to John Usher, a merchant of Boston, Mass., the Province of Maine, for the sum of £1,250. Usher at once gave a deed of the province to the governor and Company of Massachusetts Bay. This transaction was made anticipating the overtures of the King himself for the same purpose. The claim of Massachusetts, being then generally recognized, was, by the charter of William and Mary, in 1691, definitely legalized. Maine remained as the "District of Maine," governed by Massachusetts, until March 15, 1820, when, by the act of Congress of the United States, she was admitted as a State in the Union. From 1677 up to the date of Maine's admission into the Union, the unoccupied and vacant lands of the grants were disposed of generally under the laws of the general court of Massachusetts until the year 1820. After this period, Maine, being sovereign, took charge of her own lands, and made no cessions to the National Government.

NEW HAMPSHIRE.

COLONIZATION.

That portion of Laconia west of Piscataqua, not having been purchased by Massachusetts, was not thereafter a portion of that province. Several small grants had been located within the present boundaries of the State of New Hampshire by the Plymouth Company in England before the grant made by them to "Captain John Mason, esq.," of London, November 7, 1629, which "said portions of lands, with appurtenances, the said Captain John Mason, with the consent of the president and council, intends to name 'New Hampshire.'"

In 1635 the Plymouth Company in England, before surrendering their charter, divided their property in New England. In the division among themselves the whole of the present State of New Hampshire fell to the lot of Captain John Mason, the grantee in the patent of November 7, 1629.

On April 22, 1635, Charles I, by a confirmatory grant, approved the action of the Plymouth Company under the first grant to Mason.

The settlements on the grants prior to the original Mason grant of 1629 sought the protection of Massachusetts in 1641 and obtained it until 1675. In that year the grandson of John Mason, Robert Mason, obtained a royal decree, under which, September 18, 1679, Charles II., by royal commission (which took effect in 1680), appointed a president, a council, and a general assembly. This commission existed at the pleasure of the King.

In 1689 New Hampshire again voluntarily attached herself to Massachusetts for protection. For a time after this she was subject to the government of New York. This was under the policy of the consolidation of the colonies. In 1740 a tedious controversy with Massachusetts in regard to its south boundary was settled by the lords in council, whose decision, approved by the King, fixed it along a line following the meanderings of the Merrimack at three miles distant on the north side from its mouth

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to the falls of the Pawtucket, "and thence due west to meet the other royal governments."

New Hampshire had no constitution until 1776, when one was adopted by a congress, at Exeter, on the recommendation of the Continental Congress, but not submitted to the people. Attempts, without success, were made to form a constitution in 1778 and 1781; but a permanent one was adopted in 1783.

She adopted the Constitution of the United States June 21, 1788, and thereby became a member of the Union. The State became successor to the Crown as to vacant and unoccupied lands, and disposed of them by and under the direction of the laws of her legislature. She had no claims to western territory to cede.

CONNECTICUT.

COLONIZATION.

The charter of 1691 made Massachusetts coterminous on the south with the colonies of Connecticut and Rhode Island. The colonies were erected within the limits of a grant from the Council of Plymouth, in 1630, to its president, the Earl of Warwick, and by him, on March 19, 1631, transferred to two English lords, Say and Seal, and Brooke. Its limits were described with an ambiguity and obscurity of expression remarkable even in those days of rude description and want of geographical knowledge, and laid the foundation for serious conflicts of title in after years. They included all that part of New England west of the Narraganset River, extending "the space of forty leagues upon a straight line near the sea shore, toward the south and west, as the coast lieth toward Virginia, accounting three English miles to the league; and also all and singular the lands and hereditaments whatsoever lying and being within the lands aforesaid, north and south in latitude, and in breadth and length, and longitude of, and within all the breadth aforesaid, throughout the main lands there from the Western Ocean to the South Sea."

This territory was settled by several independent communities or colonies from 1632 to 1636 under a commission from the general court of Massachusetts, March 3, 1636, to eight of the persons who "had resolved to transplant themselves and their estates unto the river of Connecticut."

These people obtained this commission because they wanted a frame of government with them, and not by reason of any claim by Massachusetts over them or the land by or under patent.

January 14, 1638, or 1639, the towns of Hartford, Windsor, and Wethersfield formed a voluntary compact, constitution, or "fundamental orders of Connecticut." Springfield prior to this, viz, in 1637, had withdrawn from the association.

April 20, 1662, Charles II. granted the charter of Connecticut. This charter consolidated all the colonies of Connecticut into a single colony by the name of "The Governor and Company of the English Colony in Connecticut in America." The colony of New Haven, included in this charter, refused to submit to the arrangement till 1665.

[Extract from the charter of Connecticut.]

And know ye further that we, of our abundant grace, certain knowledge, and mere motion, have given, granted, and confirmed, and by these presents, for us, our heirs, and successors, do grant and confirm, unto the said governor and company, and their successors, all that part of our dominions in New England in America, bounded on the east by Narraganset river, commonly called Narraganset bay, where the said river falleth into the sea; and on the north by the line of the Massachusetts' plantation; and on the south by the sea; and in longitude as the line of the Massachusetts' colony running from east to west, that is to say, from the said Narraganset bay on the east, to the south sea on the west part, with the islands thereunto adjoining, &c. &c.

Thus it will be seen that the territory of this consolidated colony was designated as extending from Narraganset Bay to the Pacific, and from the line of Massachusetts Plantations southward to the sea coast, including the adjacent islands.

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The grant for Providence Plantations by the Earl of Warwick, March 14, 1643, granted a tract of the eastern portion of Connecticut, which by inadvertence was entirely ignored in the Connecticut charter of April 20, 1662, which included all this territory. In the year 1663, a new charter was granted to Rhode Island and Providence Plantations; Connecticut's charter being recalled until the boundary line between them should be settled. The same year the line of the Pawcatuck was agreed upon as the boundary between Connecticut and Rhode Island. So this territory was detached from the Connecticut grant of April 20, 1662.

During the efforts of James II., in 1685–'87, to abolish all New England charters and to consolidate all the colonies into one, with a royal governor appointed by himself, Connecticut stubbornly resisted Governor Andros for a year and a half; but on his being deposed upon the flight and overthrow of James II. in England, and after the accession of William and Mary in 1689, the colony took up the old charter of 1662, and it remained the organic law of Connecticut until 1818, when the Constitution was adopted in lieu of the charter which had been continued in 1776 by writ.

Thus the charter of 1662 was the fundamental law of the Colony and State for one hundred and forty-six years.

The territorial claim of Connecticut in its westward extension was again trenched upon by the charters of New York and Pennsylvania. The claims of the former date back to the charter of 12th March, 1664, granted by Charles II. to his brother, the Duke of York, afterward James II., which, after the final subversion of the Dutch Government of New Netherlands, was renewed. A royal commission, in November, 1664, determined the boundary between New York and Connecticut along the line of the Mamaroneck, but in 1731 the present boundary was tentatively fixed, but not determined, by agreement of the two colonies, under an agreement made in 1683. Thus New York absorbed the westward extension of the Connecticut territory north of the forty-first parallel and east of the Delaware River. The dividing lines between the two States on the west and along Long Island Sound remained unsettled, but without serious controversy, until a joint commission signed a memorandum dated December 8, 1879, establishing the western line as it stands, and on the south dividing the sound between them from Byram River eastward. Congress will doubtless approve.

By agreement with Massachusetts in 1787, under the Confederation, the present boundary line was acknowledged, and the conflicting claims of the two colonies to the westward compromised by admitting the territorial sovereignty of New York and assigning to Massachusetts the title to the soil north of the forty-second parallel and west of the meridian passing eighty-two miles west of the northeast corner of Pennsylvania.

But Connecticut continued to claim the land west of New York and within the limits of this charter. April 28, 1800, the Congress of the United States passed an act to authorize the President of the United States to accept for the United States a cession of "jurisdiction of the territories west of Pennsylvania, commonly called the Western Reserve of Connecticut." The jurisdiction over these lands had been excepted out of the cession by Connecticut to the National Government in her deed of September 13, 1786, and Governor Jonathan Trumbull (the second), May 30, 1800, by deed on behalf of Connecticut, passed title to the United States, and Connecticut's claims to western lands were absorbed. Connecticut's claim to lands lying within the colony of Pennsylvania between the forty-first and forty-second parallels and west of the river Delaware, were intercepted by the charter of 1681 by Charles II. to William Penn. Connecticut adopted the Constitution of the United States January 9, 1788, and thereby became a member of the Union.

The State of Connecticut became the successor of the Crown to western and unoccupied lands, which she disposed of by State laws. Her claim to western lands (except the tract known as the Western Reserve in Ohio) she ceded to, and they became part of the public domain of, the United States.

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RHODE ISLAND.

COLONIZATION.

In 1636 Rhode Island was settled by Roger Williams and immigrants from Massachusetts, who had suffered persecution, and who established, at Providence, "a pure democracy."

March 14, 1643, the Earl of Warwick, who had been appointed by the Parliament lord high admiral of England, with a council of five peers and twelve commoners, granted to "The Incorporation of Providence Plantations in the Narraganset Bay in New England" a tract covering the eastern portion of the Connecticut claim, bounded north and east by Massachusetts and Plymouth Colonies, and west by the country of the Narraganset Indians, the whole tract extending about twenty-five English miles into the Pequot River and country.

Under this grant were united the four towns of Providence, Newport, Portsmouth, and Warwick. In 1651 Providence and Warwick separated from the rest, but three years afterward they were reunited. In 1651 the commonwealth of England claimed the right to appoint a government for the colony, with a provincial council elected by the freeholders and approved by the governor. After the restoration an agent was sent to England by the colony. In 1663, July 8, John Clarke and Roger Williams obtained from Charles II. the charter for Rhode Island and Providence Plantations. This charter, with those of the other New England colonies, was in January, 1687, suspended by Governor-General Sir Edmund Andros, and Rhode Island made a county of his territory. Andros having been deposed in May, 1689, in February that year the people of Rhode Island, accepting the English revolution of 1688, resumed their rights under the charter, which continued in force as the organic law of the colony, and afterward of the State of Rhode Island, till superseded by a State constitution in 1842. This charter continued the organic law of the colony and State from 1663 to 1842, a period of one hundred and seventy-nine years, it being a hundred and twenty-seven years up to the time the State adopted the Constitution of the United States, May 29, 1790, and fifty-two years thereafter, until November, 1842, when a constitution was voted for and adopted by the people. In 1841 to 1843 occurred the Dorr war, which was an effort by the people to replace the charter of July 8, 1663, with a constitution made by the people.

Rhode Island adopted the Constitution of the United States May 29, 1790, and thereby became a member of the Union. She became the successor of the crown lands and rents, which after 1776 were controlled and disposed of by her under State laws. She made no cession of western lands to the United States.

VERMONT.

THE NEW HAMPSHIRE GRANTS, SO-CALLED—COLONIZATION.

Samuel Champlain, a French nobleman, passed over and discovered that portion of the so-called New Hampshire grants within the present State of Vermont, in 1609. In 1724 Fort Dummer (now Brattleboro'), on Connecticut River, in the county of Windham, was built by the provincial government of Massachusetts. Governor Wentworth, of New Hampshire, claimed the country as far west as the Massachusetts line, and during 1760-'68, he gave title to large tracts west of Connecticut River.

New York, by her governor, in December, 1763, proclaimed that all of the said lands were the property of New York under the grant of Charles II., March 12, 1664, to the Duke of York. A long and bitter contest ensued. An appeal to the king resulted in the royal order of July, 1764, designating the Connecticut River as the common boundary of the two colonies. Ethan Allen led the settlers, mostly from Connecticut, who cared but little about political jurisdiction, but who did not desire to pay the gov-

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ernor of New York for the lands, after having paid the governor of New Hampshire for them; neither did they desire to be ousted from lawful possessions. They therefore resisted all attempts to dispossess them on the part of New York and drove the officers away.

In 1776 they applied to the Continental Congress for admission, but were refused on account of the opposition of New York.

In 1777, July 26, at Windsor, afterward affirmed by the legislature in 1779 and 1782, the people, in convention, formed a constitution under the title of "The Commonwealth or State of Vermont." The preamble of this constitution states fully the case of the people against New York.

In 1781 Vermont declined an offer of Congress to admit her into the Union upon her giving up a considerable portion of her territory to New York. In 1786, July 4, a convention adopted a new constitution, which was also adopted by the legislature in March, 1787, and declared to be a part of the laws of the State.

In 1790, Vermont, after application by New York, and upon paying $30,000 in satisfaction of all demands, had all claims on behalf of New York relinquished, and on March 4, 1791, was by Congress admitted into the Union, being the first State admited by Congressional enactment under the Constitution. The State became successor of the crown to vacant and unappropriated lands, and other crown rights to lands. Vermont made no cession of Western lands to the United States.

NEW YORK.

COLONIZATION.

Henry, or Hendrick, Hudson, an English navigator, in the service of the Dutch East India Company, in September, 1609, following the discovery of Verazzani, a Florentine in the French service (who in 1524 explored the Atlantic Coast from the Carolinas to Nova Scotia), sailed into what is now known as New York Harbor, and up the Hudson River to near the site of the present city of Albany. Under the auspices of the Dutch East India Company the Dutch flag was raised on the site of the city of New York.

In 1613 there were two trading-posts on the river, and four houses erected on Manhattan Island. The Dutch claimed the whole country from the fortieth to the forty-fifth degree of north latitude, and called it New Netherland.

In 1614 the States-General of Holland granted exclusive trade rights for three years, within the region between the Delaware and Connecticut rivers, to the Dutch East India Company.

In 1615 a post was established near Albany and on Manhattan Island.

In 1621 the Dutch West India Company (organized under the name of the United New Netherland Company), with exclusive privileges of trade and settlement on both coasts of America, was founded, and the lands held temporarily by the prior company fell to them. They built Fort Nassau, near Gloucester, N. J., on the Delaware River, and Fort Orange, on the Hudson, in 1623.

In 1626 Peter Minuit came over as director or governor of New Netherland. Among other islands purchased from the Indians was Manhattan, which was bought for $24.

In 1629 the Dutch West India Council granted to certain persons seigniories or tracts of land with feudal rights over their occupants.

The English had always laid claim to the lands thus controlled by the Dutch, claiming that they were included in the Virginia grant, and they never recognized the discovery or other claims of the Dutch in America.

Cromwell, during his protectorate, and Richard, his son, frequently considered the conquest of New Netherland. After the Restoration, March 12, 1664, Charles II., in spite of the charter of Connecticut and the prior claims of the Dutch, both by dis-

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covery and occupation, made a grant to his brother James, Duke of York, which embraced all the lands lying between the west bank of the Connecticut River and the east bank of Delaware Bay.

In 1663 the Duke of York purchased the grant made to Earl Sterling in 1635, for Long Island and other New England coast islands.

The limits of the Duke of York's grant of March 12, 1664, were sketched in geographical ignorance and made in disregard of prior rights. With a large territory, now included in Maine, it covered Long Island and all the lands between the western side of the Connecticut River and the eastern shore of Delaware Bay. The Dutch occupancy of fifty years was treated as an intrusion upon the rights of the Crown, offering no bar to this reckless and prodigal endowment. These lands were granted to the duke in free and common socage, with a yearly rent. The rights of eminent domain, subject to the sovereignty of the King, went with the land grant.

[Extract from the grant of Charles II. to James, Duke of York, March 12, 1664.]

Know ye that we, for divers good causes, &c. have, &c. and by these presents &c., do give and grant unto our dearest brother, James duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland in America; and from thence extending along the seacoast unto a certain place called Pamaquie or Pemaquid, and so up the river thereof to the farthest head of the same as it tendeth northward; and extending from thence to the river of Kimbequin, and so upwards, by the shortest course, to the river Canada northward. And also all that island or islands commonly called by the several name or names of Matowacks or Long Island, situate, lying, and being, towards the west of Cape Cod and the Narrow Higansets, abutting upon the main land between the two rivers, there called or known by the several names of Connecticut and Hudson's river; together, also, with the said river called Hudson's river, and all the lands from the west side of Connecticut river, to the east side of Delaware bay. And also all those several islands, called or known by the names of Martin's Vineyard and Nantukes, or otherwise Nantuckett.

In 1664 the Duke of York equipped an expedition, under command of Col. Richard Nicolls, afterward governor of New York and New Jersey, consisting of three ships, with six hundred soldiers, which in that year captured the Dutch colony at Manhattan and changed the name of New Amsterdam to that of New York, in honor of the duke proprietor. This conquest was confirmed by the treaty of Breda, in July, 1667.

In August, 1673, the city and colony were recaptured by the Dutch, who remained in possession until February, 1674, when it was restored to the English by the treaty of Westminster, and New York and New Jersey again came under the English flag, where they remained until the war of the Revolution.

The second grant to the Duke of York, of date June 29, 1674, for the same territory, was made after the treaty of Breda to complete and perfect his title, and was confirmatory of his first grant.

In February, 1685, James, Duke of York, succeeded his brother, Charles II. as James II. of England, and the preceding grants merged into the Crown. The territory between Pemaquid and Saint Croix was, by charter of 1692, annexed to Massachusetts. A part of the territory between Hudson and Delaware rivers had been transferred by the Duke of York, and formed New Jersey. The residue of the grant constituted the regal government of New York, with a succession of royal governors, to which the jurisdiction over the territory of the Six Nations was annexed.

New York was governed as a crown colony or province by a series of thirty-four royal governors from 1664 to 1777, with an intermission of one Dutch governor in 1673–'74, William Tryon being the last royal governor.

On July 10, 1776, the Provincial Congress of May, 1775, met at White Plains, and was thereafter known as "the representatives of the State of New York." This Congress frequently changed location by adjournment, but finally, at Kingston, April 20, 1777, adopted the first constitution of the State.

On July 26, 1788, New York adopted the Constitution of the United States, and thereby was admitted into the Union.

A struggle took place in the Continental Congress between the non-western land-

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holding States and those holding western lands as to whether they should be held by the several States of the Confederation or not, though the articles of confederation were ratified with a clause prohibiting the General Government from reducing the area of any State in the Confederation. New York claimed under the purchase from the Six Nations of Indians, who had occupied it, a vast undefined region to the west of the State of Pennsylvania and north of the river Ohio.

On the 1st day of March, 1781, by her delegates in Congress, she ceded her claims to this territory to the Government of the United States for the benefit of the whole nation, being the first State in the Union to make cession of lands or claims to lands.

The State of New York succeeded to the crown rights over unoccupied lands and realty, and by legislation disposed of vacant lands, and covenanted or otherwise disposed of quit-rents.

NEW JERSEY.

COLONIZATION.

The two grants to the Duke of York, afterward James II. of England, of date 1664 and 1674, covered all the lands from the west side of the Connecticut River to the east side of Delaware Bay. The entire region within the present State of New Jersey was claimed by colonists from the New Netherlands, who had, in 1623, built a fort four miles below where Philadelphia now stands, on the Delaware River.

Under the charter of 1664 Colonel Richard Nicolls, the Duke of York's governor, made a grant of land to some New England colonists who settled at Elizabethtown two months before the arrival of the expedition under Colonel Nicolls, which the Duke of York had fitted out to act against the Dutch colonies of the New Netherlands. Afterward the Duke of York made a grant to Lord John Berkeley and Sir George Carteret of the same territory, containing title to the soil and powers of government.

The country was called New Jersey, after Sir George Carteret, who had been royal governor of the Isle of Jersey for Charles II. Philip Carteret, brother of Sir George, became governor.

A series of difficulties now ensued on account of attempts to mulct the colonists for rents of lands which they had previously bought of Nicolls, who had returned to England, but came back, and was governor when the Dutch recaptured the colony.

The lord proprietor made a series of "concessions" in 1644–1665, which were the fundamental laws for the three provinces of New Jersey, East Jersey, and West Jersey, until the surrender of charter rights to the Crown in 1702.

In February, 1674, by the treaty of London, New Jersey again came into the possession of England.

In 1674 the Duke of York obtained his second or confirmatory patent, which included New Jersey as before, and sent Edmund Andros out to govern it. Lord Berkeley, in 1674, sold his half of New Jersey to John Fenwick, to be held in trust for Edward Byllinge (Fenwick and Byllinge both being Quakers or Friends), for £1,000. Byllinge, becoming embarrassed with debt, was forced to make an assignment to Gawen Laurie, Nicholas Lucas, and William Penn, for the benefit of his creditors, of whom Penn was one. A division of the province now took place. The Friends got the western section, which was called West New Jersey.

In 1675 Philip Carteret attempted to resume the government of the other section, known as East New Jersey. Governor Andros arrested and incarcerated him in New York.

In 1678 an agreement was finally reached with the Duke of York by the settlers.

In 1682 William Penn and eleven other Friends purchased from Carteret the entire province of East New Jersey, and to him and twenty-three others the Duke of York executed a final grant therefor.

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In 1685 James II., disregarding his grant to Penn, attempted to deprive New Jersey of privileges, which was prevented by the revolution of 1688.

In 1702 differences as to lands and ownership caused the proprietors to relinquish the government to the Crown, and the Jerseys became one province.

The reunited province of New Jersey was afterward governed by royal governors, but the "concessions" of 1664–1665, made by the lord proprietor, were insisted upon by the people as their organic law, and so remained until 1776.

After 1702 and to 1708 it was governed jointly with New York, but retained its seperate legislature. In 1708 it petitioned for separation, and obtained it.

A Provincial Congress met to form a State constitution at Burlington, Trenton, and New Brunswick, and sat, with intermissions, from May 26, 1776, to July, 1776. A constitution having been adopted July 2, 1776, its publication was ordered by Congress July 3, 1776. This constitution was amended by the State legislature September 20, 1777, by inserting the words "State" and "States" for "colony" and "colonies"; with these exceptions it remained the organic law of the State until August 13, 1844.

New Jersey adopted the Constitution of the United States December 18. 1787, and was thereby admitted in to the Union. New Jersey had no western territory land to cede, but she insisted that the States holding the same should cede them to the General Government for the use of the whole people.

PENNSYLVANIA.

COLONIZATION.

In 1637 the Swedish West India Company (see Delaware), under the patronage of Gustavus Adolphus, King of Sweden, made the first agricultural settlements along the Delaware River. The Swedes, by purchase from the Indians, acquired all the lands extending from Cape Henlopen to the great falls of the Delaware. It was said that when John Oxenstein, who was interested in Swedish colonization, was Swedish ambassador to England in 1631, Charles I. ceded to him all claims of right of first discovery that England had upon Delaware territory; but there is no authentic record of this, and it is regarded as doubtful.

In 1643 John Printz, with a colony of Swedes, settled on Tinicum Island. Upland (now Chester) was founded in 1648.

In 1655 Peter Stuyvesant, governor of the New Netherlands, with a force of Dutch, captured the Swedish settlements along the Delaware, took formal possession, and placed a vice-director as governor over them.

After the capture of New Amsterdam by the Duke of York's forces in 1664, the Delaware Dutch colonies fell under the government of the English in New York (except during the fifteen months of recapture by the Dutch in 1673–'74) until March 4, 1681, when Charles II. of England granted William Penn, a member of the Society of Friends, the province of Pennsylvania. This charter constituted Penn governor and proprietary, with succession in his heirs.

The province was named Pennsylvania, in honor of Admiral Penn, father of William Penn, of whom the charter says:

Know ye, therefore: That we, favoring the Petition and good Purpose of the said William Penn, and having Regard to the memorie and meritts of his late Father, in divers Services, and particularly to his Conduct, Courage and Discretion under our Dearest Brother James, Duke of York, in that Signal Battell and Victorie fought and obtained against the *Dutch* Fleete commanded by the Herr *Van Opdam* in the yeare one thousand six hundred and sixty-five. * * * Doe give and grant unto the said William Penn, his Heirs and Assigns, &c., * * * and of our further grace, certain knowledge, and meer motion, we have thought fitt to erect, and we doe hereby erect the aforesaid Country and Islands into a Province and Seigniorie, and doe call itt Pensilvania, and soe from henceforth we will have itt called.

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Admiral Penn, upon his decease, left claims to the amount of £16,000 against the Crown, and his son William was entrusted to the care of the Duke of York, afterwards King James II.

The outline of this grant was magnificent and far more definite than the previous efforts at defining colonial boundaries. It included "all that tract or part of land in America, with the islands therein contained, as the same is bounded on the east by the Delaware River, from twelve miles distance northward of New Castle Town unto the three-and-fortieth degree of northern latitude, if said river do extend so far northward; but if the said river shall not extend so far northward, then by the said river so far as it doth extend, and from the head of the said river to the eastern bounds are to be determined by a meridian line to be drawn from the head of said river unto the said forty-third degree. The said land to extend westward five degrees in longitude, to be computed from the said eastern boundary, and the said lines to be bounded on the north by the beginning of the three-and-fortieth degree of northern latitude, and on the south by a circle drawn at twelve miles' distance from New Castle northward and westward unto the beginning of the fortieth degree of northern latitude, and then by a straight line westward to the limits of longitude above mentioned." This extract from the charter of Pennsylvania is here given in modern English.

It should be observed that the geographers of that day considered degrees of latitude as zones taking designation from their northern parallels; hence the north boundary of Pennsylvania, designated as the beginning of the forty-third degree, is really the forty-second parallel. The south boundary, being the beginning of the fortieth degree, was really the thirty-ninth parallel, a construction for which Penn earnestly contended in his disputes with Lord Baltimore in relation to the boundary between Pennsylvania and Maryland. Proud, in his "History of Pennsylvania," states the length of the colony at five degrees of longitude, or two hundred and sixty-five miles, on the forty-first parallel.

Penn, finding that Lord Baltimore claimed the country along Delaware Bay and River to the mouth of the Schuylkill, more than 150 miles, obtained from the Duke of York (it being included in his grant of 1664) a release of the said territory.

On October 27, 1682, Penn landed at New Castle, now in the State of Delaware and reached the Province of Pennsylvania Sunday, October 29, 1682, O. S., being that day at Upland (now Chester), as appears from a letter written by himself. During November, 1682, he made his first treaty with the Indians at Shackamaxon (now Kensington, in Philadelphia).

By a written instrument, made by Penn in England, July 11, 1681, called "conditions or concessions" between himself and the "adventurers and purchasers" in the Province of Pennsylvania, he entered into a compact as to landed settlements and the government of the country. The contract was signed by Penn as governor and proprietary, and of the first adventurers thirteen signed in person or by proxy.

On April 25, 1682, William Penn set his hand and seal to "this present charter of liberties," of date April 2, 1682, in England, it being a frame of government for Pennsylvania, "to be further explained and confirmed in the province by the first provincial council that shall be held if they see meet."

In 1683 Penn was busily engaged organizing the new government and receiving and caring for colonists.

On February 2, 1683, was made and signed by William Penn, as governor and proprietary, the frame of government of the Province of Pennsylvania and territories thereto annexed, in America. It provided for a council, an assembly, and mode of making laws. It was signed by Penn, by the members of the provincial council, the members of the assembly, and some of the inhabitants of Philadelphia. In consequence of a dispute between himself and Lord Baltimore as to the boundaries between Maryland and Pennsylvania, Penn returned to England in 1684, leaving the administration of affairs in the hands of a provincial council.

In 1686 five commissioners were invested with the functions of government.

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. In 1688 a deputy governor, Capt. John Blackwell, was appointed, owing to factions in the board of commissioners.

In 1692, and to 1694, Penn was deprived of authority, but was reinstated in 1694.

In 1696 Penn granted another frame of government for Pennsylvania, extending rights and certain privileges, William Markham having been appointed by him lieutenant-governor.

On October 28, 1701, Penn being in Philadelphia, with the approval and consent of the assembly and the proprietary councils, granted a charter for Delaware and for the city of Philadelphia. This charter continued in force until superseded by the constitution of the State under the Confederation. Penn died July 30, 1718, and his heirs succeeded him as governors and proprietaries.

In 1763 a revolt was made against the government, and the proprietors, John and Richard Penn, in person assumed the government and continued until 1776, Lieutenant-Governor John Penn being the last.

Pennsylvania, under her wise system of government and liberal laws, was the most popular of all the colonies. (See Delaware for details as to Penn's purchase of that territory and as to its government and separation from Pennsylvania.)

The boundary between Maryland and Pennsylvania was run by Mason and Dixon in 1763-'67. (See Maryland for details of this survey.)

In 1768, under treaty with the Six Nations (Indians), the proprietary obtained a large tract of land, embracing most of the north and northwest counties of the State, which was opened for settlement by colonists and settlers.

July 15, 1776, a convention assembled at Philadelphia for the purpose of forming a constitution, in accordance with the request of the Continental Congress. It completed its work September 28, 1776, when the constitution was announced. Pennsylvania ratified the Constitution of the United States December 12, 1787, and was thereby admitted into the Union.

By an act of the legislature of Pennsylvania, dated November 27, 1779, and known as the "Divesting act," the Penns were allowed £130,000 by the State for their unsettled lands within its limits, to be paid after the termination of the war; but all their private estates, manors, and quit-rents were reserved to them.

All the State lands of Pennsylvania were thereafter disposed of by the direction of the Commonwealth. Pennsylvania made no cession of western lands to the National Government. [For the boundary dispute and land claims of Pennsylvania and Connecticut, see article on "Reservations" at end of chapter on "Cessions."]

DELAWARE.

COLONIZATION.

In 1631 Captain David Pieterson de Vries, with two ships and about thirty Dutch colonists, entered the Delaware River. He was associated with Godyn, Bloemmart, and Van Rensselaer, wealthy Dutch *patroons*, in establishing a settlement on the Delaware for the purpose of cultivating tobacco and grain and prosecuting the whale and seal fisheries. He built Fort Hoernekill, near Lewes, Delaware. The Indians destroyed this settlement.

Under the patronage of Gustavus Adolphus, King of Sweden, a company was formed, known as the Swedish West India Company, for colonizing and trading in America. A colony sent out by this company in 1637 erected a fort at the mouth of Christiana, and named the country New Sweden. They had, prior to this, bought of the Indians the land from Cape Henlopen to the Great Falls at Trenton. They soon afterward erected another post and fort on Tinicum Island, in the Delaware, below now Philadelphia. This was in 1643. The Dutch of New Amsterdam (New York), in 1651, considering this movement as an invasion of their possessions, sailed up the Delaware and built

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a fort at where the present city of New Castle stands, called Fort Casimir, which in 1654 the Swedes stormed and captured.

In 1655 the Dutch, headed by Peter Stuyvesant, captured all the Swedish forts on the Delaware, and administered to many of the colonists the oath of allegiance to Holland. Those who would not take the oath were shipped back to Europe.

In 1664 the Dutch were conquered by the English.

James, Duke of York, in 1664, when the English captured and conquered the New Netherlands, claimed the Delaware settlements under his charter of 1664, and all of the lands between the Connecticut and Delaware rivers. They were also claimed by Lord Baltimore under his Maryland grant.

The counties of New Castle, Kent, and Sussex upon the Delaware were granted by James, Duke of York, by two quit-claim deeds or deeds of feoffment, of date August 24, 1682, to William Penn, proprietary of Pennsylvania.

October 28, 1682 (O. S.), at the court-house in New Castle, in the midst of the people, Penn received from the agent of the Duke of York the surrender of the territory which is now the State of Delaware, receiving it by the solemn delivery of earth and water. As the territory thus transferred lay within the limits claimed by Maryland, James II. ordered that that portion of the peninsula lying between the fortieth parallel and the parallel of Cape Henlopen should be equally divided between the two colonies. By the agreement made in 1732 between the heirs of Penn and Baltimore, and which was based upon the decision of the committee of trade and plantations in England, before whom Baltimore and Penn were, December 9, 1685, wherein it was decided that Delaware did not constitute a part or portion of Maryland, it was agreed that from the middle point of the parallel of Henlopen a tangent be drawn to the circle around New Castle, and made the line of separate jurisdiction. This tangent was continued northward to a point fifteen miles south of Philadelphia, through which Mason and Dixon's line was subsequently run.

November 7, 1732, the present boundaries were established by a compromise.

In the Continental Congress Delaware was designated by the signatures of her delegates therein, October 25, 1774, as "the three lower counties of New Castle, Kent, and Sussex on Delaware" in the articles of association. On October 26, 1774, in the caption to the address to the King, she was also designated as "the counties of New Castle, Kent, and Sussex on Delaware," but on signing the address the delegates signed it for "the Delaware government." To the Declaration of Independence the delegates signed for "Delaware." In Penn's charter of 1701 the designation was "the tract of land now called the 'territories of Pennsylvania'"; in the Duke of York's deeds "the counties of New Castle, Kent, and Sussex upon Delaware"; in the constitution of Delaware proclaimed September 21, 1776, she was designated "the Delaware State, formerly styled 'the government of New Castle, Kent, and Sussex upon Delaware.'"

In 1690 the Pennsylvania council divided. The members for the territories withdrew April 1, 1691, and, William Penn consenting, the lower counties (now Delaware) became a separate government under a deputy governor.

After Pennsylvania was turned over to a royal commission, in 1692, and Penn's authority suspended, Governor Fletcher, of New York, for William and Mary, in April, 1693, united Delaware to Pennsylvania. Delaware gave the Crown incessant uneasiness by its stubborn resistance to royal authority or consolidation with Pennsylvania. In 1694 Penn recovered his rights, and on the 28th of October, 1701, at Philadelphia, he gave the charter for the Province of Delaware, as it says "have unto this present charter of liberties set my hand and broad seal." This charter granted the province an assembly.

In 1703 they established a separate assembly, but until the Revolution had the same government, and the proprietary claimed all his rights.

Delaware formed a constitution through a convention which met for that purpose at New Castle, August 27, 1776, as recommended by the Continental Congress. It was proclaimed September 21, 1776. She adopted the Constitution of the United States

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December 7, 1787, becoming thereby the first State in the Union in point of time. The State thus formed succeeded the proprietary.

Delaware ceded no lands to the United States, as she had no claims to western territory or lands, her boundaries having been defined prior to the Revolution. She was a strong factor under the Confederation in obtaining the cessions of western territory, by the States holding it, to the National Government.

MARYLAND.

COLONIZATION.

Sir George Calvert (Lord Baltimore, an Irish peer and member of the privy council and one of the secretaries of state), who had made an attempt at colonization of a part of Newfoundland prior to this time, visited Virginia in 1629, but soon abandoned the idea of founding a colony there. Proceeding northward, he explored the upper portion of Chesapeake Bay, and on his return to England petitioned Charles I. for a grant for a colony, but died before it was issued.

June 20, 1632, the charter for Maryland was issued, and remained in force until the war of 1776, and Caecilius (Cecil) Calvert, Lord Baltimore, successor to his father (George Calvert), and his heirs, became proprietary of the Province of Maryland, with territorial jurisdiction over soil and territory, including the country between the fortieth degree of latitude on the north and the Potomac on the south, with an eastward projection of the southern boundary across the peninsula flanking the Chesapeake Bay to the Atlantic.

The province by the charter was named Maryland in honor of Henrietta Maria, wife of Charles I., and daughter of Henry IV., of France.

William Clayborne, in 1631, landed on Kent Island, in the Chesapeake Bay, and made the first white settlement in the territory of the afterwards granted colony. He remonstrated against the issuance of the grant to Calvert.

In 1632, Virginia also, by her commissioners, remonstrated against issuing the charter to Lord Baltimore, as an invasion of her territory under prior charter grants. The privy council, after argument, sustained the Calvert charter, and in 1634 Leonard Calvert, with a colony, in the vessels "Ark" and "Dove," sailed from England and landed on the bank of what is now Saint Mary's River, March 27, 1634, and with the consent of the Indians located the town of Saint Mary's.

In 1635 the first legislature met and framed laws. During the Commonwealth in England the proprietary remained loyal to Charles I. A civil contest ensued, and the rule of the Commonwealth was established in 1652.

In 1658 Lord Baltimore recovered his proprietary rights, and his brother, Philip Calvert, was appointed governor.

King William III., in 1689, attempted to govern the colony as a royal province, and in 1692 sent over Sir Lionel Copley as its governor. He abolished the convention, which in 1689 had petitioned the King to assume the government. The privy council advised the forfeiture of the charter by legal process, and in spite of the protest of the proprietary the King seized the colony, assumed control, and called an assembly which radically changed the proprietary government.

In 1714, on petition, Benedict Charles Calvert, fourth Lord Baltimore, was restored to the rights of the proprietary, and in 1715 assumed them.

MASON AND DIXON'S LINE.

Prior to this, in 1684, there was a serious dispute as to the boundaries between Maryland and Pennsylvania by their respective proprietaries, Baltimore and Penn.

In the disputes on boundary with Penn, Baltimore contended for the modern meaning of the word latitude, which would carry his grant to the fortieth parallel. The

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line between them by the grants to the colonies respectively had been fixed at the fortieth parallel north latitude. By an agreement between the proprietaries for fixing their boundary, commissioners were appointed for that purpose, in 1732, 1739, and 1750. None of them could agree, and suits in chancery followed. On the 15th of May, 1750, the lord chancellor, Hardwick, rendered a decision which was the basis of a stipulation and adjudication, signed July 4,1760. Under this, after November, 1760, three commissioners and surveyors were appointed, and spent three years in locating base and tangent lines between Delaware and Maryland. Charles Mason, F. R. S., assistant to Dr. Bradley, the astronomer of the royal observatory at Greenwich, and Jeremiah Dixon, in 1763, were commissioned by the proprietaries of Pennsylvania and Maryland to correct, ascertain, and make a more skilled and exact survey. They arrived from England at Philadelphia November 13, 1763, and at once went to work under the escort of Indians from the Six Nations. Completing their field-work December, 1767, they verified the work of the surveyors of 1760, and ran the western line fixed at 39° 43′ 26.3″ north, since called "Mason and Dixon's Line." They did not complete the survey of the whole line, because of Indian troubles, but quit at a point about thirty-six miles east of the western point at which they were to finish, about two hundred and forty-four miles from the Delaware. It was afterward completed, in November, 1782, by Alexander McLean, of Pennsylvania, and Joseph Neville, of Virginia. It was proved and made permanent in 1789.

Mason and Dixon placed stones at every mile and the coat of arms of the proprietaries respectively on opposite sides of each fifth mile-stone or station. "Mason and Dixon's Line" is, therefore, the line east and west (at latitude 39° 43′ 26.3″ north), being the southern boundary of Pennsylvania and the line between that State and Maryland, and the northern boundary of Maryland. Continuing westward, it is the line between West Virginia (then Virginia) and Pennsylvania.

MARYLAND AFTER THE REVOLUTION.

At the period of the Revolutionary War, 1774 to 1776, Maryland was still under the proprietary government, an heir of Lord Baltimore, the last of the name, being its proprietary. A constitution was framed and adopted by a convention which met at Annapolis, August 14, 1776, and completed its work November 11, 1776. Robert Eden was the last colonial governor. He arrived in Annapolis on June 5, 1769, and continued in office during the stormy period preceding the actual hostilities of the Revolution, and until the colonies declared their independence, when, on the recommendation of the committee of safety that his presence in the colony was no longer required or desired, he left it and returned to England.

Maryland ratified the Constitution of the United States on the 28th of April, 1788, and was thereby admitted into the Union. She became successor to the proprietary lands and domains. She had no western territory and made no cessions to the United States, but her stubborn battle against the several States which had large tracts of western lands from grants, insisting that they should surrender them to the national government for a public domain, was one of the most potent and effective arguments used to accomplish that end.

The limits of the first colony of Virginia, as defined by the second charter, 1609, embraced four hundred miles of sea coast, of which the central point was Old Point Comfort, with a westward extension to the Pacific, between the parallels passing through these extreme points. Of this territory portions were included, as above detailed, in the colonies of Maryland, Delaware, and New Jersey. The Virginia charter having been judicially vacated, there remained no legal obstacle to further dismemberment of the territory.

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THE CAROLINAS.

NORTH AND SOUTH CAROLINA UNDER ONE CHARTER—COLONIZATION.

Sir Walter Raleigh, under his charter of March 25, 1584, planted the first fixed English colony in North America, upon the Island of Roanoke, near North Carolina, July 23, 1587.

In 1653 and to 1660 Virginia colonists and settlers pushed into what is now called Perquimans County, at Durant's Neck.

In September, 1665, at Cape Fear River, the colony of Clarendon was settled by planters from Barbadoes, under Governor Sir John Yeamans, and was really the foundation of North Carolina.

A grant was made to Sir Robert Heath, attorney-general to Charles I., in 1630, assigned by him to the Earl of Arundel and voided in 1663 for non-user.

March 24, 1663, Charles II. made a grant of the charter of the Province of Carolina to Earl Clarendon and others.

[Extract from grant to Earl Clarendon.]

Edward, Earl of Clarendon, to our high chancellor of England, and George, Duke of Albemarle (General Monk), master of our horse and captain-general of all our forces, our right trusty and well-beloved William, Lord Craven, John, Lord Berkeley, our right trusty and well-beloved Counsellor Anthony, Lord Ashley, chancellor of our exchequer, Sir George Carteret, knight and baronet, vice-chamberlain of our household, and our trusty and well-beloved Sir William Berkeley, knight (governor of Virginia), and Sir John Colleton, knight and baronet, being excited with a laudable and pious zeal for the propagation of the Christian faith and the enlargement of our empire and dominions, have humbly besought leave of us by their industry and charge to transport and make an ample colony of our subjects, natives of our Kingdom of England and elsewhere within our dominions, within a certain country hereafter described in the part of America not yet cultivated or planted, and only inhabited by some barbarous people who have no knowledge of Almighty God, &c., &c.

The lands granted were between the thirty-first and thirty-sixth degrees of north latitude, and westward to the Pacific Ocean. The grantees became known as "Lords Proprietors of the Province of Carolina." It was not discovered that the colonies of Clarendon and Albemarle were without the limits of this charter. So, on petition of the proprietors, Charles II., on the 30th of June, 1665, granted a second or supplemental charter. The first as well as the second charter embraced title to the soil and political jurisdiction, subject, however, to the sovereignty of the Crown.

[Extract from the second charter of Carolina, June 30, 1665.]

Know ye, that at the humble request of the said grantees, &c. we are graciously pleased to enlarge our said grant unto them, according to the bounds and limits hereafter specified, and in favor of the pious and noble purpose of the said Edward earl of Clarendon, George duke of Albemarle, William earl of Craven, John lord Berkely, Anthony lord Ashley, sir George Carteret, sir John Colleton, and sir William Berkely, their heirs &c. all that province, territory, or tract of land, situate, lying, and being, within our dominions of America aforesaid, extending north and eastward as far as the north end of Currituck river or inlet, upon a straight westerly line, to Wyonoak creek, which lies within or about the degrees of thirty-six and thirty minutes northern latitude, and so west in a direct line as far as the south seas; and south and westward as far as the degrees of twenty-nine inclusive, of northern latitude; and so west in a direct line as far as the south seas, together with all and singular the ports, harbors, bays, rivers, and inlets, belonging unto the province and territory aforesaid.

This charter fixed the limits of the grant at between the parallels 29° and 36° 30′ north latitude, and from the Atlantic to the Pacific. The southern boundary trenched upon the province of Florida, held by the Spaniards. This claim, however, the English authorities disputed, alleging prior discovery.

The fundamental constitution of Carolina (see Poore's Charters and Constitutions) was drawn by John Locke, the author of the Essay on the Human Understanding, and Anthony Ashley Cooper, Earl of Shaftesbury, the eminent statesman and philos-

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opher. It was the most extraordinary document for the government of men that human genius had yet devised. Still, it excited the admiration of the idealists, dreamers, and publicists. It was called "the grand model." It was a grand failure in practice, and was abolished by the proprietaries in April, 1693, after being only partially put in practice.

THE SEPARATION OF NORTH AND SOUTH CAROLINA.

In 1674 Joseph West was appointed governor of the Southern Colony (although North and South Carolina were still under one proprietary rule).

After the year 1732 the colony was divided. Separate assemblies were held prior to this.

The charter of June 30, 1665, was, on the 25th July, 1729, surrendered to the King by seven of the eight proprietors, under the authority of the act of Parliament (2d Geo. II., chap. 34). Lord Carteret (Earl Granville), the eighth proprietor, resigned on the 17th September, 1744, all pretensions to the government; and his eighth part of the right to the soil was located by commissioners, appointed by him and the King, next adjoining Virginia, bounded "north by the Virginia line, east by the Atlantic, south by latitude 35° 34′ north, and west as far as the bounds of the charter." The price paid was £17,500 or about $80,000, and the boundaries fixed between the colonies by orders in council after July 25, 1729.

The governments of both North and South Carolina, after 1732, became regal, with royal governors. The council and judiciary were appointed by the King, the people electing the house of delegates.

At Charlotte, Mecklenburg County, May 20, 1775, a convention of delegates from the county adopted the now famous "Mecklenburg declaration of independence," together with a series of resolutions establishing a form of government.

March 12, 1776 (after ratification by the State of the declaration of independence), a Congress, elected for that purpose, met at Halifax and formed a Constitution, and adjourned December 18, 1776. It was not submitted to the people.

June 4, 1835, a convention to amend this constitution was held at Raleigh, which finished its work on July 11, 1835. These amendments were ratified by the people.

The constitution of 1776 was the organic law of the State for fifty-nine years without alteration.

November 21, 1789, North Carolina ratified the Constitution of the United States, and was thereby admitted into the Union. The State formed in 1776 became the successor to the Crown in the ownership of unoccupied lands and disposed of them. She ceded to the United States, February 25, 1790, the territory lying beyond her present western boundary, which now forms the State of Tennessee.

SOUTH CAROLINA.

COLONIZATION.

In 1562 John Ribault, one of the Admiral Coligny's French Huguenots, who sailed with an expedition to Florida and named the river Saint John, sailing northward, made the harbor which he named Port Royal. He built a fort on an island therein, and, in honor of Charles IX., of France, named it "Carolina." Leaving a colony, he returned to France. The colonists mutinied and went to sea, where, after long suffering, they were picked up by an English vessel and taken to Europe.

South Carolina was embraced in the grant of the Carolina province of March 24, 1663, by Charles II., to Albemarle and others, which was amended in 1665.

South Carolina remained a part of the province of Carolina until after July 25, 1729, when a final surrender of the proprietary charter was made to the Crown and she became a royal province and known as the province of South Carolina.

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In 1671 three ship-loads of English colonists, under Sir William Sayles, landed at Port Royal, but within a year removed to Ashley River, and in 1680 founded the present city of Charleston.

In 1670 the Duke of Albemarle, one of the lord proprietaries, had been installed as palatine, and a large sum of money was expended in the equipment and fitting out of the Sayles or Port Royal colonists above mentioned up to 1693. South and North Carolina were for a time governed by the "grand model" or John Locke "Fundamental constitutions of Carolina."

The English revolution of 1688 was taken advantage of to depose and expel the royal governor, and the people, defying the authority of the proprietary, proceeded to organize an independent government for their protection.

In 1720 overtures were first made, and in 1729 were consummated (see North Carolina), under which the English Government purchased the right of the Lords Proprietors, and afterward the royal government was formed, viz, after July 25, 1729, the boundaries between North and South Carolina being fixed at the time of the division by the order in council. South Carolina included in her southern limits the colony (now State) of Georgia.

A provincial congress was called in 1774, and delegates went to the Continental Congress.

Upon the abandonment of the colony by the royal governor in 1775 the provincial congress assumed control and government.

On March 26, 1776, the constitution adopted by the provincial congress was adopted, as recommended by the Continental Congress.

On May 23, 1788, she adopted the Constitution of the United States and was thereby admitted into the Union. The State became successor to the Crown in the ownership and disposition of the unappropriated and unoccupied public lands therein and made disposition of the same, ceding to the United States, August 9, 1787, the lands to the west of her western boundary and now lying in the extreme north of the States of Georgia, Alabama, and Mississippi.

GEORGIA.

COLONIZATION.

A great portion of the southern part of the colony of South Carolina remained unoccupied by permanent settlers or colonists up to 1732, and was a free zone of doubtful ownership, filled with Indians, Spaniards, Frenchmen, and adventurers. It was claimed by Great Britain as a part of South Carolina, and by Spain as the northern part of Florida.

June 9, 1732, George II. of Great Britain granted a charter for the establishment of the colony of Georgia in America. Trustees were appointed to have charge of the same, James Oglethorpe, the philanthropist, the prime mover for the charter, being one of them.

The lands granted were embraced within the charter of the Carolinas of 1662–'63, and lying in the colony of South Carolina between the Savannah and Altamaha rivers, with the zone included between the parallels passing through their headwaters and extending westward to the Pacific.

[Extract from the Georgia charter, June 9, 1732, 5 George 2.]

Know ye, therefore, that we, greatly desiring the happy success of the said corporation, for their further encouragement in accomplishing so excellent a work, have, of our special grace, certain knowledge, and mere motion, given and granted, and by these presents, for us, our heirs, and successors, do give and grant to the said corporation, and their successors, under the reservations, limitations, and declarations, hereafter expressed, seven undivided parts (the whole into eight equal parts to be divided) of all those lands, countries, and territories, situate, lying, and being, in that part of South Carolina in America, which lies from the northern stream of a river commonly called the Savannah, all along the sea coast to the southward, unto the most southern stream

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of a certain other great water or river called the Alatamaha, and westward from the heads of the said rivers respectively, in direct lines to the south seas; and all that space, circuit, and precinct of land, lying within the said boundaries, with the islands in the sea lying opposite to the eastern coast of the said islands, within twenty leagues of the same, which are not already inhabited, or settled, by any authority derived from the Crown of Great Britain.

One object of the colony was to furnish labor for the destitute and impoverished of England; for poor debtors, children, and orphans. The political object was to erect a government between the Savannah and Altamaha rivers, to prevent encroachment upon the colonies of South and North Carolina by the Spanish. Parliament voted £10,000. Large and numerous subscriptions were made by individuals. Oglethorpe, afterward governor of the colony, Lord Percivel, president of the corporation, Earl of Shaftesbury, Lord Tyrconnel, the brothers John and Charles Wesley, and George Whitfield were most prominent in this movement.

November 6, 1732, Oglethorpe sailed from England, and after landing at Charleston, South Carolina, sailed up the Savannah River, and after a council with the Indians, made a settlement on the site of the present city of Savannah, February 1, 1733. The colonists were subjected to invasion by Spanish land claimants and marauders, and, in turn, invaded Florida.

Great dissatisfaction existed in the colony with the rules and regulations made by the trustees, especially in relation to the prohibition of slaves and slave labor, the land allotments, and laws of descent. This continued through 1733 and until 1743, when Governor Oglethorpe gave way to a board composed of a president and four associates, this in turn giving way, June 20, 1752, to a provincial government. The company and trustees on that day surrendering the charter of 1732, Georgia thus became a royal colony, with a royal governor and council, and the same regulations as to lands were made as existed in the Carolinas.

Lord Carteret, by indenture dated February 28, 1732, had granted to the trustees of Georgia his eighth part of the territory described in the Carolina charter. The extension of the boundaries of Georgia was defined by the proclamation of George III. of Great Britain, dated October 7, 1763. Referring to the treaty of Paris of February 10, 1763, the territories between the rivers Altamaha and Savannah were annexed to it.

Again, George III., in commissioning James Wright as governor of Georgia in January, 1764, defined his jurisdiction as covering all the lands between the Savannah and the Saint Mary's, and between the parallels passing through the headwaters of the former and the north boundary of East and West Florida, which extended along the Saint Mary's to its headwaters, thence by a direct line to the confluence of the Chattahoochee and Flint, thence up the Flint to the thirty-first parallel, and thence, by said parallel, to the Mississippi River. The thirty-first parallel was made the north boundary of West Florida, afterward extended northward in compliance with a recommendation, March 23, 1764, of the British board of trade, as shown by royal commissions to Governors Elliot and Chester, of West Florida, dated, respectively, May 15, 1767, and January 25, 1770, and finally by the convention to settle boundaries between the States of South Carolina and Georgia, concluded at Beaufort on the 28th day of April, 1787, of which the following are extracts:

ARTICLE 1. The most northern branch or stream of the river Savannah, from the sea or mouth of such stream to the fork or confluence of the rivers now called Tugoloo and Keowa, and from thence the most northern branch or stream of the said river Tugoloo, till it intersects the northern boundary line of South Carolina, if the said branch or stream of Tugoloo extends so far north, reserving all the islands in the said rivers Savannah and Tugoloo to Georgia; but if the head spring or source of any branch or stream of the said river Tugoloo, does not extend to the north boundary line of South Carolina, then a west line to the Mississippi, to be drawn from the head spring or source of the said branch or stream of Tugoloo River, which extends to the highest northern latitude, shall forever hereafter form the separation, limit, and boundary, between the States of South Carolina and Georgia.

* * * * * * *

ART. 3. The State of South Carolina shall not hereafter claim any lands to the eastward, southward, southeastward, or west of the boundary above established; but here-

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by relinquishes and cedes to the State of Georgia, all the right, title, and claim, which the said State of South Carolina hath to the government, sovereignty, and jurisdiction, in and over the same, and also the right of pre-emption of the soil from the native Indians, and all other the estate, property, and claim, which the State of South Carolina hath in or to the said land.

ART. 4. The State of Georgia shall not hereafter claim any lands to the northward or northeastward of the boundary above established; but hereby relinquishes and cedes to the State of South Carolina, all the right, title, and claim, which the said State of Georgia hath to the government, sovereignty, and jurisdiction, in and over the same; and also the right of pre-emption of the soil from the native Indians, and all other of the estate, property, and claim, which the State of Georgia hath in or to the said lands.

A general assembly was ordered in 1755.

A convention assembled at Savannah, October 1, 1776, in conformity with the recommendations of the Continental Congress, and proceeded to organize a State government. They passed a constitution, which was unanimously adopted February 5, 1777. A second constitution was framed by a convention which met at Augusta November 4, 1788, but it was not ratified until January 4, 1789, and by a convention elected for that purpose, which met at Augusta. In the mean time, viz, on January 2, 1788, she had adopted the Constitution of the United States, and thereby was admitted into the Union The State of Georgia became the successor to the Crown and to the ownership and disposition of unappropriated and unoccupied public lands therein. Those lying to the west of her present western boundary she ceded to the United States April 24, 1802, and they now constitute portions of the States of Alabama and Mississippi.

AUTHORITIES UNDER THIS CHAPTER.

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CHAPTER III.

To December 1, 1883.

ORGANIZATION OF THE GOVERNMENT OF THE UNITED STATES, AND CESSIONS OF LANDS THERETO BY SEVERAL STATES OF THE UNION.

CESSIONS FROM MARCH 1, 1781, TO APRIL 24, 1802.

The preceding chapter states the title of Great Britain to the territory and lands held by the Crown and by the several colonies in America, under and by virtue of grants and charters from the British Government. By this chapter will be shown the process of formation of the Government of the United States and how the colonies of England in America became free and independent States by Declaration of Independence, subsequently recognized and confirmed by the Government of Great Britain in the definitive treaty of peace with the United States, September 3, 1783, at the conclusion of the Revolutionary War; how the colonies became the United States of America under an act of confederation, and afterwards adopted a Constitution making a more perfect union and a more permanent form of national government under an organic law.

The States, July 4, 1776, becoming successors to the colonies and crown rights to unappropriated or crown lands lying to the westward of their, at that time, recognized western boundaries, the States possessing such lands severally transferred them by deeds of cession to the United States, to be disposed of for the benefit of all the people, forming the first of the public domain.

PRELIMINARY STEPS TOWARD UNION OF THE COLONIES.

In 1643, the colonies of Massachusetts, Plymouth, Connecticut, and New Haven formed a league which existed for forty years under regular form and with a congress of delegates.

A congress of governors and commissioners of colonies was held at Albany, N. Y., in 1722, and a congress of colonial commissioners from New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennyslvania and Maryland, met in Albany, N. Y., in 1754. They resolved that a union of the colonies was absolutely necessary for their protection and preservation. A plan was proposed, but not adopted, for a federal government.

October 7, 1765, delegates from nine colonies assembled in a congress at New York City, and considered and adopted a "Declaration of Rights" on the question of taxation, stating in unmistakable terms that the American colonists, as Englishmen, could not and would not consent to be taxed but by their own representatives. Taxation involves the highest attribute of sovereignty, and the colonists were considering the subject in reference to their own rights and privileges.

On the 5th of September, 1774, delegates from eleven of the colonies met in Carpenter's Hall, Philadelphia. They adopted addresses to the King, to the English nation,

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and also to the people of Canada, together with a resolution recommending the suspension of commercial intercourse with Great Britain until the wrongs of the colonies should be redressed. By the "association" then formed, delegates from the same were given authority to consult and act for the common welfare. "Consultation by authority of communities, formed into a compact in reference to subjects relating to the common good, involves the idea of sovereignty, and is a practical exercise of its power."

On the 10th of May, 1775, the second Colonial Congress of delegates from thirteen colonies assembled in Philadelphia, according to recommendations of the first, and among the things done by the delegates was to give their reasons for an appeal to arms and to vote to raise twenty thousand men and the means to support them, upon an equitable basis between the thirteen colonies respectively.

On Tuesday, July 2, 1776, the Continental Congress in Philadelphia—

Resolved, That these United Colonies are, and, of right, ought to be, free and independent States: that they are absolved from all allegiance to the British Crown, and that all political connection between them, and the State of Great Britain, is, and ought to be, totally dissolved;

And a committee was raised to draft a Declaration of Independence.

On Thursday, July 4, 1776, in the State-house at Philadelphia, State of Pennsylvania, Congress adopted "a Declaration of Independence by the Representatives of the United States of America, in Congress assembled, to be signed by the members from the several States," which was signed by fifty-six members.

From the first meeting of the league in 1643 to the final act at Philadelphia, July 4, 1776, was one hundred and thirty years—a period of constant struggle and clash with the British Crown.

The Congress of 1776 passed a resolution recommending certain States to call conventions of the people to establish a form of government, viz, New Hampshire, Virginia, and South Carolina.

On Monday, September 9, 1776, Congress—

Resolved, That in all continental commissions, and other instruments, where, heretofore, the words "United Colonies" have been used, the style be altered, for the future, to the United States.

ARTICLES OF CONFEDERATION.

On Saturday, November 15, 1777, the Articles of Confederation and perpetual union of the United States of America were adopted by the delegates of the thirteen original States in Congress assembled, subject to the ratification of the respective States.

These articles were ratified by eight States on July 9, 1778, viz, by New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, and South Carolina, by their delegates in Congress; by one State on July 21, 1778, viz, North Carolina; by one State on July 24, 1778, viz, Georgia; by one State on November 26, 1778, viz, New Jersey; by one State on February 22, 1779, viz, Delaware (Mr. J. Dickinson and Mr. Van Dyke signed the articles for Delaware May 5, 1779, and Mr. McKean signed them for her February 22, 1779, at which time he produced a power authorizing him so to do); by one State on March 1, 1781, viz, Maryland.

The ratification was completed March 1, 1781, by the action of Maryland.

Congress, under these articles, exercised full powers of Government until March 4, 1789, a period of eight years, and until the Constitution went into operation and superseded the Articles of Confederation.

The defects of the government under the Confederation were so glaring, and its system so unequal and inefficient in its operation, that amendment or change was demanded, and a series of movements looking to this end began in Congress on Saturday, February 3, 1781, and running through several years, ended Saturday, September 13, 1788.

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MEETING OF COMMISSIONERS AT ANNAPOLIS.

At the suggestion of the legislature of Virginia, under a resolution offered by James Madison, and adopted January 21, 1788, inviting all the States to send commissioners to meet at some place to be agreed upon "to take into consideration the trade of the United States, to examine the relative situation and trade of the said States, and to consider how far a uniform system, in their commercial regulations may be necessary to their common interest and their permanent harmony," a convention was called which met at Annapolis, Md., Monday, September 11, 1786. Four States besides Virginia were represented in said convention, viz, New York, New Jersey, Pennsylvania, and Delaware. On Thursday, September 14, 1786, the convention heard read a draft reported from a committee, drawn by Alexander Hamilton, a delegate from New York, which it adopted and signed. The convention then adjourned without date.

Accompanying the report referred to was a resolution recommending the calling of "a general convention of all the States, to meet at Philadelphia in May, 1787, to take into consideration the situation of the United States, and to devise such further provisions as shall appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union."

This resolution, with the report or address of the convention, was sent to the governors of all the States for adoption or rejection. John Dickinson, of Delaware, presented it to Congress, which took it into consideration on the 21st of February, 1787.

THE CONSTITUTION.

A committee, Mr. Dane, chairman, reported to Congress upon the Annapolis report and memorial, and recommended the calling of a constitutional convention and the sending of delegates by the legislatures of all the States to the same, to be held at Philadelphia on the second Monday of May, 1787, under the following resolution, viz:

Resolved, That in the opinion of Congress, it is expedient, that, on the second Monday in May next, a convention of delegates, who shall have been appointed by the several States, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures, such alterations and provisions therein, as shall, when agreed to in Congress, and confirmed by the States, render the Federal Constitution adequate to the exigencies of government, and the preservation of the Union. Adopted February 21, 1787.

THE CONVENTION TO FORM THE CONSTITUTION.

May 25, 1787, seven States being present by their delegates at Philadelphia, Pa., the convention was organized by the election of George Washington, a delegate from Virginia, as president, and the sessions began.

On Monday, September 17, 1787, the Constitution was engrossed and signed by all the members present save three. The president of the convention transmitted it to Congress (sitting at Philadelphia, Pa.), with a communication stating how the proposed government should be put in operation under the Constitution when adopted by the votes of nine States.

ACTION OF CONGRESS ON THE SAME, SEPTEMBER 28, 1787.

Congress having received the report of the convention lately assembled in Philadelphia—

Resolved unanimously, That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention, made and provided in that case.

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RATIFICATION OF THE CONSTITUTION.

The States respectively called conventions, and the Constitution having been submitted to them, was ratified, as follows:

State of Delaware, December 7, 1787.
State of Pennsylvania, December 12, 1787.
State of New Jersey, December 18, 1787.
State of Georgia, January 2, 1788.
State of Connecticut, January 9, 1788.
State of Massachusetts, February 6, 1788.
State of Maryland, April 28, 1788.
State of South Carolina, May 23, 1788.
State of New Hampshire, June 21, 1788.
State of Virginia, June 26, 1788.
State of New York, July 26, 1788.
North Carolina ratified November 21, 1789, and Rhode Island May 29, 1790.

More than nine States having ratified the Constitution, Congress, at New York, on the 13th of September, 1789, declared the same ratified.

CONGRESS PROCEEDS TO ORGANIZE THE GOVERNMENT UNDER THE CONSTITUTION, SEPTEMBER 13, 1789.

On the question to agree to the following proposition, it was resolved in the affirmative by the unanimous votes of nine States, viz, of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina, and Georgia:

Whereas the convention assembled in Philadelphia, pursuant to the resolution of Congress of the 21st of February, 1787, did, on the 17th of September in the same year, report to the United States in Congress assembled, a Constitution for the people of the United States; whereupon, Congress, on the 28th of the same September, did resolve unanimously, "That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention made and provided in that case:" and whereas the Constitution so reported by the convention, and by Congress transmitted to the several legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications duly authenticated have been received by Congress, and are filed in the office of the secretary; therefore,

Resolved, That the first Wednesday in January next, be the day for appointing electors in the several States, which before the said day shall have ratified the said Constitution; that the first Wednesday in February next, be the day for the electors to assemble in their respective States, and vote for a President, and that the first Wednesday in March next, be the time, and the present seat of Congress the place, for commencing proceedings under the said Constitution.

THE NATIONAL GOVERNMENT GOES INTO OPERATION UNDER THE CONSTITUTION.

The election for electors was held on the day appointed, and at the city of New York, March 4, 1789, a meeting of Congress was held, but no quorum was present in the Senate until April 6th following, upon which day the electoral vote was counted, and George Washington, of Virginia, and John Adams, of Massachusetts, were declared to be duly elected, respectively, President and Vice-President of the United States.

On April 21, 1789, John Adams was inaugurated Vice-President, and on April 30, 1789, George Washington was inaugurated President of the United States.

THE UNITED STATES BECOMES SUCCESSOR TO THE UNAPPROPRIATED CROWN LANDS BY TREATY AND CESSION.

The Government thus organized became proprietor or lord paramount of the public domain, receiving, as the successor of the Confederation, public lands held by it under cessions from New York, Virginia, Massachusetts, Connecticut (partial), and South

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Carolina, and receiving cessions direct from North Carolina and Georgia; the lands subsequently acquired by treaty and purchase coming under like control. The Congress of the United States, for the Nation, became the sole custodian with entire right of disposition, it being an asset of the nation, held for sale or for such other disposition as in the judgment of Congress shall be deemed best. The problems growing out of the ownership by several States of vast tracts of unoccupied land were difficult of solution; due, first, to rival claims, based on the ill-defined and conflicting grants made by different sovereigns of Great Britain for lands in America; and, second, to the belief that all the territory acquired from Great Britain by the treaty of 1783, having been secured by the blood and treasure of the whole people, should be held by the States as common property to be disposed of by the General Government for the benefit of the Nation. The data in possession of foreign governments in relation to this continent were so vague that it was impossible to define their grants with accuracy, and they seemed to think that the country was so large that there was scarcely any limit to its extent; and the result was that different colonies claimed ownership of the same territory, and often claimed under conflicting authorities. The humors and personal likings of sovereigns for subjects to whom they gave grants, in return for services or through friendship, to estates in America, covered the face of portions of the territory of some of the colonies with titles and claims of proprietaryship or grants five deep. These questions prevented for a time accord among the several States; and so complicated were they that at times they seemed impossible of adjustment. The six smaller States which held no western lands contended with tenacity and determination that said lands should not be held by the States owning them for their exclusive use, while the seven States which claimed and under the Confederation held vast sections of crown grant lands in the West, held the contrary opinion. The six States without western lands insisted that such areas held by the other seven States within their respective limits or boundaries would, under any plan of representation based on population, be unequal and disastrous to the States holding no western lands.

THE MOVEMENT TO PROCURE STATE CESSIONS OF WESTERN TERRITORY TO THE UNITED STATES.

The attention of the whole country appears to have been first drawn to these conflicting claims by the decided stand taken by the State of Maryland during the discussion in the Congress upon the objections of certain States to the Articles of Confederation in June, 1778. That State proposed on the 22d of June, 1778, and afterwards insisted, that the boundaries of such of the States, as claimed to extend to the river Mississippi or South Sea, should be defined and curtailed, and that the Western Territories should be held for the common benefit of all the States. From that time until 2d February, 1781, the State of Maryland refused to agree to the Articles of Confederation in consequence of having failed to obtain an amendment upon that point, against which Virginia had remonstrated. On the 25th November, 1778, the act of New Jersey for ratifying the Articles of Confederation was presented by the delegates from that State in which this difficulty was referred to, but the delegates were directed to sign the articles in the firm reliance that the candor and justice of the several States would in due time remove as far as possible the inequality which then existed. The delegate from Delaware signed the Articles of Confederation on the 22d of February, 1779. On the 23d of the same month they presented to the Congress a series of resolutions passed by the legislature of their State, which were as follows:

ACTION OF DELAWARE.

Resolved, That this State thinks it necessary, for the peace and safety of the States to be included in the Union, that a moderate extent of limits should be assigned for such of those States as claim to the Mississippi or South Sea; and that the United States in Congress assembled, should, and ought to have the power of fixing their western limits.

Resolved, That this State consider themselves justly entitled to a right, in common

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with the members of the Union, to that extensive tract of country which lies westward of the frontiers of the United States, the property of which was not vested in, or granted to, individuals at the commencement of the present war:—that the same hath been, or may be, gained from the King of Great Britain, or the native Indians, by the blood and treasure of all, and ought therefore to be a common estate, to be granted out on terms beneficial to the United States.

Upon which Congress passed the following resolution on the said 23d February, 1779, eight States voting in favor, and three against the same, viz:

Resolved, That the paper laid before Congress by the delegate from Delaware, and read, be filed; provided, that it shall never be considered as admitting any claim by the same set up or intended to be set up.

ACTION OF MARYLAND.

On the 21st May, 1779, the delegates from Maryland laid before Congress the following instructions received by them:

Instructions of the general assembly of Maryland, to George Plater, William Paca, William Carmichael, John Henry, James Forbes, and Daniel of St. Thomas Jenifer, esquires.

GENTLEMEN: Having conferred upon you a trust of the highest nature, it is evident we place great confidence in your integrity, abilities, and zeal to promote the general welfare of the United States, and the particular interest of this State, where the latter is not incompatible with the former; but, to add greater weight to your proceedings in Congress, and take away all suspicion that the opinions you there deliver, and the votes you give, may be the mere opinions of individuals, and not resulting from your knowledge of the sense and deliberate judgment of the State you represent, we think it our duty to instruct as followeth on the subject of the confederation—a subject in which, unfortunately, a supposed difference of interest has produced an almost equal division of sentiments among the several States composing the Union. We say a supposed difference of interests; for if local attachments and prejudices, and the avarice and ambition of individuals, would give way to the dictates of a sound policy, founded on the principles of justice, (and no other policy but what is founded on those immutable principles deserves to be called sound), we flatter ourselves this apparent diversity of interests would soon vanish, and all the States would confederate on terms mutually advantageous to all; for they would then perceive that no other confederation than one so formed can be lasting. Although the pressure of immediate calamities, the dread of their continuance from the appearance of disunion, and some other peculiar circumstances, may have induced some States to accede to the present confederation, contrary to their own interests and judgments, it requires no great share of foresight to predict, that, when those causes cease to operate, the States which have thus acceded to the Confederation will consider it as no longer binding, and will eagerly embrace the first occasion of asserting their just rights, and securing their independence. Is it possible that those States who are ambitiously grasping at territories to which, in our judgment, they have not the least shadow of exclusive right, will use with greater moderation the increase of wealth and power derived from those territories, when acquired, than what they have displayed in their endeavors to acquire them? We think not. We are convinced the same spirit which hath prompted them to insist on a claim so extravagant, so repugnant to every principle of justice, so incompatible with the general welfare of all the States, will urge them on to add oppression to injustice. If they should not be incited by a superiority of wealth and strength to oppress by open force their less wealthy and less powerful neighbors, yet depopulation, and consequently the impoverishment of those States, will necessarily follow, which, by an unfair construction of the Confederation, may be stripped of a common interest, and the common benefits derivable from the western country. Suppose, for instance, Virginia indisputably possessed of the extensive and fertile country to which she has set up a claim: what would be the probable consequences to Maryland of such an undisturbed and undisputed possession? They cannot escape the least discerning.

Virginia, by selling on the most moderate terms a small proportion of the lands in question, would draw into her treasury vast sums of money, and, in proportion to the sums arising from such sales, would be enabled to lessen her taxes. Lands comparatively cheap, and taxes comparatively low, with the lands and taxes of an adjacent State, would quickly drain the State thus disadvantageously circumstanced of its most useful inhabitants; its wealth, and its consequence in the scale of the confederated States, would sink, of course. A claim so injurious to more than one-half, if not to the whole of the United States, ought to be supported by the clearest evidence of the right. Yet what evidences of that right have been produced? What arguments alleged in support either of the evidence or the right? None that we have heard of deserving a serious refutation.

It has been said, that some of the delegates of a neighboring State have declared their

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opinion of the impracticability of governing the extensive domain claimed by that State. Hence also the necessity was admitted of dividing its territory, and erecting a new State, under the auspices and direction of the elder, from whom, no doubt, it would receive its form of government, to whom it would be bound by some alliance or confederacy, and by whose councils it would be influenced. Such a measure, if ever attempted, would certainly be opposed by the other States as inconsistent with the letter and spirit of the proposed confederation. Should it take place by establishing a subconfederacy, *imperium in imperio*, the State possessed of this extensive dominion must then either submit to all the inconveniences of an overgrown and unwieldy government, or suffer the authority of Congress to interpose, at a future time, and to lop off a part of its territory, to be erected into a new and free State, and admitted into a confederation on such conditions as shall be settled by nine States. If it is necessary, for the happiness and tranquillity of a State thus overgrown, that Congress should hereafter interfere and divide its territory, why is the claim to that territory now made, and so pertinaciously insisted on? We can suggest to ourselves but two motives: either the declaration of relinquishing, at some future period, a proportion of the country now contended for, was made to lull suspicion asleep, and to cover the designs of a secret ambition, or, if the thought was seriously entertained, the lands are now claimed to reap an immediate profit from the sale. We are convinced, policy and justice require that a country unsettled at the commencement of this war, claimed by the British Crown, and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property, subject to be parcelled out by Congress into free, convenient, and independent governments, in such manner and at such times as the wisdom of that assembly shall hereafter direct.

Thus convinced, we should betray the trust reposed in us by our constituents, were we to authorize you to ratify on their behalf the Confederation, unless it be farther explained. We have coolly and dispassionately considered the subject; we have weighed probable inconveniences and hardships, against the sacrifice of just and essential rights; and do instruct you not to agree to the Confederation, unless an article or articles be added thereto in conformity with our declaration. Should we succeed in obtaining such article or articles, then you are hereby fully empowered to accede to the confederation.

That these our sentiments respecting our Confederation may be more publicly known, and more explicitly and concisely declared, we have drawn up the annexed declaration, which we instruct you to lay before Congress, to have it printed, and to deliver to each of the delegates of the other States in Congress assembled, copies thereof, signed by yourselves, or by such of you as may be present at the time of delivery; to the intent and purpose that the copies aforesaid may be communicated to our brethren of the United States, and the contents of the said declaration taken into their serious and candid consideration.

Also, we desire and instruct you to move, at a proper time, that these instructions be read to Congress by their secretary, and entered on the journals of Congress.

We have spoken with freedom, as becomes freemen; and we sincerely wish that these our representations may make such an impression on that assembly as to induce them to make such addition to the Articles of Confederation as may bring about a permanent union.

A true copy from the proceeding of December 15, 1778.

Test:

T. DUCKETT,
Clerk of the House of Delegates.

BOUNDARY AND LAND CLAUSE IN THE ARTICLES OF CONFEDERATION.

The ninth clause in the Articles of Confederation provided for the settlement of questions of boundaries or jurisdiction or other matters of dispute between the States. Upon petition by the legislative or executive authority of a State, stating the matter in dispute and praying for a hearing, notice was to be given, by order of Congress, to the proper authority of the State complained of, and a day for hearing assigned. It provided for the selection of commissioners, who were to hear and determine the matter in question. No State was to be deprived of territory for the benefit of the United States. All controversies concerning the private right of soil, claimed under different grants of two or more States, and originating antecedent to settlement of jurisdiction in the manner prescribed, might, on the petition of either claimant, be heard and determined by like proceedings.

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STATES REQUESTED TO DISCONTINUE LAND SALES.

The Articles of Confederation left the sale and disposition of western lands in the exclusive control of the States owning or claiming them. Some of them opened land offices, made private grants, granted bounties, and otherwise disposed of a portion of them. [See History of Virginia and North Carolina.] The discontent was so general upon this subject that Congress, on the 30th of October, 1779, by a vote of eight States to three, passed the following resolution:

Whereas the appropriation of vacant lands by the several States, during the continuance of the war, will, in the opinion of Congress, be attended with great mischiefs, therefore,

Resolved, That it be earnestly recommended to the State of Virginia to reconsider their late act of assembly for opening their land office; and that it be recommended to the said State, and all other States similarly circumstanced, to forbear settling or issuing warrants for unappropriated lands, or granting the same during the continuance of the present war.

ACT OF NEW YORK.

This resolution was transmitted to the different States. The first State to respond to it was New York. On the 7th March, 1780, her delegates presented the following act, which was fully carried into effect by said delegates in Congress on March 1, 1781:

AN ACT to facilitate the completion of the Articles of Confederation and perpetual Union among the United States of America.

Whereas nothing under Divine Providence can more effectually contribute to the tranquillity and safety of the United States of America than federal alliance, on such liberal principles as will give satisfaction to its respective members: And whereas the Articles of Confederation and perpetual Union recommended by the honorable the Congress of the United States of America have not proved acceptable to all the States, it having been conceived that a portion of the waste and uncultivated territory within the limits or claims of certain States ought to be appropriated as a common fund for the expenses of the war: And the people of the State of New York being on all occasions disposed to manifest their regard for their sister States, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depends upon them, the before-mentioned impediment to its final accomplishment:

Be it therefore enacted, by the people of the State of New York, represented in senate and assembly, and it is hereby enacted, by the authority of the same, That it shall and may be lawful to and for the delegates of this State in the honorable Congress of the United States of America, or the major part of such of them as shall be assembled in Congress, and they, the said delegates, or a major part of them, so assembled, are hereby fully authorized and empowered, for and on behalf of this State, and by proper and authentic acts or instruments, to limit and restrict the boundaries of this State, in the western parts thereof, by such line or lines, and in such manner and form, as they shall judge to be expedient, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or reserving the jurisdiction in part, or in the whole, over the lands which may be ceded or relinquished with respect only to the right or pre-emption of the soil.

And be it further enacted by the authority aforesaid, That the territory which may be ceded or relinquished by virtue of this act, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or the right or pre-emption of soil only, shall be and enure for the use and benefit of such of the United States as shall become members of the federal alliance of the said States, and for no other use or purpose whatever.

And be it further enacted by the authority aforesaid, That all the lands to be ceded and relinquished by virtue of this act, for the benefit of the United States, with respect to property, but which shall nevertheless remain under the jurisdiction of this State, shall be disposed of and appropriated in such manner only as the Congress of the said States shall direct; and that a warrant under the authority of Congress for surveying and laying out any part thereof, shall entitle the party in whose favor it shall issue to cause the same to be surveyed and laid out and returned, according to the directions of such warrant; and thereupon letters-patent, under the great seal of this State, shall pass to the grantee for the estate specified in the said warrant; for which no other fee or reward shall be demanded or received than such as shall be allowed by Congress: *Provided always, and be it further enacted by the authority aforesaid*, That the trust

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reposed by virtue of this act shall not be executed by the delegates of this State unless at least three of the said delegates shall be present in Congress.

STATE OF NEW YORK, *ss.:*

I do hereby certify that the aforegoing is a true copy of the original act passed the 19th of February, 1780, and lodged in the secretary's office.

ROBERT HARPUR,
Deputy Secretary of State.

Following the reception of this, the Congress took the following action:

IN CONGRESS OF THE CONFEDERATION,
WEDNESDAY, *September* 6, 1780.

Congress took into consideration the report of the committee to whom were referred the instructions of the general assembly of Maryland to their delegates in Congress respecting the Articles of Confederation and the declaration therein referred to, the act of the legislature of New York on the same subject, and the remonstrance of the general assembly of Virginia; which report was agreed to, and is in the words following:

"That having duly considered the several matters to them submitted, they conceive it unnecessary to examine into the merits or policy of the instructions or declarations of the general assembly of Maryland, or of the remonstrance of the general assembly of Virginia, as they involve questions, a discussion of which was declined, on mature consideration, when the Articles of Confederation were debated; nor, in the opinion of the committee, can such questions be now revived with any prospect of conciliation; that it appears more advisable to press upon those States which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy; to remind them how indispensably necessary it is to establish the Federal Union on a fixed and permanent basis, and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our army, to the vigor of our councils, and success of our measures; to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign, and independent people; that they are fully persuaded the wisdom of the respective legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the Federal Union; that they are confirmed in these expectations by a review of the before-mentioned act of the legislature of New York, submitted to their consideration; that this act is expressly calculated to accelerate the Federal Alliance, by removing, as far as depends on that State, the impediment arising from the western country, and for that purpose to yield up a portion of territorial claim for the general benefit; whereupon,

"*Resolved,* That copies of the several papers referred to the committee be transmitted, with a copy of the report, to the legislatures of the several States, and that it be *earnestly recommended to those States, who have claims to the western country, to pass such laws, and give their delegates in Congress such powers as may effectually remove the only obstacle to a final ratification of the Articles of Confederation;* and that the legislature of Maryland be earnestly requested to authorize the delegates in Congress to subscribe the said articles."

TUESDAY, *October* 10, 1780.

"*Resolved,* That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the other States: that each State which shall be so formed shall contain a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: that the necessary and reasonable expenses which any particular State shall have incurred since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed.

"That the said lands shall be granted or settled at such times, and under such regulations, as shall hereafter be agreed on by the United States, in Congress assembled, or any nine or more of them."

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CESSIONS BY STATES TO THE NATIONAL GOVERNMENT.

It will be noted that during the whole time of the cessions of lands by the States to the National Government the Mississippi River was the international boundary and that it continued to be until after the French cession in 1803. The Mississippi was the western boundary of all cessions or claims by States, except New York.

DATE OF CESSIONS BY STATES.

In compliance with the resolution of Congress of September 6, 1780, the following States made cessions of territory to the United States, respectively:

The State of New York, on March 1, 1781. The State of Virginia, on March 1, 1784. The State of Virginia, on December 30, 1788, (by this act Virginia changed the conditions of the act of cession of 1784 only so far as to ratify the 5th article of the compact or ordinance of 1787). The State of Massachusetts, on April 19, 1785. The State of Connecticut on September 13, 1786, accepted September 14, 1786; jurisdictional cession of the Western Reserve, May 30, 1800. The State of South Carolina, on August 9, 1787. The State of North Carolina, on February 25, 1790. The State of Georgia, on April 24, 1802.

The deeds and acts of cessions by the several States to the National Government are given in order.

CESSION BY THE STATE OF NEW YORK.

The first in the patriotic movement was New York. On the 1st of March, 1781, her delegates in the Continental Congress, James Duane, William Floyd, and Alexander McDougall, in a deed reciting the authority given them by act of the legislature, restricted the jurisdiction and right of pre-emption to the present lines of the State, and quitclaimed the residue, if any, of her territorial claims to the General Government for the benefit of all the States that were at that time, or that should thereafter become, parties to the Union then subsisting under the Articles of Confederation. The original charter to the Duke of York covered only the lands between the Connecticut River and the eastern shore of Delaware Bay. New Jersey, embracing that portion of this grant subsequently transferred to Berkeley and Carteret, was separated from New York by a line running from the forty-first parallel on the Hudson River to the parallel of 41° 40′ on the Delaware River. The line between New York and Pennsylvania, commencing at the last-named point, followed the Delaware to the forty-second parallel and continued along that parallel westward to its intersection with a meridian line passing twenty miles west of the Niagara River, and northwardly along that meridian to the international boundary.

It will be observed that New York and Virginia in the preliminary acts looking toward their cessions to the General Government assumed to define their own boundaries when they cut off or transferred western lands or claims to them. In the case of New York, Congress declined this proposed guarantee, and Virginia waived it.

Some controversies arose in other States as to boundaries between States hereinafter mentioned.

This New York cession was for title to lands held under treaties with the Six Nations of Indians, and was for the entire country from the source of the Great Lakes southward across the Ohio Valley (valley of the river Ohio) as far as the Cumberland Mountains. It was not for grants under crown or under foreign charters, except for the small parcel now in Pennsylvania known as the "Erie Purchase."

In pursuance of the act of the legislature of the State of New York, read in Congress the 7th March, 1780, entitled "An act to facilitate the completion of the Articles of Confederation and Perpetual Union among the United States of America," the del-

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egates for the State of New York executed in Congress the following act or declaration, to wit:

DECLARATION OF NEW YORK.

To all people who shall see these presents, we, James Duane, William Floyd, and Alexander M'Dougall, the underwritten delegates for the State of New York in the honorable Congress of the United States of America, send greeting:

Whereas it is stipulated as one of the conditions of the cession of territory, made for the benefit of the United States by the legislature of the State of Virginia, that the United States should guaranty to that State the boundaries reserved by her legislature for her future jurisdiction; and it would be unjust that the State of New York, as a member of the Federal Union, should be compelled to guaranty the territories which shall be reserved by other States making such cessions, when her own boundaries, as they are to be limited and restricted by the act or instrument of cession now to be executed, shall not be guaranteed in the same manner; wherefore, the said delegates for the State of New York, being uninstructed on this subject by their constituents, think it their duty to declare, and they do by this present instrument declare, that the cession of territory and restriction of boundary of the said State of New York, now to be made by them in behalf of the people of the said State, shall not be absolute; but, on the contrary, shall be subject to ratification or disavowal by the people of the said State, represented in senate and assembly, at their pleasure; unless the boundaries reserved for the future jurisdiction of the said State, by the instrument of cession now to be executed by us, shall be guaranteed by the United States, in the same manner and form as the territorial rights of the other States shall be guaranteed, which have made or may make cessions of part of their claims for the benefit of the United States; the people of the State of New York, on their part, submitting that any part of their limits, which are or may be claimed by any of the United States, shall be determined and adjusted in the mode prescribed for that purpose by the Articles of Confederation.

In testimony whereof, we have hereunto set our hands and seals, in the presence of Congress, this first day of March, in the year of our Lord one thousand seven hundred and eighty-one, and of our Independence the fifth.

JAMES DUANE. [L. S.]
WM. FLOYD. [L. S.]
ALEXANDER M'DOUGALL. [L. S.]

Sealed and delivered in presence of—
CHARLES THOMSON.
CHARLES MORSE.
EBENEZER SMITH.

The foregoing being executed, the delegates aforesaid, in virtue of the powers vested in them by the act of their legislature before recited, proceeded and executed in due form, in behalf of their State, the following instrument, viz:

Deed of cession.

To all who shall see these presents, we, James Duane, William Floyd, and Alexander M'Dougall, the underwritten delegates for the State of New York in the honorable Congress of the United States of America, send greeting:

Whereas, by an act of the legislature of the said State of New York, passed at a session held at Albany, in the year of our Lord one thousand seven hundred and eighty, entitled "An act to facilitate the completion of the Articles of Confederation and Perpetual Union among the United States of America," it is declared that the people of the State of New York were, on all occasions, disposed to manifest their regard for their sister States, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depended upon them, the impediment to its final accomplishment, respecting the waste and uncultivated lands within the limits of certain States; and it is thereby enacted by the people of the said State of New York, represented in senate and assembly, and by the authority of the same, that it might and should be lawful to and for the delegates of the said State in the honorable Congress, and they or the major part of them, so assembled, are thereby fully authorized and empowered, for and on behalf of that State, and by proper and authentic acts or instruments, to limit and restrict the boundaries of the said State in such manner and form as they shall judge to be expedient, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or reserving the jurisdiction in part or in the whole, over the lands which may be ceded or relinquished with respect only to the right of pre-emption of the soil; and by the said act it is farther enacted, that the territory which may be ceded or relinquished by virtue thereof, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or the right or pre-emption of soil only, shall be and inure for the use and benefit of such of the United States as shall become members of the federal alliance of the said States, and for no other use or purpose whatsoever; and by the said act it is pro-

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vided and enacted that the trust reposed by virtue thereof, shall not be executed by the delegates of the said State, unless at least three of the said delegates shall be present in Congress: and whereas, by letters-patent under the great seal of the said State of New York, bearing date the 29th day of October last past, reciting that the senate and assembly had, on the 12th day of September then last past, nominated and appointed us, the said James Duane, William Floyd, and Alexander M'Dougall, together with John Morin Scott and Ezra L'Hommedieu, delegates to represent the said State in the Congress of the United States of North America, therefore, in pursuance of the said nomination and appointment, the people of the said State of New York did thereby commission us, the said James Duane, William Floyd, and Alexander M'Dougall, and the said John Morin Scott and Ezra L'Hommedieu, or any majority who should, from time to time, attend the said Congress; and if only one of the said delegates should at any time be present in the said Congress, he should, in such case, be authorized to represent the said State in the said Congress, as by an authentic copy of the said act, and an exemplification of the said commission, remaining among the archives of Congress, fully appears:

Now, therefore, know ye, that we, the said James Duane, William Floyd, and Alexander M'Dougall, by virtue of the power and authority, and in the execution of the trust reposed in us, as aforesaid, have judged it expedient to limit and restrict, and we do, by these presents, for and in behalf of the said State of New York, limit and restrict the boundaries of the said State in the western parts thereof, with respect to the jurisdiction, as well as the right or pre-emption of soil, by the lines and in the form following, that is to say: a line from the northeast corner of the State of Pennsylvania, along the north bounds thereof to its northwest corner, continued due west until it shall be intersected by a meridian line, to be drawn from the forty-fifth degree of north latitude, through the most westerly bent or inclination of Lake Ontario; thence by the said meridian line to the forty-fifth degree of north latitude; and thence by the said forty-fifth degree of north latitude; but if, on experiment, the above-described meridian line shall not comprehend twenty miles due west from the most westerly bent or inclination of the river or strait of Niagara, then we do, by these presents, in the name of the people, and for and on behalf of the State of New York, and by virtue of the authority aforesaid, limit and restrict the boundaries of the said State in the western parts thereof, with respect to jurisdiction, as well as the right of pre-emption of soil, by the lines and in the manner following, that is to say: a line from the northeast corner of the State of Pennsylvania, along the north bounds thereof, to its northwest corner, continued due west until it shall be intersected by a meridian line, to be drawn from the forty-fifth degree of north latitude, through a point twenty miles due west from the most westerly bent or inclination of the river or strait Niagara; thence by the said meridian line to the forty-fifth degree of north latitude, and thence by the said forty-fifth degree of north latitude: And we do, by these presents, in the name of the people, and for and on behalf of the State of New York, and by virtue of the power and trust committed to us by the said act and commission, cede, transfer, and forever relinquish to, and for the only use and benefit of such of the States as are or shall become parties to the Articles of Confederation, all the right, title, interest, jurisdiction, and claim, of the said State of New York, to all lands and territories to the northward and westward of the boundaries, to which the said State is in manner aforesaid limited and restricted, and to be granted, disposed of, and appropriated in such manner only as the Congress of the said United or Confederated States shall order and direct.

In testimony whereof, we have hereunto subscribed our names, and affixed our seals, in Congress, the first day of March, in the year of our Lord one thousand seven hundred and eighty-one, and of our Independence the fifth.

JAMES DUANE. [L. S.]
WM. FLOYD. [L. S.]
ALEXR. M'DOUGALL. [L. S.]

Sealed and delivered in presence of—
CHARLES THOMSON.
CHARLES MORSE.
EBENEZER SMITH.

October 29, 1782, Congress on behalf of the United States accepted this cession, and it was further confirmed or renewed by an act of the State of New York, April 19, 1785.

CESSION FROM THE STATE OF VIRGINIA.

The next State to make a cession was the State of Virginia. The State of Virginia, by act of her legislature or general assembly, January 2, 1781, submitted a proposition for the cession of her western lands which the Congress of the Confederation, by act of September 13, 1783, agreed to receive and accept, and the State by law of October 20, 1783, authorized her delegates in the Congress to consummate the transfer by deed.

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Virginia still claimed under her charter the residue of territory originally granted to the first colony of Virginia, after deducting the lands covered by the charters of Delaware, New Jersey, Maryland, Pennsylvania, and North Carolina, westward to the Mississippi River. This embraced, in addition to the present States of Virginia and West Virginia, Kentucky, all of Ohio, Indiana, and Illinois, Wisconsin, Michigan, and Minnesota east of the Mississippi River, being northward to the line of the British Possessions, as defined by treaty of 1783. She set up an additional claim to the territory northwest of the Ohio River as far north as Lakes Erie and Michigan, founded upon the successful expedition of a detachment of her State troops, under General George R. Clarke, by which the British power was practically subverted. Her claims included the claims of Connecticut, under ancient charter boundary, to western lands, and the claim of Massachusetts to western extension of her charter limits. She ceded all her territorial claims northwest of the Ohio with certain restrictions, and afterward consented to the erection of Kentucky as an independent State out of her territory south of the Ohio River.

Deed of cession.

March 1, 1784, Virginia, through her delegates in the Continental Congress, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, completed the act of cession, the following proceedings being had in Congress:

On motion of Mr. Howell, of Rhode Island, the following resolution was adopted:

Whereas the general assembly of Virginia, at their session, commencing on the 20th day of October, 1783, passed an act to authorize their delegates in Congress, to convey to the United States in Congress assembled, all the right of that Commonwealth to the territory northwestward of the river Ohio: and whereas the delegates of the said Commonwealth have presented to Congress the form of a deed proposed to be executed pursuant to the said act, in the words following:

"To all who shall see these presents, we, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, the underwritten delegates for the Commonwealth of Virginia, in the Congress of the United States of America, send greeting:

"Whereas the general assembly of the Commonwealth of Virginia, at their sessions begun on the 20th day of October, 1783, passed an act entitled "An act to authorize the delegates of this State in Congress, to convey to the United States in Congress assembled, all the right of this Commonwealth to the territory northwestward of the river Ohio," in these words following, to wit:

"Whereas the Congress of the United States did, by their act of the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several States in the Union, having claims to waste and unappropriated lands in the western country, a liberal cession to the United States, of a portion of their respective claims, for the common benefit of the Union: and whereas this Commonwealth did, on the second day of January, in the year one thousand seven hundred and eighty-one, yield to the Congress of the United States, for the benefit of the said States, all right, title, and claim, which the said Commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession.

"And whereas the United States in Congress assembled have, by their act of the 13th of September last, stipulated the terms on which they agree to accept the cession of this State, should the legislature approve thereof, which terms, although they do not come fully up to the propositions of this Commonwealth, are conceived, on the whole, to approach so nearly to them, as to induce this State to accept thereof, in full confidence, that Congress will, in justice to this State, for the liberal cession she has made, earnestly press upon the other States claiming large tracts of waste and uncultivated territory, the propriety of making cessions equally liberal, for the common benefit and support of the Union:

"*Be it enacted by the general assembly*, That it shall and may be lawful for the delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and the said delegates, or such of them so assembled, are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instrument in writing, under their hands and seals, to convey, transfer, assign, and make over, unto the United States in Congress assembled, for the benefit of the said States, all right, title, and claim, as well of soil as jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, subject to the terms and conditions contained in the before-recited act of Congress of the thirteenth day of September last; that is to say, upon condition that the territory so ceded shall be laid out

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and formed into States, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: and that the States so formed shall be distinct republican States, and admitted members of the Federal Union; having the same rights of sovereignty, freedom, and independence, as the other States.

"That the necessary and reasonable expenses incurred by this State, in subduing any British posts, or in maintaining forts and garrisons within, and for the defence, or in acquiring any part of, the territory so ceded or relinquished, shall be fully reimbursed by the United States: and that one commissioner shall be appointed by Congress, one by this Commonwealth, and another by those two commissioners, who, or a majority of them, shall be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expenses incurred by this State, which they shall judge to be comprised within the intent and meaning of the act Congress, of the tenth of October, one thousand seven hundred and eighty, respecting such expenses. That the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this State, shall be allowed and granted to the then colonel, now General George Rogers Clarke, and to the officers and soldiers of his regiment, who marched with him when the post of Kaskaskies and St. Vincents were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place, on the northwest side of the Ohio, as a majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion, according to the laws of Virginia. That in case the quantity of good land on the southeast side of the Ohio, upon the waters of Cumberland River, and between the Green River and Tennessee River, which have been reserved by law for the Virginia troops, upon continental establishment, should, from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops, in good lands, to be laid off between the rivers Scioto and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the Confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever. *Provided,* That the trust hereby reposed in the delegates of this State, shall not be executed unless three of them at least are present in Congress.

"And whereas the said general assembly, by their resolution of June sixth, one thousand seven hundred and eighty-three, had constituted and appointed us, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, delegates to represent the said Commonwealth in Congress for one year, from the first Monday in November then next following, which resolution remains in full force:

"Now, therefore, know ye, that we, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, by virtue of the power and authority committed to us by the act of the said general assembly of Virginia, before recited, and in the name, and for and on behalf of the said Commonwealth, do, by these presents, convey, transfer, assign, and make over, unto the United States, in Congress assembled, for the benefit of the said States, Virginia inclusive, all right, title and claim, as well of soil as jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, to and for the uses and purposes and on the conditions of the said recited act. In testimony whereof, we have hereunto subscribed our names and affixed our seals, in Congress, the first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and of the Independence of the United States the eighth."

Resolved, That the United States in Congress assembled are ready to receive this deed, whenever the delegates of the State of Virginia are ready to execute the same.

The delegates of Virginia then proceeded and signed, sealed, and delivered the said deed; whereupon Congress came to the following resolution:

Resolved, That the same be recorded and enrolled among the acts of the United States, in Congress assembled.

July 7, 1786, Congress asked of Virginia alterations of the conditions of the above

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act of cession on account of difficulty in forming the lands into States with boundaries as contemplated by the deed of cession.

Resolved, That it be, and it hereby is, recommended to the legislature of Virginia to take into consideration their act of cession, and revise the same so far as to empower the United States in Congress assembled to make such a division of the territory of the United States lying northerly and westerly of the river Ohio, into distinct republican States, not more than five, nor less than three, as the situation of that country and future circumstances may require; which States shall hereafter become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the original States, in conformity with the resolution of Congress of the 10th of October, 1780.

July 13, 1787, Congress passed the ordinance for the government of the territory northwest of the river Ohio, which embraced the above proposition as to the number of States in the Virginia cession.

December 30, 1788, the State of Virginia passed the following:

[Act of Virginia of 30th December, 1788.]

Whereas the United States, in Congress assembled, did, on the seventh day of July, in the year of our Lord one thousand seven hundred and eighty-six, state certain reasons, shewing that a division of the territory which hath been ceded to the said United States, by this Commonwealth, into States, in conformity to the terms of cession, should the same be adhered to, would be attended with many inconveniences, and did recommend a revision of the act of cession, so far as to empower Congress to make such a division of the said territory into distinct and republican States, not more than five nor less than three in number, as the situation of that country and future circumstances might require. And the said United States, in Congress assembled, have, in an ordinance for the government of the territory northwest of the river Ohio, passed on the thirteenth of July, one thousand seven hundred and eighty-seven, declared the following as one of the articles of compact between the original States and the people and States in the said territory, viz:

"ARTICLE 5. There shall be formed in the said territory not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western State in the said territory shall be bounded by the Mississippi, the Ohio, and Wabash Rivers; a direct line drawn from the Wabash and Post Vincent's, due north to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincent's to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania and the said territorial line: *Provided, however,* and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authoity to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided,* the constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand."

And it is expedient that this Commonwealth do assent to the proposed alteration, so as to ratify and confirm the said article of compact between the original States and the people and States in the said territory:

2. *Be it therefore enacted by the general assembly,* That the afore-recited article of compact between the original States and the people and States in the territory northwest of Ohio River be, and the same is hereby, ratified and confirmed, anything to the contrary in the deed of cession of the said territory by this Commonwealth to the United States notwithstanding.

CESSION BY THE STATE OF MASSACHUSETTS.

November 13, 1784, the general court of Massachusetts authorized all her delegates in Congress to make a cession of her claim to western lands to the United States, and

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an additional act was passed March 17, 1785, to permit any two delegates in Congress to make the transfer.

April 19, 1785, the Congress agreed to receive and accept the cession. Massachusetts by her deed surrendered claim to the territory claimed to be within the limits of the Massachusetts charter, west of a meridian passing twenty miles west of the Niagara River, the present west boundary of the State of New York, and embraced the land from the State of Pennsylvania, near the parallel 42° 2′ north latitude, and running along it westward to the Mississippi River. Her claim was a strip of land seventy or eighty miles in width lying west of the State of New York and from thence to the Mississippi River; its southern boundary being the latitude of the western extremity of the present State of Massachusetts, and its northern boundary the latitude of a league north of the inflow of Lake Winnipiseogee, in the State of New Hampshire, viz, 43° 43″ 12′ north latitude, and claim to the "Erie Purchase."

The lands claimed now form the southern portion of the State of Wisconsin, the extreme north of the State of Illinois, and the southern part of the State of Michigan. Also, a small portion on Lake Erie, just west of New York, being a triangular piece of land, also claimed by the State of New York, containing 315.91 square miles, which was sold by the United States to the State of Pennsylvania March 3, 1792, for $151,-640.25, or seventy-five cents per acre. These lands are now in the county of Erie, State of Pennsylvania, and patent was issued therefor by the President. It is known as the "Erie Purchase," and contained 202,187 acres.

Deed of cession.

To all who shall see these presents, we, Samuel Holten and Rufus King, the underwritten delegates for the Commonwealth of Massachusetts in the Congress of the United States of America, send greeting:

Whereas the general court of Massachusetts, on the thirteenth day of November, in the year of our Lord one thousand seven hundred and eighty-four, passed an act, entitled "An act empowering the delegates of this Commonwealth in the United States in Congress assembled to relinquish to the United States certain lands, the property of this Commonwealth," in the words following: "Whereas several of the States in the Union have at present no interest in the great and extensive tract of uncultivated country, lying in the westerly part of the United States; and it may be reasonable that the States above mentioned should be interested in the aforesaid country: Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, That the delegates of this Commonwealth in the United States in Congress assembled, or any three of the said delegates, be, and they hereby are, authorized and empowered, for and in behalf of this Commonwealth, to cede or relinquish, by authentic conveyance or conveyances, to the United States, to be disposed of for the common benefit of the same, agreeably to a resolve of Congress of October the tenth, one thousand seven hundred and eighty, such part of that tract of land, belonging to this Commonwealth, which lies between the river Hudson and Mississippi, as they may think proper, and to make the said cession in such manner, and on such conditions as shall appear to them to be most suitable." And whereas the said general court, on the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, passed one other act, entitled "An act in addition to an act entitled an act empowering the delegates of this Commonwealth in the United States in Congress assembled, to relinquish to the United States certain lands, the property of this Commonwealth," in the words following: "Whereas by the act aforesaid, three delegates representing this State in Congress are necessary to make the cession aforesaid, and it may be necessary that the said business should be performed by a less number of the said delegates, Be it therefore enacted by the senate and house of representatives in general court assembled, and by the authority of the same, That any two delegates representing this Commonwealth in Congress be, and hereby are, authorized and empowered to do and perform all matters and things which by the act aforesaid might be done and performed by any three delegates as aforesaid, any thing in the aforesaid act notwithstanding." And whereas the said general court, on the seventeenth day of June, in the aforesaid year of our Lord one thousand seven hundred and eighty-four, did nominate and appoint the aforesaid Samuel Holten, and on the third day of November following the aforesaid Rufus King, delegates to represent the said Commmonwealth of Massachusetts in the Congress of the United States of America for one year from the first Monday of November, in the said year one thousand seven hundred and eighty-four, which appointment remains in full force: Now, therefore, know ye that we, the said Samuel Holten and Rufus King, by virtue of the power

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and authority to us committed by the said acts of the general court of Massachusetts before recited, in the name, and for and on behalf of the said Commonwealth of Massachusetts, do, by these presents, assign, transfer, quit claim, cede, and convey, to the United States of America, for their benefit, Massachusetts inclusive, all right, title, and estate of and in, as well the soil as the jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Massachusetts charter situate and lying west of the following line, that is to say, a meridian line to be drawn from the forty-fifth degree of north latitude through the westerly bent or inclination of Lake Ontario, thence by the said meridian line to the most southerly side line of the territory contained in the Massachusetts charter; but if on experiment the above-described meridian line shall not comprehend twenty miles due west from the most westerly bent or inclination of the river or strait of Niagara, then we do by these presents, by virtue of the power and authority aforesaid, in the name and on behalf of the said Commonwealth of Massachusetts, transfer, quit claim, cede, and convey to the United States of America, for their benefit, Massachusetts inclusive, all right, title, and estate, of and in as well the soil as the jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Massachusetts charter, situate and lying west of the following line, that is to say, a meridian line to be drawn from the forty-fifth degree of north latitude through a point twenty miles due west from the most westerly bent or inclination of the river or strait of Niagara; thence by the said meridian line to the most southerly side line of the territory contained in the Massachusetts charter aforesaid, for the purposes in the said recited acts declared, and to the uses in a resolve of Congress, of the tenth day of October, one thousand seven hundred and eighty, mentioned.

In testimony whereof we have hereunto subscribed our names, and affixed our seals in Congress, this nineteenth day of April, in the year of our Lord one thousand seven hundred and eighty-five, and of the Independence of the United States of America the ninth.

S. HOLTEN.
RUFUS KING.

Signed, sealed, and delivered in the presence of
BENJAMIN BANKSON, JUN.,
JOHN FISHER,
ROBERT PATTON.

The delegates for Massachusetts having executed the above deed of cession, Congress, April 19, 1785, passed the following:

Resolved, That Congress accept said deed of cession; and that the same be recorded and enrolled among the acts of the United States in Congress assembled.

CESSION FROM THE STATE OF CONNECTICUT.

October 10, 1780, Connecticut tendered cession of her claims to western lands to the United States with certain restrictions as to jurisdiction and other subjects, which was refused on account of unsatisfactory conditions.

On the second Thursday of May, 1786, the legislature of the State authorized her delegates in Congress to make a cession of her western lands with certain conditions.

May 26, 1786, the Congress resolved to accept the proposed cession when duly made.

Connecticut's cession of September 13, 1786, yielded to the United States both soil and jurisdiction over her claims west of a meridian passing one hundred and twenty miles west of the west boundary of Pennsylvania, and extending westward to the Mississippi River, being a strip of land having the parallel 41° north latitude for its southern boundary and the parallel 42° 2′ north latitude for its northern boundary, and now forming a portion of the northern part of the States of Illinois, Indiana, and Ohio to the meridian one hundred and twenty miles west of Pennsylvania and the southern portion of the State of Michigan.

Deed of cession.

To all who shall see these presents, we, William Samuel Johnson and Jonathan Sturges, the underwritten delegates for the State of Connecticut in the Congress of the United States, send greeting:

Whereas the general assembly of the State of Connecticut, on the second Thursday of May, in the year of our Lord one thousand seven hundred and eighty-six, passed an act in the following words, viz: "Be it enacted by the governor, council, and rep-

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resentatives, in general court assembled, and by the authority of the same, That the delegates of this State, or any two of them, who shall be attending the Congress of the United States, be and they are hereby directed, authorized, and fully empowered, in the name and behalf of this State, to make, execute, and deliver, under their hands and seals, an ample deed of release and cession of all the right, title, interest, jurisdiction, and claim, of the State of Connecticut, to certain western lands, beginning at the completion of the forty-first degree of north latitude, one hundred and twenty miles west of the western boundary line of the Commonwealth of Pennsylvania, as now claimed by said Commonwealth, and from thence by a line drawn north, parallel to, and one hundred and twenty miles west of the said west line of Pennsylvania, and to continue north until it comes to forty-two degrees and two minutes north latitude. Whereby all the right, title, interest, jurisdiction, and claim, of the State of Connecticut, to the lands lying west of said line to be drawn as aforementioned, one hundred and twenty miles west of the western boundary line of the Commonwealth of Pennsylvania, as now claimed by said Commonwealth, shall be included, released, and ceded to the United States in Congress assembled, for the common use and benefit of the said States, Connecticut inclusive." Now, therefore, know ye, that we, the said William Samuel Johnson and Jonathan Sturges, by virtue of the power and authority to us committed by the said act of the general assembly of Connecticut, before recited, in the name and for and on behalf of the said State of Connecticut, do, by these presents, assign, transfer, quit claim, cede, and convey to the United States of America, for their benefit, Connecticut inclusive, all the right, title, interest, jurisdiction, and claim, which the said State of Connecticut hath in and to the beforementioned and described territory or tract of country, as the same is bounded and described in the said act of assembly, for the uses in the said recited act of assembly declared.

In witness whereof, we have hereunto set our hands and seals, this thirteenth day of September, in the year of our Lord one thousand seven hundred and eighty-six, and of the sovereignty and Independence of the United States of America the eleventh.

WILL. SAM. JOHNSON. [L. S.]
JONATHAN STURGES. [L. S.]

Signed, sealed, and delivered, in presence of
CHA. THOMSON.
ROGER ALDEN.
JAS. MATHERS.

The delegates from Connecticut having executed the above deed, Congress, September 14, 1786, passed the following:

Resolved, That Congress accept the said deed of cession; and that the same be recorded and enrolled among the acts of the United States in Congress assembled.

CESSION OF THE WESTERN RESERVE OF CONNECTICUT.

Connecticut reserved by the above deed both soil and jurisdiction over a tract of her western lands lying between the western boundary of the State of Pennsylvania and the then eastern boundary of her cession, being a point one hundred and twenty miles west of Pennsylvania's western boundary, comprising a strip between the above boundaries one hundred and twenty miles long and irregular in width, lying between the parallels 41° and 42° 2′ north, being the northeastern portion of the present State of Ohio, and known as the "Western Reserve" of Connecticut in Ohio, which, with the "Fire lands," contained about 3,800,000 acres.

In October, 1797, Connecticut, by act of her legislature, tendered to the United States a release of jurisdiction over this tract known as the "Western Reserve," being the tract reserved in the deed to the United States of September 13, 1786, the State to retain the right of soil.

April 28, 1800, the Congress of the United States passed an act authorizing the President to accept the cession of jurisdiction by Connecticut for the "Western Reserve," as follows:

AN ACT to authorize the President of the United States to accept, for the United States, a cession of jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is, authorized to execute and deliver letters-patent, in the name and behalf of the United States, to the governor of the State of Connecticut for the time being, for the use and

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benefit of the persons holding and claiming under the State of Connecticut, their heirs and assigns forever, whereby all the right, title, interest, and estate of the United States to the soil of that tract of land lying west of the west line of Pennsylvania, as claimed by the State of Pennsylvania, and as the same has been actually settled, ascertained, and run, in conformity to an agreement between the said State of Pennsylvania and the State of Virginia, and extending from said line westward one hundred and twenty statute miles in length, and in breadth throughout the said limits in length from the completion of the forty-first degree of north latitude, until it comes to forty-two degrees and two minutes north latitude, including all that territory commonly called the Western Reserve of Connecticut, and which was excepted by said State of Connecticut out of the cession by the said State heretofore made to the United States, and accepted by a resolution of Congress of the fourteenth of September, one thousand seven hundred and eighty-six, shall be released and conveyed, as aforesaid, to the said governor of Connecticut, and his successors in said office, forever, for the purpose of quieting the grantees and purchasers under said State of Connecticut, and confirming their titles to the soil of the said tract of land.

Provided, however, That such letters-patent shall not be executed and delivered, unless the State of Connecticut shall, within eight months from passing this act, by a legislative act, renounce, forever, for the use and benefit of the United States, and of the several individual States who may be therein concerned, respectively, and of all those deriving claims or titles from them, or any of them, all territorial and jurisdictional claims whatever, under any grant, charter or charters whatever, to the soil and jurisdiction of any and all lands whatever lying westward, northwestward, and southwestward of those counties in the State of Connecticut, which are bounded westwardly by the eastern line of the State of New York, as ascertained by agreement between Connecticut and New York, in the year one thousand seven hundred and thirty-three, excepting only from such renunciation the claim of said State of Connecticut, and of those claiming from or under the said State, to the soil of said tract of land herein described under the name of the Western Reserve of Connecticut.

And provided also, That the said State of Connecticut shall, within the said eight months from and after passing this act, by the agent or agents of said State, duly authorized by the legislature thereof, execute and deliver to the acceptance of the President of the United States, a deed expressly releasing to the United States the jurisdictional claim of the said State of Connecticut, to the said tract of land herein described under the name of the Western Reserve of Connecticut, and shall deposit an exemplification of said act of renunciation, under the seal of the said State of Connecticut, together with said deed releasing said jurisdiction, in the office of the Department of State of the United States; which deed of cession, when so deposited, shall vest the jurisdiction of said territory in the United States: *Provided,* That neither this act, nor anything contained therein, shall be construed so as in any manner to draw into question the conclusive settlement of the dispute between Pennsylvania and Connecticut, by the decree of the Federal court at Trenton, nor to impair the right of Pennsylvania or any other State, or of any person or persons claiming under that or any other State, in any existing dispute concerning the right, either of soil or of jurisdiction, with the State of Connecticut, or with any person or persons claiming under the State of Connecticut: *And provided also,* That nothing herein contained shall be construed in any manner to pledge the United States for the extinguishment of the Indian title to the said lands, or further than merely to pass the title of the United States thereto.

May, 1800, second Thursday, Connecticut passed an act of renunciation of jurisdictional claim over and to the Western Reserve of Connecticut in Ohio in compliance with the act of Congress of April 28, 1800.

May 30, 1800, Jonathan Trumbull, governor of Connecticut, by deed and act completed title to the jurisdiction of the United States over the Western Reserve.

Deed and act of Connecticut.

To all who shall see these presents, I, Jonathan Trumbull, governor of the State of Connecticut, send greeting:

Whereas the general assembly of the State of Connecticut, at their session holden in Hartford on the second Thursday of May, one thousand and eight hundred, passed an act entitled "An act renouncing the claims of this State to certain lands therein mentioned," in the words following, to wit: "Whereas the Congress of the United States, at their session begun and holden in the city of Philadelphia, on the first Monday of December, in the year one thousand seven hundred and ninety-nine, made and passed an act in the words following, to wit: [here follows the act of Congress of the 28th of April, 1800:] therefore, in consideration of the terms, and in compliance with the provisions and conditions of the said act, Be it enacted by the governor and council, and

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house of representatives, in general court assembled, that the State of Connecticut doth hereby renounce forever for the use and benefit of the United States, and of the several individual States, who may be therein concerned respectively, and of all those deriving claims or titles from them, or any of them, all territorial and jurisdictional claims whatever, under any grant, charter, or charters whatever, to the soil and jurisdiction of any and all lands whatever, lying westward, northwestward, and southwestward, of those counties in the State of Connecticut, which are bounded westwardly by the eastern line of the State of New York, as ascertained by agreement between Connecticut and New York, in the year one thousand seven hundred and thirty-three; excepting only from this renunciation, the claim of the said State of Connecticut, and of those claiming from or under the said State of Connecticut, to the soil of said tract of land, in said act of Congress described under the name of the Western Reserve of Connecticut. And be it further enacted, That the governor of this State for the time being, be, and hereby is, empowered, in the name and behalf of this State, to execute and deliver to the acceptance of the President of the United States, a deed of the form and tenor directed by the said act of Congress, expressly releasing to the United States the jurisdictional claims of the State of Connecticut, to all that territory called the Western Reserve of Connecticut, according to the description thereof in said act of Congress, and in as full and ample manner as therein is required.

Therefore, know ye, that I, Jonathan Trumbull, governor of the State of Connecticut, by virtue of the powers vested in me, as aforesaid, do, by these presents, in the name and for and on behalf of the said State, remise, release, and forever quit claim, to the United States, the jurisdictional claim of the State of Connecticut, to all that tract of land called in the aforesaid act of Congress, the Western Reserve of Connecticut, and as the same therein under that name is particularly and fully described.

In witness whereof, I have hereunto subscribed my name, and affixed my seal, in the council chamber at Hartford, in the State of Connecticut, this thirtieth day of May, in the year of our Lord one thousand eight hundred, and in the twenty-fourth year of the Independence of the United States.

JONATHAN TRUMBULL. [L. S.]

The act of April 28, 1800, was, in effect, an act to quiet title, and gave grantees and holders from Connecticut the warrant of a United States patent.

CESSION FROM THE STATE OF SOUTH CAROLINA.

March 8, 1787, the general assembly of the State of South Carolina authorized her delegates in Congress to convey to the United States all western territory held and claimed by her.

August 9, 1787, the Congress passed a resolution of acceptance of the cession, as follows:

Resolved, That Congress are ready to accept the cession of the claim of the State of South Carolina, to the tract of country described in the act of said State, whenever the delegates will execute a deed, conformable to said act.

The lands ceded by South Carolina and claimed under her charter and known as her western territory were embraced in an oblong strip from twelve to fourteen miles wide, extending from her northwestern boundary as it now is along and south of the thirty-fifth degree of north latitude, to the Mississippi River, and now lie in and form the extreme northern portion of the States of Georgia, Alabama, and Mississippi.

By virtue of the powers in them vested the delegates of the State of South Carolina, for and in behalf of the said State, executed the following deed of cession to the United States of America:

Deed of cession.

To all who shall see these presents, we, John Kean and Daniel Huger, the underwritten delegates for the State of South Carolina, in the Congress of the United States, send greeting:

Whereas the general assembly of the State of South Carolina, on the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, passed an act in the words following, viz: "An act to authorize the delegates of this State in Congress to convey to the United States in Congress assembled, all the right of this State to the territory herein described: Whereas the Congress of the United States did, on the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several States in the Union having claims to western territory to make a liberal cession to the United States of a portion of their respective claims for the common benefit of the Union; and whereas this State is willing to adopt every measure

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which can tend to promote the honor and dignity of the United States, and strengthen their Federal Union: Be it therefore enacted by the honorable the senate and house of representatives in general assembly met and sitting and by the authority of the same, That it shall and may be lawful for the delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and they are hereby fully authorized and empowered for and on behalf of this State, by proper deeds or instruments in writing, under their hands and seals, to convey, transfer, assign, and make over unto the United States in Congress assembled, for the benefit of the said States, all right, title, and claim, as well of soil as jurisdiction, which this State hath to the territory or tract of country within the limits of the charter of South Carolina, situate, lying, and being within the boundaries and lines hereinafter described; that is to say, all the territory or tract of country included within the river Mississippi and a line beginning at that part of the said river which is intersected by the southern boundary line of the State of North Carolina, and continuing along the said boundary line until it intersects the ridge or chain of mountains which divides the eastern from the western waters, then to be continued along the top of the said ridge of mountains until it intersects a line to be drawn due west from the head of the southern branch of Tugoloo River to the said mountains, and thence to run a due west course to the river Mississippi. In the senate house, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America. John Lloyd, president of the senate; John Julius Pringle, speaker of the house of representatives." And whereas the said John Kean and Daniel Huger were, on the sixth day of March, one thousand seven hundred and eighty-seven, elected delegates to represent the State of South Carolina, according to the law of said State, in the Congress of the United States until the first Monday in November in the said year one thousand seven hundred and eighty-seven, which election remains in full force, and the said John Kean and Daniel Huger are the lawful delegates of said State, in the Congress of the United States: Now, therefore, know ye, that we, the said John Kean and Daniel Huger, by virtue of the power and authority to us committed by the said act of the general assembly of South Carolina before recited, in the name and for and in behalf of the State of South Carolina, do by these presents assign, transfer, quit claim, cede, and convey to the United States of America for their benefit (South Carolina inclusive), all the right, title, interest, jurisdiction, and claim which the State of South Carolina hath in and to the before mentioned and described territory or tract of country as the same is bounded and described in the said act of assembly, for the uses in the said recited act of assemblv declared.

In witness whereof, we have hereunto set our hands and seals, this ninth day of August, in the year of our Lord one thousand seven hundred and eighty-seven, and of the sovereignty and Independence of America the twelfth.

JOHN KEAN. [L. S.]
DANIEL HUGER. [L. S.]

Signed, sealed, and delivered, in presence of
CHARLES THOMSON,
ROGER ALDEN,
BENJAMIN BANKSON.

In the Congress August 9, 1787, this cession was accepted.

CESSION FROM THE STATE OF NORTH CAROLINA.

North Carolina was the first State to make a cession of western lands to the Government of the United States under the Constitution of 1789.

December 22, 1789, by act of assembly, the State of North Carolina authorized her Senators and Representatives in Congress to make cession to the United States of her western territory.

February 25, 1790, a deed of cession was offered on behalf of North Carolina, by Samuel Johnston and Benjamin Hawkins, Senators in Congress.

The western territory claimed and ceded by the State of North Carolina was embraced within the zone lying to the west of her western boundary with the thirty-fifth parallel north latitude for its southern boundary, and the parallel 36° 30′ north latitude for its northern boundary, being the territory now constituting the area of the present State of Tennessee.

The act of cession contained ten conditions.

Act accepting deed of cession from North Carolina, April 2, 1790.

AN ACT to accept a cession of the claim of the State of North Carolina to a certain district of western territory.

A deed of cession having been executed, and in the Senate offered for acceptance

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to the United States, of the claims of the State of North Carolina, to a district of territory therein described; which deed is in the words following, viz:

"To all who shall see these presents: We, the underwritten Samuel Johnston and Benjamin Hawkins, Senators in the Congress of the United States of America, duly and constitutionally chosen by the legislature of the State of North Carolina, send greeting:

"Whereas the general assembly of the State of North Carolina, on the [22d] day of December, in the year of our Lord one thousand seven hundred and eighty-nine, passed an act, entituled "An act for the purpose of ceding to the United States of America certain western lands therein described," in the words following, to wit:

"Whereas the United States, in Congress assembled, have repeatedly and earnestly recommended to the respective States in the Union, claiming or owning vacant western territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received: Now this State, being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens:

"Be it enacted by the general assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Senators of this State, in the Congress of the United States, or one of the Senators and any two of the Representatives of this State, in the Congress of the United States, are hereby authorized, empowered and required to execute a deed or deeds on the part and behalf of this State, conveying to the United States of America, all right, title, and claim which this State has to the sovereignty and territory of the lands situated within the chartered limits of this State, west of a line beginning on the extreme height of the Stone Mountain, at the place where the Virginia line intersects it; running thence along the extreme height of the said mountain, to the place where Watauga River breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to where Nolichucky River runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of the said mountain, to the Painted Rock, on French Broad River; thence along the highest ridge of the said mountain, to the place where it is called the Great Iron or Smoaky Mountain; thence along the extreme height of the said mountain, to the place where it is called the Unicoy or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain, to the southern boundary of this State, upon the following express conditions, and subject thereto—that is to say: First, that neither the lands nor inhabitants westward of the said mountain, shall be estimated, after the cession made by virtue of this act shall be accepted, in the ascertaining the proportion of this State with the United States, in the common expense occasioned by the late war; secondly, that the lands laid off, or directed to be laid off, by any act or acts of the general assembly of this State, for the officers and soldiers thereof, their heirs and assigns respectively, shall be and enure to the use and benefit of the said officers, their heirs and assigns respectively; and if the bounds of the said lands already prescribed for the officers and soldiers of the continental line of this State, shall not contain a sufficient quantity of lands fit for cultivation, to make good the several provisions intended by law, that such officer or soldier, or his assignee, who shall fall short of his allotment or proportion, after all the lands fit for cultivation, within the said bounds, are appropriated, be permitted to take his quota, or such part thereof as may be deficient, in any other part of the said territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then, and in that case, the governor for the time being shall, and he is hereby required to, perfect, from time to time, such titles, in such manner as if this act had never been passed. And that all entries made by, or grants made to, all and every person or persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made; and that all and every right of occupancy and preemption, and every other right reserved by any act or acts to persons settled on, and occupying lands within the limit of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force, in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States. And further, it shall be understood, that if any person or persons shall have, by virtue of the act, entituled "An act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty three, made his or their entry in the office usually called John Armstrong's office, and located the same to any spot or piece of ground

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on which any other person or persons shall have previously located any entry or entries, that then, and in that case, the person or persons having made such entry or entries, or their assignee or assignees, shall have leave and be at full liberty to remove the location of such entry or entries to any lands on which no entry has been specially located, or on any vacant lands included within the limits of the lands hereby intended to be ceded: Provided, That nothing herein contained shall extend, or be construed to extend, to the making good any entry or entries, or any grant or grants heretofore declared void, by any act or acts of the general assembly of this State. Thirdly, that all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund, for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever. Fourthly, that the territory so ceded, shall be laid out and formed into a State or States, containing a suitable extent of territory, the inhabitants of which shall enjoy all the privileges, benefits, and advantages set forth in the ordinance of the late Congress for the government of the western territory of the United States, that is to say: Whenever the Congress of the United States shall cause to be officially transmitted to the executive authority of this State, an authenticated copy of the act to be passed by the Congress of the United States, accepting the cession of territory made by virtue of this act, under the express conditions hereby specified, the said Congress shall, at the same time, assume the government of the said ceded territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio; shall protect the inhabitants against enemies, and shall never bar or deprive them of any privileges which the people in the territory west of the Ohio enjoy: Provided, always, That no regulations made, or to be made, by Congress shall tend to emancipate slaves. Fifthly, that the inhabitants of the said ceded territory shall be liable to pay such sums of money, as may, from taking their census, be their just proportion of the debt of the United States, and the arrears of the requisitions of Congress on this State. Sixthly, that all persons indebted to this State, residing in the territory intended to be ceded by virtue of this act, shall be held and deemed liable to pay such debt or debts in the same manner, and under the same penalty or penalties, as if this act had never been passed. Seventhly, that if the Congress of the United States do not accept the cession hereby intended to be made, in due form, and give official notice thereof to the executive of this State, within eighteen months from the passing of this act, then this act shall be of no force or effect whatsoever. Eighthly, that the laws in force and use in the State of North Carolina, at the time of passing this act, shall be and continue in full force within the territory hereby ceded until the same shall be repealed or otherwise altered by the legislative authority of the said territory. Ninthly, that the lands of non-resident proprietors within the said ceded territory shall not be taxed higher than the lands of residents. Tenthly, that this act shall not prevent the people now residing South of French Broad, between the rivers Tennessee and Big Pigeon, from entering their pre-emptions in that tract, should an office be opened for that purpose, under an act of the present general assembly. And be it further enacted by the authority aforesaid, That the sovereignty and jurisdiction of this State, in and over the territory aforesaid, and all and every the inhabitants thereof, shall be and remain the same in all respects, until the Congress of the United States shall accept the cession to be made by virtue of this act, as if this act had never passed.

"Read three times, and ratified in general assembly the —— day of December, A. D. 1789.

"CHAS. JOHNSON, *Sp. Sen.*
"S. CABARRUS, *Sp. H. C.*

"Now, therefore, know ye, that we, Samuel Johnston and Benjamin Hawkins, Senators aforesaid, by virtue of the power and authority committed to us by the said act, and in the name, and for and on behalf of the said State, do, by these presents, convey, assign, transfer, and set over, unto the United States of America, for the benefit of the said States, North Carolina inclusive, all right, title, and claim which the said State hath to the sovereignty and territory of the lands situated within the chartered limits of the said State, as bounded and described in the above-recited act of the general assembly, to and for the uses and purposes, and on the conditions mentioned in the said act.

"In witness whereof, we have hereunto subscribed our names and affixed our seals, in the Senate Chamber at New York, this twenty-fifth day of February, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the United States of America. "SAM. JOHNSTON. [L. S.]
"BENJ. HAWKINS. [L. S.]

"Signed, sealed, and delivered in the presence of
"SAM. A. OTIS."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said deed be, and the same is hereby, accepted.

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CESSION FROM THE STATE OF GEORGIA.

The seventh and last State to make a cession to the United States by virtue of holding under charter grants was the State of Georgia.

February 5, 1788, the assembly of Georgia authorized her delegates in Congress to make cession of her western territory to the United States. This tender was for territory which was substantially embraced within the British province of West Florida, and lay north of the thirty-first parallel of north latitude, and which had been defined and its boundaries altered upon recommendation of the British board of trade March 23, 1764, from Whitehall. This province was created by proclamation of King George III., October 7, 1763, after the treaty of Paris, February 10, 1763. The colony of Georgia, at that time, lay to the east of this new colony and had annexed to it by the same proclamation all the lands lying between the rivers Altamaha and Saint Mary's

Congress by resolution July 15, 1788, rejected the proposition.

April 7, 1798, the Congress of the United States passed an act for an amicable settlement of limits within the State of Georgia and authorizing the establishment of a government in the Mississippi territory, viz:

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he hereby is, authorized to appoint three commissioners, any two of whom shall have power to adjust and determine, with such commissioners as may be appointed under the legislative authority of the State of Georgia, all interfering claims of the United States and that State to territory situate west of the river Chatahouchee, north of the thirty-first degree of north latitude, and south of the cession made to the United States, by South Carolina; and also, to receive any proposals for the relinquishment or cession of the whole or any part of the other territory claimed by the State of Georgia, and out of the ordinary jurisdiction thereof.

SEC. 2. *And be it further enacted,* That all the lands thus ascertained as the property of the United States, shall be disposed of in such manner as shall be hereafter directed by law; and the nett proceeds thereof shall be applied to the sinking and discharging the public debt of the United States, in the same manner as the proceeds of the other public lands in the territory northwest of the river Ohio.

SEC. 3. *Be it further enacted,* That all that tract of country bounded on the west by the Mississippi; on the north by line to be drawn due east from the mouth of the Yazous to the Chatahouchee River; on the east by the river Chatahouchee; and on the south by the thirty-first degree of north latitude, shall be, and hereby is, constituted one district, to be called the Mississippi Territory.

The present area of the States of Alabama and Mississippi (except a strip on the north of the State, which was ceded by South Carolina), north of the thirty-first degree of north latitude, was contained in the Territory of Mississippi.

Section 5 of the act provided "that the establishment of this government shall in no respect impair the right of the State of Georgia, or of any person or persons, either to the jurisdiction or the soil of the said territory; but the rights and claims of the said State, and all persons interested, are hereby declared to be as firm and available as if this act had never been made."

Under this act President Adams appointed James Madison, Albert Gallatin, and Levi Lincoln commissioners on behalf of the United States, and James Jackson, Abraham Baldwin, and John Milledge were appointed commissioners by the State of Georgia.

After all the testimony as to the Yazoo claims was in, and reports had been examined, May 10, 1800, the Congress of the United States, by an act supplemental to the act of April 7, 1798, in the tenth section, provided:

SEC. 10. *And be it further enacted,* That it shall be lawful for the commissioners appointed, or who may hereafter be appointed, on the part of the United States, in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia and authorizing the establishment of a government in the Mississippi Territory," or any two of them, finally to settle, by compromise, with the commissioners which have been, or may be, appointed by the State of Georgia, any claims mentioned in said act, and to receive, in behalf of the United States, a cession of any lands therein mentioned, or of the jurisdiction thereof, on such terms as to them shall appear reasonable; and, also, that the said commissioners on the part of the United States, or any two of them, be authorized to inquire into the claims which are, or shall be, made by

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settlers, or any other persons whatsoever, to any part of the aforesaid lands, and to receive from such settlers and claimants any propositions of compromise which may be made by them, and lay a full statement of the claims, and the propositions which may be made to them, by the settlers or claimants, to any part of the said lands, together with their opinion thereon, before Congress, for their decision thereon, as soon as may be: *Provided*, That the settlement shall be made and completed before the fourth day of March, one thousand eight hundred and three: *And provided also*, That the said commissioners shall not contract for the payment of any money from the Treasury of the United States to the State of Georgia, other than the proceeds of the same lands.

April 24, 1802, Georgia ceded to the United States her claims to the entire territory west of her present western boundary (deducting the South Carolina cession on the north) and the river Mississippi.

The United States ceded to Georgia the strip of land twelve miles wide, ceded by South Carolina to the Nation, now being the extreme northern part of the State, estimated to contain fifteen hundred square miles.

Articles of agreement and cession between the United States and Georgia.

Articles of agreement and cession, entered into on the twenty-fourth day of April, one thousand eight hundred and two, between the commissioners appointed on the part of the United States, by virtue of an act entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory," and of the act supplemental to the last-mentioned act, on the one part; and the commissioners appointed on the part of the State of Georgia, by virtue of an act, entitled "An act to carry the twenty-third section of the first article of the constitution into effect," and of the act to amend the last-mentioned act, on the other part.

ARTICLE 1. The State of Georgia cedes to the United States all the right, title, and claim, which the said State has to the jurisdiction and soil of the lands situated within the boundaries of the United States, south of the State of Tennessee, and west of a line beginning on the western bank of the Chatahouchee River, where the same crosses the boundary line between the United States and Spain; running thence up the said river Chatahouchee, and along the western bank thereof to the great bend thereof, next above the place where a certain creek or river, called "Uchee" (being the first considerable stream on the western side, above the Cussetas and Coweta towns), empties into the said Chatahouchee River; thence in a direct line to Nickajack, on the Tennessee River; thence crossing the said last mentioned river, and thence running up the said Tennessee River, and along the western bank thereof, to the southern boundary line of the State of Tennessee; upon the following express conditions, and subject thereto, that is to say:

First. That out of the first net proceeds of the sales of the lands thus ceded, which net proceeds shall be estimated by deducting, from the gross amount of sales, the expenses incurred in surveying, and incident to the sale, the United States shall pay, at their Treasury, one million and two hundred and fifty thousand dollars to the State of Georgia, as a consideration for the expenses incurred by the said State, in relation to the said territory; and that for the better securing as prompt a payment of the said sum as is practicable, a land office for the disposition of the vacant lands thus ceded, to which the Indian title has been, or may hereafter be, extinguished, shall be opened within a twelvemonth after the assent of the State of Georgia to this agreement, as hereafter stated, shall have been declared.

Secondly. That all persons who, on the twenty-seventh day of October, one thousand seven hundred and ninety-five, were actual settlers within the territory thus ceded, shall be confirmed in all grants legally and fully executed prior to that day, by the former British government of West Florida, or by the government of Spain, and in the claims which may be derived from any actual survey or settlement made under the act of the State of Georgia, entitled "An act for laying out a district of land situate on the river Mississippi, and within the bounds of this State, into a county, to be called "Bourbon," passed the seventh day of February, one thousand seven hundred and eighty-five.

Thirdly. That all the lands ceded by this agreement to the United States shall, after satisfying the above-mentioned payment of one million two hundred and fifty thousand dollars to the State of Georgia, and the grants recognized by the preceding conditions, be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever: *Provided, however*, That the United States, for the period and until the end of one year after the assent of Georgia to the boundary established by this agreement shall have been declared, may, in such manner as not to interfere with the above-mentioned payment to the State of Georgia, nor with the grants hereinbefore recognized, dispose of, or appropriate a portion of the said lands, not

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exceeding five millions of acres, or the proceeds of the said five millions of acres, or of any part thereof, for the purpose of satisfying, quieting, or compensating, for any claims other than those hereinbefore recognized, which may be made to the said lands or to any part thereof. It being fully understood, that if an act of Congress making such disposition or appropriation shall not be passed into a law within the above-mentioned period of one year, the United States shall not be at liberty thereafter to cede any part of the said lands on account of claims which may be laid to the same, other than those recognized by the preceding condition, nor to compensate for the same; and in case of any such cession or compensation the present cession of Georgia to the right of soil over the lands thus ceded or compensated for, shall be considered as null and void; and the lands thus ceded or compensated for shall revert to the State of Georgia.

Fourthly. That the United States shall, at their own expense, extinguish, for the use of Georgia, as early as the same can be peacably obtained, on reasonable terms, the Indian title to the county of Talassee, to the lands left out by the line drawn with the Creeks, in the year one thousand seven hundred and ninety-eight, which had been previously granted by the State of Georgia; both which tracts had formerly been yielded by the Indians; and to the lands within the forks of Oconee and Oakmulgee rivers; for which several objects, the President of the United States has directed that a treaty should be immediately held with the Creeks; and that the United States shall, in the same manner, also extinguish the Indian title to all the other lands within the State of Georgia.

Fifthly. That the territory thus ceded shall form a State, and be admitted as such into the Union, as soon as it shall contain sixty thousand free inhabitants, or at an earlier period if Congress shall think it expedient, on the same conditions and restrictions, with the same privileges, and in the same manner, as is provided in the ordinance of Congress of the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the western territory of the United States, which ordinance shall, in all its parts, extend to the territory contained in the present act of cession, that article only excepted which forbids slavery.

ART. 2. The United States accept the cession above mentioned, and on the conditions therein expressed; and they cede to the State of Georgia whatever claim, right, or title they may have to the jurisdiction or soil of any lands, lying within the United States, and out of the proper boundaries of any other State, and situated south of the southern boundaries of the States of Tennessee, North Carolina, and South Carolina, and east of the boundary line hereinabove described, as the eastern boundary of the territory ceded by Georgia to the United States.

ART. 3. The present act of cession and agreement shall be in full force as soon as the legislature of Georgia shall have given its assent to the boundaries of this cession: *Provided*, That the said assent shall be given within six months after the date of these presents, and provided that Congress shall not, during the same period of six months, repeal so much of any former law as authorizes this agreement, and renders it binding and conclusive on the United States. But if either the assent of Georgia shall not be thus given, or if the law of the United States shall be thus repealed within the said period of six months, then, and in either case, these presents shall become null and void.

Signed, &c.

The articles of agreement were ratified by the legislature of the State of Georgia, June 16, 1802.

RATIFICATION BY GEORGIA.

AN ACT to ratify and confirm certain articles of agreement and cession, entered into on the 24th day of April, 1802, between the commissioners of the State of Georgia on the one part, and the commissioners of the United States on the other part.

Whereas the commissioners of the State of Georgia, to wit, James Jackson, Abraham Baldwin, and John Milledge, duly authorized and appointed by and on the part and behalf of the said State of Georgia, and the commissioners of the United States, James Madison, Albert Gallatin, and Levi Lincoln, duly authorized and appointed by and on the part and behalf of the said United States, to make an amicable settlement of limits between the two sovereignties, after a due examination of their respective powers, did, on the twenty-fourth day of April last, enter into a deed of articles and mutual cession, in the words following, to wit: [Here follow the articles of agreement.]

Be it enacted by the senate and house of representatives of the State of Georgia, in general assembly met, and by the authority thereof, That the said deed or articles of agreement and cession be, and the same hereby is and are, fully, absolutely, and amply, ratified and confirmed in all its parts; and hereby is and are declared to be binding and conclusive on the said State, her government, and citizens, forever.

March 3, 1803, the United States by law provided for the sale and disposition of the public domain therein.

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RESERVATIONS MADE BY STATES IN THE DEEDS OF CESSION AND CLAIMS TO LANDS PROTECTED BYCESSIONS.

WESTERN RESERVE OF CONNECTICUT IN OHIO.

The cessions by States were accompanied in some cases by important reservations. The last district ceded by Connecticut, May 30, 1800, having been excluded in the first cession of September 13, 1786, was called the "Western Reserve of Connecticut in Ohio." These lands now lie in the counties of Ashland, Ashtabula, Cuyahoga, Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Ottawa, Portage, Summit, and Trumbull; in all, fourteen counties in the State of Ohio, and contain about 3,800,000 acres. This tract lies to the north of the forty-first parallel north latitude, to Lake Erie, and runs westward 120 miles from the western boundary of the State of Pennsylvania.

"FIRE-LANDS."

About 500,000 acres of this tract, now lying in the counties of Erie, Huron, and Ottawa, in Ohio, and in the western part of the Reserve, Connecticut donated to the use of such of her citizens as suffered (at Danbury and other points) loss by fire and raids by British troops and raiders during the Revolutionary War. These became known as the "Fire-lands." The remainder of the Western Reserve was sold September 9, 1795, by the State of Connecticut to a company—about 3,000,000 acres at forty cents per acre—realizing some $1,200,000, which became the basis of her present common-school fund. These Connecticut reservations aggregated about 3,800,000 acres.

VIRGINIA.

Virginia stipulated that a quantity of lands, not exceeding 150,000 acres, should be laid off in one tract, the length of which should not exceed twice the breadth, to satisfy the claims of General George R. Clarke, and the officers and soldiers under his command in her State service, and which composed his force in his expedition to Illinois, and which had reduced that country. This, according to the terms of the reservation, was selected and located near the falls of the Ohio, and distributed among the claimants according to the laws of Virginia. It now lies in the State of Indiana. Virginia also stipulated for the confirmation of the holdings of the French and Canadian residents at Kaskaskia and Saint Vincents; all of which was afterward affirmed by the United States.

VIRGINIA MILITARY LANDS.

It was further stipulated in this cession that in case the lands in Kentucky, between the Green and Tennessee rivers, which had been reserved to meet the land bounty claims of the Virginia revolutionary officers and soldiers of her continental quota under her laws, should prove inadequate, the deficiency should be supplied in good lands to be selected and surveyed by the claimants themselves in a district allotted them on the north side of the Ohio River and between the Scioto and Little Miami rivers, lying in the present counties of Adams, Auglaize, Brown, Champaign, Clark, Clermont, Clinton, Delaware, Fayette, Franklin, Greene, Hamilton, Hardin, Highland, Logan, Madison, Marion, Pickaway, Pike, Ross, Scioto, Union, and Warren—twenty-three counties known as "the Virginia Military Lands."

The loose method and entire absence of public monuments of survey in the "Virginia Military District," was necessarily productive of many conflicts of title, requiring a long course of litigation to settle.

After a quarter of a century, however, titles became measurably quieted and the march of improvement was accelerated. This district embraces a body of 6,570 square miles or 4,204,800 acres. It was the subject of much legislation on the part of Congress, as the laws show, for a period of fifty years prior to 1871.

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By act of Congress, February 18th, 1871, the unsurveyed and unappropriated lands in this district were ceded to the State of Ohio, each settler thereon to have a pre-emption right of 160 acres. The State of Ohio, March 26, 1872, accepted the grant and conveyed the same to the trustees of the Ohio Agricultural and Mechanical College, for the benefit of that institution. These lands were in the unsettled portions of three counties and also in Pickaway County, viz, in the "Sun-fish hills" of Pike and the "Red Brush" country of Scioto and Adams counties, and amounted to 76,735.44 acres and were appraised at $74,287.45 These lands were sold by an agent of the college, under authority of the State.

NORTH CAROLINA.

The reservations of North Carolina present a singular chapter in the history of the public domain. Among the conditions of transfer it was stipulated that three classes of claims should be satisfied from the public lands ceded by that State before any other disposition of them should be made. These reservations were as follows: 1st. Appropriations of land by the State of North Carolina to her continental and State officers and soldiers, each claimant to select and lay off his legal complement in such locality as he might choose, without reference to any public standards of survey. 2d. Grants of land, whether located upon the soil or not, made to individuals under the laws of the State, including all inceptive or perfected rights, whether acquired by formal entry, by actual occupancy, by pre-emption privilege, or by special reservation. 3d. Entries under the law of 1783, in the office of one John Armstrong, an entry taker, whose legal status it is not easy now to ascertain, conflicting with prior claims; such entries were to be relocated upon unappropriated lands elsewhere.

By a report made to Congress, November 10, 1791, by Jefferson, Secretary of State, it appears that the Indian title within the ceded territory had been extinguished to about 7,500,000 acres, whereas the claims already reported amounted to 8,118,601½ acres, many of them located within the limits guaranteed to the Cherokees and Chickasaws by the treaties of Hopewell and Holston.

The Government of the United States, by treaty, purchase, or conquest, extinguished at different times the Indian title to the remaining lands in Tennessee, but the North Carolina claims absorbed the great mass of the eligible lands. Finding that the remnant would scarce pay expense of disposal, Congress, by act of February 18, 1841, made Tennessee its agent for the disposal of all unappropriated lands within the State, granting to the State any surplus after satisfying the North Carolina claims.

GEORGIA.

The most important conditions in the Georgia cession were: First, payment by the United States to Georgia of $1,200,000 from sale of public lands in said cession. Second, 500,000 acres therein should be set aside, or the proceeds of sale thereof, to satisfy claims against lands in the cession. Third, extinguishment of Indian titles to certain portions of the cession.

YAZOO CLAIMS.

In the efforts of Georgia to make cession of her western lands to the United States, beginning February 5, 1788, there was involved the question of the title of the State to certain lands lying west of her present boundaries. It was claimed by the United States that the State of Georgia was attempting in the proposed cession to cede some territory to which they had no valid or legal claim, and further claimed that certain large claims, pretended to be derived from that State, and known by the name of "Yazoo claims," rendered it important for the United States to prove that a considerable portion of the territory thus claimed was not within the boundaries of Georgia, nor of any other State, at the date of the treaty of peace with Great Britain, September 3, 1783, and became therefore immediately vested in the United States by virtue of that treaty.

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The charter of Carolina having been surrendered to the Crown by the proprietors South Carolina became a regal colony, the boundaries of which might be altered by the Crown according to circumstances. Georgia was accordingly erected into a separate government, and her charter having been surrendered by the trustees, she also became a regal colony. Her southern boundary was originally the Altamaha River, and thence westwardly a parallel of latitude passing by the source of that river. The territory between the rivers Altamaha and Saint Mary's was annexed to it by the King's proclamation of the 7th October, 1763, and, though not positively expressed by that instrument, it appears by the commission of Governor Wright, dated 20th January, 1764, that the jurisdiction extended to the river Mississippi, as far south as the thirty-first degree of north latitude, which, according to the proclamation, formed the northern boundary of the new British province of West Florida. But, on the representation of the board of trade, the boundaries were altered, and it appears from the second commission of Governor Johnstone, of that province, and from those of the subsequent governors, Elliott and Chester, that West Florida, from the 6th day of June, 1764, and thence as long as it continued under the British Government, was bounded on the north by a parallel of latitude passing by the mouth of the river Yasous, or about 32° 30′ of north latitude. The jurisdiction of the governors of West Florida did accordingly, in fact, extend to the territory lying between that parallel and the thirty-first degree, as well as south of this. Lands were granted by them within those boundaries, and, when not subsequently forfeited, continue to be held under that title. That portion of territory (viz, between the thirty-first degree and 32° 30′ of latitude) appears therefore to have been acquired, not by any of the States as lying within its boundaries, but by the United States as part of West Florida, and for the benefit of the whole Union.

The Yazoo claims, so called, embracing about 35,000,000 acres in the Mississippi Territory, and derived from a pretended sale by the legislature of Georgia, in 1789–1795, were declared null, as fraudulent, by a subsequent legislature. The evidence, as published by the State of Georgia and by Congress, shows that that transaction, even if considered as a contract, is, as such, on acknowledged principles of law and equity, null *ab initio:* it being in proof that all the members of the legislature who voted in favor of the sale, that is to say, the agents who pretended to sell the property of their constituents, were, with the exception of a single person, interested in, and parties to the purchase.*

The first legislature of Georgia, which met December 24, 1789, sold the pre-emption right to certain lands beyond the Chattahoochee, viz, 5,000,000 of acres, to the Virginia Yazoo Company, for $93,724; 5,000,000 of acres to the South Carolina Yazoo Company, for $66,964; 3,500,000 of acres to the Tennessee Yazoo Company, for $46,875, to be paid in two years. The companies tendered payment to the State of Georgia in depreciated State paper. The State objected, and a succeeding legislature enacted that the bargain was at an end. The three companies above named (and a fourth company) sold out a large portion of their claims to persons in the Middle and New England States, and various companies were formed under said sales, and many influential men became interested. In February, 1796, the Georgia legislature passed an act revoking the sale to the Georgia, the Georgia Mississippi, the Upper Mississippi, and the Tennessee companies for lands west of the Chattahoochee, for which they had paid about $500,000.†

In January, 1795, the two houses of the legislature of Georgia moved in procession to a fire in front of the State capitol, and with solemn ceremonies burned the act of sale of the lands.

In Fletcher *vs.* Peck (6 Cranch, 87,) the Supreme Court of the United States decided that the act of the Georgia legislature repealing the prior act for the sale of the land

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*Albert Gallatin, one of the commissioners to act upon the Georgia case. *Vide* Land Laws, 1810.

†Sales were made to a company called "The Georgia Company," and to one called "The Upper Mississippi Company," January 7, 1795; to the Tennessee Company under same grant, and to the Georgia and Mississippi Company for $500,000.—ALBERT GALLATIN.

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was unconstitutional and void, was in violation of a contract, and that claimants' title was good and valid.

By act of March 31, 1814, Congress provided for the issuing of scrip to the Georgia claimants, non-interest bearing, receivable in payment for public lands in Mississippi, and redeemable out of the proceeds of the sale of the lands therein after Georgia's cession lien was satisfied.

For a full statement of the testimony taken in the Georgia cases by the State of Georgia and reported January 25, 1796, to the House of Representatives, see pp. 512–541, Vol. 1, Laws of the United States, edition of Browne & Duane; also see Hildreth's United States, Vols. 4, 5, and 6; American State Papers, Public Lands, Vol. 1; and the recommendation of the commissioners, Madison, Gallatin, and Lincoln, in 1803, as to redemption and compromise.

The United States, in addition to the 1,500 square miles of territory given to Georgia now on her northern boundary, paid more than $3,000,000 in money in settlement of the Yazoo and other claims under said deed of cession and subsequent laws of Congress, and in all paid in money from land sold for benefit of State and for "Yazoo scrip," about $6,200,000.

CONNECTICUT AND PENNSYLVANIA BOUNDARY QUESTION.

Connecticut, after vainly contending with Pennsylvania in regard to the zone between the forty-first and forty-second parallels lying in the last named State, known as the Wyoming controversy, and the claims for land under the Susquehannah Company, which was referred to a Federal court (under an article of the Articles of Confederation) which met at Trenton, New Jersey, and which in 1782 decided the right of jurisdiction to lie in the State of Pennsylvania, finally yielded the point, but pressed her claim to the same zone west of the western boundary of the State of Pennsylvania to the Mississippi River. Finally she reserved the eastern end of her claim, now known as the Western Reserve of Connecticut in Ohio, only yielding to the United States a jurisdictional claim to the same until after 1800. The remainder of this claim for charter zone to the Mississippi River, to the west of the Reserve and now in Ohio, Indiana, Illinois, and Michigan, became public domain of the United States. Virginia also claimed this region by reason of Clarke's capture and occupancy under her authority. And thus the United States obtained their first public domain for disposition by sale or settlement by Congress.

THE PUBLIC DOMAIN.

By these several acts of cession from seven of the original States (colonies prior to July 4, 1776) of the Union, the United States came into possession of all that portion of the public domain lying east of the Mississippi and north of the thirty-first parallel north latitude. The basis of the claims of these States was the grants from the Crown of England. The power of the King to erect new provinces, and subsequently to annul chartered privileges, involved constitutional questions under the system of laws then subsisting. It should, however, be mentioned in connection with colonial charters that George III., by proclamation of October 7, 1763, organizing the territory acquired from France by the treaty of Paris, February 10, 1763, into four new governments, reserved for the use of the Indians all land and territories not included in those governments, or within the limits of the Hudson Bay Company, "as also all lands and territories lying to the westward of the sources of the rivers which fall into the sea from the west and northwest, as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our special leave and license for that purpose first obtained." The fact that the King felt himself bound to

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appeal to the courts, and to vacate the charters of Virginia and Massachusetts by writs of *quo warranto*, would seem to indicate that in that day the royal prerogative did not embrace the power of annulling charters. A violation of contract on the part of grantees was made the ground of vacating the charters. George III., however, assumed higher ground, and claimed by mere proclamation, without consulting Parliament, to restrict the territory of the first and second colonies of Virginia, of Massachusetts, and Connecticut to the watershed of the Atlantic streams, whereas the original charters extended their jurisdiction westward to the Pacific Ocean. By the colonies themselves, however, this proclamation of George III. was treated as a nullity. Virginia, Connecticut, Massachusetts, New York, North and South Carolina, and Georgia claimed the full quota of territory under their original charters, with the exception, however, of such areas as they, by negotiation, had acknowledged to have been alienated to other colonies. Thus Connecticut and Massachusetts had yielded those portions of their original charters which were covered by the actual settlements of New York and Pennsylvania. The United States, having cessions from the several States, was indifferent as to the conflicting claims of the latter to western territory, or, as the laws said, waste and uncultivated land. The Federal Government wanted the domain, and for that reason never interfered with these boundary questions except to enforce laws.

AREA OF STATE CESSIONS TO THE UNITED STATES.

NEW YORK.

The New York cession now lies in Erie County, Pennsylvania, west of New York (315.91 square miles, 202,187 acres), and forms the northwestern portion of the State of Pennsylvania (also claimed by Massachusetts and included in her cession), and claims to Indian lands purchased by the State from the Six Nations, beginning in 1748, indefinite as to area, but lying west of Pennsylvania and north of the Ohio River, and not recognized in the organization of the territory northwest of the river Ohio.

VIRGINIA.

The Virginia cessions were for all the territory west of the State of Pennsylvania and northwest of the river Ohio and below the forty-first parallel of north latitude, and the area of the State of Kentucky south of the river Ohio and north of her southern boundary. The above tract, being in and lying between the southern boundary line of the colony and State of Virginia, under charter of April 10, 1606, 34° north latitude, and its northern boundary line 41° north latitude, and from the Atlantic Ocean to the international boundary, the Mississippi River, excluding the States of Pennsylvania, Delaware, Maryland, and New Jersey, on or near the Atlantic, which held under charters from the Crown of England, and which subsequently were erected into proprietary or crown colonies from lands embraced in the Virginia charter of 1606. She had an additional claim to this territory extending north from the forty-first parallel north latitude to Lakes Michigan and Huron, now in Illinois and Michigan, and northward, by reason of conquest and occupancy by her State troops under General Geo. Rogers Clarke during the Revolutionay War.

The present area of the State of Kentucky, 37,680 square miles, was ceded to that State. It lies south of the Ohio River and contains no public domain.

Virginia's cessions to the United States were—

	Square miles.
The area of the State of Ohio (excepting the Western Reserve and Fire-lands, claimed by the State of Connecticut), under charters and capture claims, excluding claims for lands now in Michigan	39,964
The State of Indiana (charters and capture)	33,809
The State of Illinois (charters and capture)	55,414

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	Square miles.
She also ceded lands claimed by the States of Connecticut and Massachusetts under their crown charters, as well as by the United States under the definitive treaty of peace with Great Britain of 1783:	
In Michigan	56,451
In Wisconsin	53,924
In Minnesota, east of Mississippi River	26,000
Total (disputed and undisputed) cession	265,562

Or 169,959,680 acres.

MASSACHUSETTS AND CONNECTICUT.

The cessions of Massachusetts and Connecticut were claims to territory between latitudinal lines, being extensions of their north and south boundary lines under their charters from the British Crown, and from the western boundaries of crown grants subsequent (viz, New York and Pennsylvania), the Connecticut claim being north of the forty-first parallel north latitude (the south boundary line of Connecticut), running along this to the Mississippi River and north in width to the south line of the Massachusetts claim, viz, 42° 2′ north latitude, or about 62 miles in width, and now lying in the south of the State of Michigan, and in the north of the States of Ohio (including the Western Reserve and Fire-lands), Indiana, and Illinois, estimated to contain about 40,000 square miles.

CLAIM OF AREA BY MASSACHUSETTS.

The claim of Massachusetts was for a strip of territory from the western boundary of New York, being an extension along the line between Pennsylvania and New York, viz, 42° 2′ north latitude and to the Mississippi River; also the south boundary line of Massachusetts north to a line extending a league in width from the inflow of Lake Winnipisogee, in the State of New Hampshire, across the country to the Mississippi River, about 43° 43′ 12″ north latitude, being a strip about one hundred miles in width and now lying in the southern part of the States of Wisconsin and Michigan and northern part of the State of Illinois, and estimated to contain about 54,000 square miles, and also the "Erie Purchase," now in the State of Pennsylvania, containing 315.91 square miles, or 202,187 acres, also claimed to have been ceded by New York.

SOUTH CAROLINA.

The lands ceded by South Carolina constitute a strip lying west of the western boundary and west of the eighty-third meridian west of Greenwich, running along the thirty-fifth degree of latitude north to the Mississippi River, twelve to fourteen miles in width, and now lying in the extreme northern part of the States of Georgia (1,500 square miles), Alabama (1,700 square miles), and Mississippi (1,700 square miles,) and containing, estimated, 4,900 square miles, or 3,136,000 acres.

NORTH CAROLINA.

The cession of the State of North Carolina, claimed under her charter's western extension of her north and south boundary lines, being the tract of land within and from her western boundary to the Mississippi, now lies in and is the State of Tennessee, and contains 45,600 square miles, or 29,184,000 acres.

GEORGIA.

The last cession to the United States was by the State of Georgia, of the territory lying directly to the west of her western boundary and to the Mississippi River, and lying between (the north line being the same as the north line of the colony of Georgia) about 34° 40′ north latitude, and the thirty-first parallel of north latitude, now in the States of Mississippi and Alabama, and containing 88,578 square miles, or 56,689,920 acres.

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BRITISH PROVINCE OF WEST FLORIDA.

The British province of West Florida was substantially included in this: consisting of a territory south of a line from the west boundary of Georgia, on the parallel of about 32° 30′ north latitude to the Mississippi River on the west and south to the thirty-first parallel of north latitude, now lying in Alabama and Mississippi.

The jurisdiction of the British government of West Florida thus extended between the thirty-first parallel of north latitude and 32° 30′ north latitude. This province the United States claimed to have acquired by the definitive treaty with Great Britain of 1783, and disclaimed knowledge of the ownership of the colony or State of Georgia thereto. The cession, however, settled all questions of doubt.

	Square miles.
Area now lying in Alabama north of the line of the province of West Florida, estimated	27,722
Area south of West Florida line and north of latitude 31° north	19,000
Total	46,722

Area, estimated, now lying in Mississippi north of line of province of West Florida,	26,900
South of West Florida and north of latitude 31° north	14,956
Total	41,856

In all, estimated, 88,578 square miles, or 56,689,920 acres.

TOTAL CESSIONS.

The total cessions by States to the United States, as detailed in this chapter, were 404,955.91 square miles, or 259,171,787 acres.

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CHAPTER IV.

TO DECEMBER 1, 1883.

ACQUISITION BY PURCHASE, CONQUEST, AND TREATY, OF TERRITORY TO THE NATIONAL AND PUBLIC DOMAIN BY THE UNITED STATES, FROM 1803 TO 1867.

THE LOUISIANA PURCHASE FROM FRANCE.

In 1541 De Soto reached the Mississippi River.

In 1673 Father Marquette descended the Mississippi to its mouth.

In 1680 La Salle descended the Mississippi River and took possession of the country adjacent to it in the name of Louis XIV. of France, and called it "Louisiana."

In 1699 Lemoine d'Iberville founded the first colony at Biloxi, but dying soon after, Henille took command.

In 1706 these colonists made a new location on the site of what is now the city of New Orleans.

In 1712, September 14, Louis XIV. made a grant to Antoine de Crozat, a merchant of Paris, who had amassed a fortune of 40,000,000 livres in the India trade, the grant being for trading privileges.

[Extract from the grant to Crozat.]

Louis, by the grace of God, King of France and Navarre: To all who shall see these present letters, greeting:

The care we have always had to procure the welfare and advantage of our subjects, having induced us, notwithstanding the almost continual wars which we have been obliged to support, from the beginning of our reign, to seek for all possible opportunity of enlarging and extending the trade of our American colonies, we did, in the year sixteen hundred and eighty-three, give our orders to undertake a discovery of the countries and lands which are situated in the northern part of America, between New France and New Mexico: and the Sieur de la Salle, to whom we committed that enterprise, having had success enough to confirm a belief, that communication might be settled from New France to the Gulf of Mexico, by means of large rivers; this obliged us immediately after the peace of Ryswick, to give orders for the establishing a colony there, and maintaining a garrison, which has kept and preserved the possession we had taken in the very year 1683, of the lands, coasts, and islands, which are situated in the Gulf of Mexico, between Carolina on the east, and Old and New Mexico on the west. But a new war having broke out in Europe shortly after, there was no possibility, till now, of reaping from that new colony the advantages that might have been expected from thence, because the private men who are concerned in the sea trade were all under engagements with other colonies, which they have been obliged to follow: And whereas, upon the information we have received, concerning the disposition and situation of the said countries, known at present by the name of the province of Louisiana, we are of opinion that there may be established therein a considerable commerce, so much the more advantageous to our kingdom, in that there has hitherto been a necessity of fetching from foreigners the greatest part of the commodities which may be brought from thence; and because, in exchange thereof we need carry thither nothing but commodities of the growth and manufacture of our own kingdom; we have resolved to grant the commerce of the country of Louisiana to the sieur Anthony Crozat, our counsellor, secretary of the household, crown and revenue, to whom we entrust the execution of this project. We are the more readily inclined hereunto, because his zeal and the singular knowledge he has acquired in maritime commerce, encourage us to hope for as good success as he has hitherto had in the divers and sundry enterprises he has gone upon, and which have procured to our kingdom great quantities of gold and silver, in such conjunctures as have rendered them very welcome to us.

For these reasons, being desirous to show our favor to him, and to regulate the condition upon which we mean to grant him the said commerce, after having deliberated

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this affair in our council, of our certain knowledge, full power and royal authority, we, by these presents, signed by our hand, have appointed and do appoint the said sieur Crozat, solely to carry on a trade in all the lands, possessed by us, and bounded by New Mexico, and by the lands of the English Carolina, all the establishments, ports, havens, rivers, and principally the port and haven of the Isle Dauphine, heretofore called Massacre; the river of St. Lewis, heretofore called Mississippi, from the edge of the sea, as far as the Illinois, together with the river of St. Philip, heretofore called the Missourys, and of St. Jerome, heretofore called Ouabache, with all the countries, territories, lakes within land, and the rivers which fall directly or indirectly into that part of the river St. Lewis.

The articles.

1. Our pleasure is, that all the aforesaid lands, countries, streams, rivers, and islands, be and remain comprised under the name of the government of Louisiana, which shall be dependent upon the general government of New France, to which it is subordinate; and further, that all the lands which we possess from the Illinois, be united, so far as occasion requires, to the general government of New France, and become part thereof, reserving, however, to ourselves the liberty of enlarging, as we shall think fit, the extent of the government of the said country of Louisiana.

3. We permit him to search for, open, and dig all sorts of mines, veins, and minerals, throughout the whole extent of the said country of Louisiana, and to transport the profits thereof into any port of France, during the said fifteen years; and we grant in perpetuity to him, his heirs, and others, claiming under him or them, the property of, in and to the mines, veins, and minerals, which he shall bring to bear, paying us, in lieu of all claim, the fifth part of the gold and silver which the said sieur Crozat shall cause to be transported to France, at his own charges, into what port he pleases, (of which fifth we will run the risk of the sea and of war,) and the tenth part of what effects he shall draw from the other mines, veins, and minerals; which tenth he shall transfer and convey to our magazines in the said country of Louisiana.

We likewise permit him to search for precious stones and pearls, paying us the fifth part in the same manner as is mentioned for the gold and silver.

We will, that the said sieur Crozat, his heirs, or those claiming under him or them the perpetual right, shall forfeit the propriety of the said mines, veins, and minerals, if they discontinue the work during three years, and that in such case the said mines, veins, and minerals, shall be fully reunited to our domain, by virtue of this present article, without the formality of any process of law, but only an ordinance of reunion from the subdelegate of the intendant of New France, who shall be in the said country; nor do we mean that the said penalty of forfeiture, in default of working for three years, be reputed a comminatory penalty.

7. Our edicts, ordinances, and customs, and the usages of the mayoralty and shrievalty of Paris, shall be observed for laws and customs in the said country of Louisiana.

Given at Fontainebleau, the 14th day of September, in the year of grace 1712, and of our reign the 70th.

LOUIS.

By the King:
PHELIPEAUX, &c.

Registered at Paris, in the Parliament, the four and twentieth of September, 1712.

Crozat surrendered this grant to the Crown, and abandoned his colony in 1717.

September 6, 1717, it was granted by Louis XIV. to "The Company of the West," afterward the Company of the Indies (the Mississippi Commercial Company, on which was based John Law's Mississippi scheme). This failed, and the charter was surrendered in 1730.

CESSION OF LOUISIANA BY FRANCE TO SPAIN.

November 3, 1762, France ceded to Spain that portion of the province of Louisiana lying east of the Mississippi River and the city of New Orleans.

Extract from the order of the King of France to Mons. L'Abbadie, Director-General and Commandant for His Majesty in Louisiana, to deliver the province of Louisiana to the King of Spain.]

MONS. L'ABBADIE: By a special act, done at Fontainebleau, November 3d, 1762, of my own will and mere motion, having ceded to my very dear and best beloved cousin, the King of Spain, and to his successors, in full property, purely and simply, and without any exceptions, the whole country known by the name of Louisiana, together with

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New Orleans, and the island in which the said city is situated; and by another act, done at the Escurial, November 13, in the same year, his catholic majesty having accepted the cession of the said country of Louisiana, and the city and island of New Orleans, agreeable to the copies of the said acts, which you will find hereunto annexed; I write you this letter, to inform you that my intention is, that on receipt of these presents, whether they come to your hands by the officers of his catholic majesty, or directly by such French vessels as may be charged with the same, you are to deliver up to the governor, or officer appointed for that purpose by the King of Spain, the said country and colony of Louisiana, and the posts thereon depending, likewise the city and island of New Orleans, in such state and condition as they shall be found to be on the day of the said cession, willing that in all time to come they shall belong to his catholic majesty, to be governed and administered by his governors and officers, and as possessed by him in full property, without any exceptions.

At the same time, I hope, for the prosperity and peace of the inhabitants of the colony of Louisiana, and promise myself, from the friendship and affection of his catholic majesty, that he will be pleased to give orders to his governor, and all other officers employed in his service in the said colony, and in the city of New Orleans, that the ecclesiastics and religious houses which have the care of the parishes, and of the missions, may continue to exercise their functions, and enjoy the rights, privileges, and immunities, granted by their several charters of establishment; that the ordinary judges do continue, together with the superior council, to administer justice according to the laws, forms, and usages of the colonies; that the inhabitants be preserved and maintained in their possessions; that they may be confirmed in the possession of their estates, according to the grants which have been made by the governors and directors of the colony, and that all the grants be holden and taken as confirmed by his catholic majesty, even though not as yet confirmed by me.

Hoping, above all, that his catholic majesty will be pleased to bestow on his new colony of Louisiana, the same marks of protection and good will which they enjoyed while under my dominion, and of which the misfortunes of war alone have prevented their experiencing greater effects, I command you to cause my present letter to be recorded in the superior council of New Orleans, to the end that the several estates of the colony may be informed of its contents, and may have recourse thereto when necessary. And the present being for no other purposes, I pray God, Mons. l'Abbadie, to have you in his holy keeping.

LOUIS.

Given at Versailles, April 21, 1764.

Spain held under this treaty thirty-eight years. February 10, 1763, in a definitive treaty of peace at Paris, between the King of Great Britain, the King of Spain, and the King of France, the boundaries between their colonial and other possessions in America were fixed, a line down the middle of the Mississippi River and through the Iberville Lakes to the sea becoming the international boundary (to the west of the American colonies), and the line between the possessions of France and Great Britain; Mobile and all the French possessions east of the Mississippi River, except the town of New Orleans and the island on which it stands, were awarded to Great Britain. By this same treaty Spain ceded to England all her possessions east of the Mississippi River, and Great Britain proceeded at once to organize this acquisition. By the proclamation of George III., of October 7, 1763, the province of West Florida was constituted as extending from the Mississippi River on the west to the Appalachicola on the east. During the Revolutionary War, in 1778, the British troops in East Florida marched into Georgia capturing Savannah. The Spanish authorities of Louisiana, taking advantage of this disposition of the British forces, organized an expedition to Florida, and had so far succeeded in conquering both East and West Florida, that, upon the general pacification at the close of the Revolutionary War, both provinces were retroceded to Spain.

LOUISIANA TRANSFERRED BACK TO FRANCE BY SPAIN.

Spain by the treaty of San Ildefonso, October 1, 1800, transferred the province of Louisiana back to France. This was confirmed by the treaty of Madrid, March 21, 1801.

The territory of Louisiana west of the Mississippi River and the city of New Orleans and island thereof had been already ceded by the King of France to the King of Spain, as shown by the letter of delivery to Mons. l'Abbadie (at the time of the treaty at Paris between the three Powers of Great Britain, France, and Spain, February 10, 1763).

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When the United States obtained title by purchase in 1803 from France, she insisted upon the ancient boundaries which France claimed for the province being maintained.

By treaty with Spain, October 27, 1795, the United States obtained acknowledgment of the southern boundary line of the nation at 31° north latitude from the Mississippi river going east, as defined by the British treaty of peace of 1783.

The fourth article of this treaty was:

It is likewise agreed that the western boundary of the United States, which separates them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the river Mississippi, from the northern boundary of the said States to the completion of the thirty-first degree of latitude north of the equator. And his catholic majesty has likewise agreed that the navigation of the said river, in its whole breadth from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention.

Propositions had been made in and prior to the Congress of the Confederation looking toward a cession of the right of navigation of the Mississippi River to a foreign nation for a pecuniary consideration to aid the war of the Revolution. It was contemplated to offer it to Spain. The American minister at the court of Madrid suggested to the Congress the cession of the navigation of the Mississippi River to Spain with a view to procuring recognition from that country. A resolution was passed to that effect, and an act of Congress followed giving the minister full authority to treat for its cession upon the above conditions. This was bitterly opposed. Mr. Jay, Secretary of State, was called before the Congress and gave his views favoring a treaty of commerce with Spain according to her the right to the navigation of the Mississippi for twenty-five years.

The twenty-second article of this same Spanish treaty of October 27, 1795, was as follows:

ART. 22. The two high contracting parties, hopping that the good correspondence and friendship which happily reigns between them will be further increased by this treaty, and that it will contribute to augment their prosperity and opulence, will in future give to their mutual commerce all the extension and favor which the advantage of both countries may require.

And in consequence of the stipulations contained in the IV article, his catholic majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandize and effects in the port of New Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores; and his majesty promises either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them on another part of the banks of the Mississippi an equivalent establishment.

There was almost constant trouble between the United States and the Spanish authorities during the period from 1795 to 1800. Spain in 1800 was in possession, or claimed ownership, of all the territory south of the United States, now in Florida, Alabama, Mississippi, Louisiana, and the entire Louisiana purchase, also the territory embraced in the Texas annexation of 1845, and the Mexican cession by the treaty of Guadalupe Hidalgo.

Threats were made and fears incited of closing the Mississippi River and preventing the transportation of the produce of the United States to the sea.

October 1, 1800, after the alliance, Spain, by the secret treaty of San Ildefonso, ceded the province of Louisiana back to France with no restrictions as to limits, but with her ancient boundaries as they were when France in 1762 ceded the province to Spain. The consideration from France to Spain was the granting in succession to the Duke of Parma (a Spanish prince, son-in-law of the King) of the Grand Duchy of Tuscany. The clause of cession was as follows: "His catholic majesty promises and engages on his part to retrocede to the French Republic, six months after the full and entire execution of the conditions and stipulations herein, relative to his royal highness the Duke of Parma, the colony or province of Louisiana, with the same extent it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaty subsequently entered into between Spain and other States."

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This treaty was kept secret for a long time. President Jefferson at once, upon the treaty being known, began to consider the necessity of obtaining at least a free right of way and use of the Mississippi, or a purchase of a place of deposit in a portion of the province of Louisiana. At this date but little was known of the area, resources, physical character or condition of the territory west of the Mississippi, beyond a few miles outside and in the rear of the settlements, on the right bank of the river, the remainder being occupied by roving bands of savage Indians. This ignorance of the Great West was slightly broken by the explorations from Missouri and elsewhere in the Red River country, New Mexico, and along the Pacific Coast, where there were a few missions and some few straggling settlements and trading posts of Spanish, English, Russians, or Americans. The provincial authorities in Louisiana soon gave notice that, in consequence of the changed conditions of the relations of Spain with Great Britain, the privileges previously accorded to the United States had ceased, and that without a new order from the King of Spain the stipulations as to deposit and navigation no longer existed.

PRELIMINARY STEPS TOWARD THE ACQUIREMENT OF LOUISIANA BY THE UNITED STATES.

The acquisition of Louisiana by Napoleon Bonaparte was viewed with great alarm in the United States.

The proximity of a neighbor with such eminent desires for and novel methods of acquirement of territory was a serious question, in consideration of the fact that the United States was not on the best terms with France, and had not been for several years prior, beginning with the refusal of the French Directory, December 9, 1796, to receive Mr. Pinckney as United States minister, followed by the act to protect the commerce of the United States of date May 28, 1798, and the subsequent acts of like character of date July 9, 1798, February 9, 1799, and July 27, 1800, to suspend commercial intercourse with France.

France acquired Louisiana October 1, 1800. It was not delivered to France by the Spanish authorities until November 30, 1803.

The United States, by a convention with France, at Paris, September 30, 1800, between Oliver Ellsworth, W. R. Davie, and W. V. Murry, on behalf of the United States, and Joseph Bonaparte, Charles Pierre Claret Fleurieu, and Pierre Louis Roederer, on behalf of France, settled all differences between the two Republics, and the convention was to remain in force eight years.

The second and fifth articles of this convention were afterward the subject of much controversy, for they related to rights claimed by the United States in virtue of the treaty of Madrid with Spain (above cited) October 27, 1795.

Mr. Jefferson, soon after his inauguration, March 4, 1801, began diligently to ascertain the character of the country in the province of Louisiana. In a letter to Mr. Livingston, at Paris, April 18, 1802, Mr. Jefferson regretted the cession of Louisiana to France, and said: "There is on the globe one single spot the possessor of which is our natural and habitual enemy. It is New Orleans—through which the produce of three-eighths of our territory must pass to market; and from its fertility it will ere long yield more than half of our whole produce and contain more than half of our inhabitants." Railroads were not then contemplated. He deprecated the transfer to France, whom he considered a vastly more dangerous neighbor than Spain. He says: "The day that France takes possession of New Orleans fixes the sentence which is to retain her forever below low-water mark."

Robert Livingston, United States minister to France, and Thomas Pinckney, United States minister to Spain, were instructed by President Jefferson to inform the French and Spanish Governments of the claims of the United States against Spain for violation of the treaty of Madrid in 1795, in relation to the navigation of the Mississippi River.

January 10, 1803, James Monroe, of Virginia, was accredited to France as minister plenipotentiary and envoy extraordinary on behalf of the United States, and in con-

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nection with gentlemen above-named was to negotiate a convention or treaty to secure the right of way to the Mississippi for the citizens of the United States. The nominations were confirmed by the Senate, and an appropriation of $2,000,000 was made for the purposes of the mission.

Mr. Jefferson in the entire correspondence relating to this purchase was impressed with the desirability of getting rid of all foreign neighbors of a warlike and territory-trading propensity. He considered that the future of the country rested upon the acquisition of a continental republic from ocean to ocean and from the Lakes to the Gulf. He objected to contiguous neighbors who would, with the signature of a sovereign, make French from Spanish citizens or *vice versa*, or perhaps begin a war with the United States, claim a nominal victory, cede "conquered" territory, and then join with the nation to whom the cession was made for a war to complete title.

His policy was to select our neighbors, and they to be of the best and most peaceful character. He did not wish to see Louisiana a Gallo-American province.

It was claimed for many years after the recognition of the United States by Great Britain in 1783, and up to 1800, that the Spanish authorities and English were conniving at and aiding to cause a separation of the West and South from the East. During 1796–'97, and the troubles with France, war was anxiously desired by the Spanish authorities in America. [See case of Blount, Senator from Tennessee, as to British interferences in 1797.]

THE ACQUIREMENT OF LOUISIANA BY THE UNITED STATES.

After the definitive treaty of peace with Great Britain, September 3, 1783, up to the year 1800, the question of the permanence of the United States and the retention of her vast area seemed to be of serious interest to Europe. She was menaced with war by France, harassed by Great Britain, and had navigation and boundary troubles with Spain. There were many reasons why the United States should acquire Louisiana, and the control of the Mississippi River thereby, and as many on the side of France that she should sell it. The ministers of the United States at Paris, Madrid, and London had been charged, after the alliance between France and Spain, to prevent, if possible, the cession to France by Spain of Louisiana and Florida. The cession of Louisiana was made, as above noted, October 1, 1800. France was urged after this treaty to consent to the sale of the city of New Orleans and the island of that name in the Province of Louisiana to the United States. Mr. Livingston, our minister to France, failed to convince Bonaparte, First Consul, of the necessity of his selling the province, and wrote to President Jefferson in November, 1802, that a special expedition was being fitted out to sail to and occupy the province.

October 16, 1802, Don Morales, Spanish intendant of Louisiana, issued a proclamation prohibiting the further use by the United States of the city of New Orleans as a place of deposit for merchandise, as guaranteed by the treaty of 1795, and failed to designate another point or place on the river for such purpose. Great excitement ensued throughout the United States. The legislature of Kentucky remonstrated, and public meetings were held for the same purpose. Congress also remonstrated, and the right was afterward restored.

President Jefferson, December 15, 1802, notified Congress of the cession of Louisiana to France, and of the action of the Spanish authorities at New Orleans. Excitement ensued in Congress, but finally President Jefferson obtained the consent of the Senate to the confirmation of Mr. Monroe (armed with an appropriation of $2,000,000) to proceed to France, and, in connection with Mr. Livingston, minister of the United States at Paris, to treat with France for the cession of New Orleans and the island of New Orleans, and Florida. Mr. Livingston held to the opinion at that time that the United States would never be able to acquire New Orleans by treaty or purchase, and that it ought to be taken, at once, by force.

Mr. Monroe, upon his arrival in France, found Bonaparte meditating on and in danger of a rupture with Great Britain. Just before his arrival, M. Talleyrand had

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requested Mr. Livingston to make an offer on behalf of the United States for the province of Louisiana entire. This was an authority he did not possess. The intention of the United States, as he understood, was to purchase only New Orleans and island and the Floridas, or the western part of them. These negotiations were conducted under the personal supervision of the First Consul. He said he wanted money for war, that he would only cede the whole Province of Louisiana, and that he wanted 50,000,000 of francs for it. Secrecy was to be observed. Mr. Livingston refused to offer more than 30,000,000 francs, and asserted that he had no power to treat for the cession of the entire province.

It was supposed at the time that instructions were issued to our ministers that the treaty of cession by Spain to France included the entire Province of Louisiana and the Floridas, but it was found shortly afterward that it ceded Louisiana only. If France declined to sell, our ministers were to open negotiations with Great Britain, so as to prevent France taking possession of the province.

M. Barbé Marbois (Marquis of Barbé Marbois), who was then at the head of the treasury of France, had conducted the negotiations with Mr. Livingston. He had formerly been secretary of the French legation to the United States, and was personally known to Mr. Monroe.

Mr. Monroe arrived April 12, 1803. M. Marbois, the next day, asked immediate action. After consultation, the two ministers, on behalf of the United States, offered France 50,000,000 of francs, with an offset in the shape of such claims in favor of citizens of the United States against France as should be established, estimated at from 20,000,000 to 25,000,000 francs. This was declined.

The ministers of the United States were embarrassed by the fact that the tender of territory was beyond their instructions to buy or receive. Rumors of a large English fleet sailing for Louisiana for the purpose of capturing it were rife, and the English press were urgent in demanding such action.

Bonaparte had no doubt intended just before this period to send the French fleet, then at St. Domingo, to Louisiana, to receive and hold it. Bernadotte, afterward King of Sweden, was to be the governor. The negotiations were entirely secret. Spain had not yet transferred the province to the possession of France. In the treaty of San Ildefonso there was a provision for preference to Spain in future disposition.

M. Marbois insisted upon 80,000,000 francs, which was agreed to on condition that 20,000,000 francs of the sum should be assigned to the payment of claims due by France to citizens of the United States, if they should amount to so much.

It is said that when Bonaparte gave instructions to M. Marbois in regard to the cession, he stated that, from the nature of the new combination forming against him in Europe, he was forced to sell the entire province, or hold it at a great sacrifice of men and money, and, probably, be compelled to see it captured. He preferred to transfer it to the United States, adding that whatever nation held the valley of the Mississippi would eventually be the most powerful on earth, and that, consequently, he preferred a friendly nation should possess it rather than an enemy of France.

THE CESSION OF LOUISIANA TO THE UNITED STATES.

The cession was made in three separate treaties or conventions, of even date, April 30, 1803. First, a treaty of cession; next, a convention stipulating method, manner, and time of payment of the purchase money; and last, a convention providing that the claims of citizens of the United States against France were to be paid at the United States Treasury to the amount of $3,750,000, on orders from the minister of the United States to France, which were to be given on the joint judgment or conclusion of the French bureau to which these claims were referred, and a board of three commissioners on behalf of the United States to be appointed—final decision, on certificate of difference of opinion, to lie in the minister of finance of France.

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Treaty of cession between the United States of America and the French Republic. Concluded April 30, 1803.

The President of the United States of America, and the First Consul of the French Republic, in the name of the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 8th Vendémiaire, an. 9 (30th September, 1800) relative to the rights claimed by the United States in virtue of the treaty concluded at Madrid, the 27th of October, 1795, between his catholic majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily re-established between the two nations, have respectively named their plenipotentiaries, to wit: the President of the United States [of America], by and with the advice and consent of the Senate of the said States, Robert R. Livingston, minister plenipotentiary of the United States, and James Monroe, minister plenipotentiary and envoy extraordinary of the said States, near the government of the French Republic; and the First Consul, in the name of the French people, Citizen Francis Barbé Marbois, minister of the public treasury; who, after having respecttively exchanged their full powers, have agreed to the following articles:

ART. I. Whereas by the article the third of the treaty concluded at St. Ildefonso, the 9th Vendémiaire, an. 9 (1st October, 1800,) between the First Consul of the French Republic and his catholic majesty, it was agreed as follows: "His catholic majesty promises and engages on his part, to cede to the French Republic, six months after the full and entire execution of the conditions and stipulations herein relative to his royal highness the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States." And whereas, in pursuance of the treaty, and particularly of the third article, the French Republic has an incontestible title to the domain and to the possession of the said territory: The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French Republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic, in virtue of the above-mentioned treaty, concluded with his catholic majesty.

ART. II. In the cession made by the preceding article are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private property. The archives, papers, and documents, relative to the domain and sovereignty of Louisiana and its dependences, will be left in the possession of the commissaries of the United States, and copies will be afterwards given in due form to the magistrates and municipal officers of such of the said papers and documents as may be necessary to them.

ART. III. The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

ART. IV. There shall be sent by the government of France a commissary to Louisiana, to the end that he do every act necessary, as well to receive from the officers of his catholic majesty the said country and its dependences, in the name of the French Republic, if it has not been already done, as to transmit it in the name of the French Republic to the commissary or agent of the United States.

ART. V. Immediately after the ratification of the present treaty by the President of the United States, and in case that of the First Consul shall have been previously obtained, the commissary of the French Republic shall remit all military posts of New Orleans, and other parts of the ceded territory, to the commissary or commissaries named by the President to take possession; the troops, whether of France or Spain, who may be there, shall cease to occupy any military post from the time of taking possession, and shall be embarked as soon as possible, in the course of three months after the ratification of this treaty.

ART. VI. The United States promise to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians, until, by mutual consent of the United States and the said tribes or nations, other suitable articles shall have been agreed upon.

ART. VII. As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty, until general arrangements relative to the commerce of both nations may be agreed on; it has been agreed between the contracting parties, that the French ships coming directly from France or any of her colonies, loaded only with the produce and manufactures of France or her said colonies; and the ships of

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Spain coming directly from Spain or any of her colonies, loaded only with the produce or manufactures of Spain or her colonies, shall be admitted during the space of twelve years in the port of New Orleans, and in all other legal ports of entry within the ceded territory, in the same manner as the ships of the United States coming directly from France or Spain, or any of their colonies, without being subject to any other or greater duty on merchandize, or other or greater tonnage than that paid by the citizens of the United States.

During the space of time above mentioned, no other nation shall have a right to the same privileges in the ports of the ceded territory; the twelve years shall commence three months after the exchange of ratifications, if it shall take place in France, or three months after it shall have been notified at Paris to the French Government, if it shall take place in the United States; it is, however, well understood that the object of the above article is to favor the manufactures, commerce, freight and navigation of France and of Spain, so far as relates to the importations that the French and Spanish shall make into the said ports of the United States, without in any sort affecting the regulations that the United States may make concerning the exportation of the produce and merchandize of the United States, or any right they may have to make such regulations.

ART. VIII. In future and forever after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favoured nations in the ports above mentioned.

ART. IX. The particular convention signed this day by the respective ministers, having for its object to provide for the payment of debts due to the citizens of the United States by the French Republic prior to the 30th September, 1800 (8th Vendémiaire, an. 9), is approved, and to have its execution in the same manner as if it had been inserted in this present treaty; and it shall be ratified in the same form and in the same time, so that the one shall not be ratified distinct from the other.

Another particular convention signed at the same date as the present treaty relative to a definitive rule between the contracting parties is in the like manner approved, and will be ratified in the same form, and in the same time, and jointly.

ART. X. The present treaty shall be ratified in good and due form, and the ratifications shall be exchanged in the space of six months after the date of the signature by the ministers plenipotentiary, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed these articles in the French and English languages; declaring nevertheless that the present treaty was originally agreed to in the French language; and have thereunto affixed their seals.

Done at Paris the tenth day of Floréal, in the eleventh year of the French Republic, and the 30th of April, 1803.

ROBT. R. LIVINGSTON. [L. S.]
JAS. MONROE. [L. S.]
F. BARBÉ MARBOIS. [L. S.]

Convention between the United States of America and the French Republic. Concluded April 30, 1803.

The President of the United States of America and the First Consul of the French Republic, in the name of the French people, in consequence of the treaty of cession of Louisiana, which has been signed this day, wishing to regulate definitively everything which has relation to the said cession, have authorized to this effect the plenipotentiaries, that is to say: the President of the United States has, by and with the advice and consent of the Senate of the said States, nominated for their plenipotentiaries, Robert R. Livingston, minister plenipotentiary of the United States, and James Monroe, minister plenipotentiary and envoy extraordinary of the said United States, near the Government of the French Republic; and the First Consul of the French Republic, in the name of the French people, has named as plenipotentiary of the said Republic, the citizen Francis Barbé Marbois; who, in virtue of their full powers, which have been exchanged this day, have agreed to the following articles:

ARTICLE I. The Government of the United States engages to pay to the French Government, in the manner specified in the following article, the sum of sixty millions of francs, independent of the sum which shall be fixed by another convention for the payment of the debts due by France to citizens of the United States.

ART. II. For the payment of the sum of sixty millions of francs, mentioned in the preceding article, the United States shall create a stock of eleven millions two hundred and fifty thousand dollars, bearing an interest of six per cent. per annum, payable half-yearly in London, Amsterdam, or Paris, amounting by the half-year to three hundred and thirty-seven thousand five hundred dollars, according to the proportions which shall be determined by the French Government to be paid at either place; the principal of the said stock to be reimbursed at the Treasury of the United States, in annual payments of not less than three millions of dollars each, of which the first payment shall commence fifteen years after the date of the exchange of ratifications: this stock shall

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be transferred to the Government of France, or to such person or persons as shall be authorized to receive it, in three months at most after the exchange of the ratifications of this treaty, and after Louisiana shall be taken possession of in the name of the Government of the United States.

It is further agreed, that if the French Government should be desirous of disposing of the said stock to receive the capital in Europe, at shorter terms, that its measures for that purpose shall be taken so as to favor, in the greatest degree possible, the credit of the United States, and to raise to the highest price the said stock.

ART. III. It is agreed that the dollar of the United States, specified in the present convention, shall be fixed at five francs $\frac{3333}{10000}$ or five livres eight sous tournois.

The present convention shall be ratified in good and due form, and the ratification shall be exchanged in the space of six months to date from this day, or sooner if possible.

In faith of which, the respective plenipotentiaries have signed the above articles, both in the French and English languages, declaring, nevertheless, that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals.

Done at Paris the tenth of Floréal, eleventh year of the French Republic (30th April, 1803).

ROBT. R. LIVINGSTON. [L. S.]
JAS. MONROE. [L. S.]
BARBÉ MARBOIS. [L. S.]

The second convention was as follows:

Convention between the United States of America and the French Republic.

The President of the United States of America and the First Consul of the French Republic, in the name of the French people, having by a treaty of this date terminated all difficulties relative to Louisiana, and established on a solid foundation the friendship which unites the two nations, and being desirous, in compliance with the second and fifth articles of the convention of the 8th Vendemiaire, ninth year of the French Republic (30th September, 1800), to secure the payment of the sum due by France to the citizens of the United States, have respectively nominated as plenipotentiaries, that is to say: the President of the United States of America, by and with the advice and consent of their Senate, Robert R. Livingston, minister plenipotentiary, and James Monroe, minister plenipotentiary and envoy extraordinary of the said States, near the government of the French Republic; and the First Consul, in the name of the French people, the French citizen Barbé Marbois, minister of the public treasury; who, after having exchanged their full powers, have agreed to the following articles:

ARTICLE I. The debts due by France to citizens of the United States, contracted before the 8th of Vendemiaire, ninth year of the French Republic (30th September, 1800), shall be paid according to the following regulations, with interest at six per cent. to commence from the periods when the accounts and vouchers were presented to the French Government.

ART. II. The debts provided for by the preceding article are those whose result is comprised in the conjectural note annexed to the present convention, and which, with the interest, cannot exceed the sum of twenty millions of francs. The claims comprised in the said note which fall within the exceptions of the following articles, shall not be admitted to the benefit of this provision.

ART. III. The principal and interest of the said debts shall be discharged by the United States, by orders drawn by their minister plenipotentiary on their Treasury; these orders shall be payable sixty days after the exchange of ratifications of the treaty and the conventions signed this day, and after possession shall be given of Louisiana by the commissioners of France to those of the United States.

ART. IV. It is expressly agreed, that the preceding articles shall comprehend no debts but such as are due to citizens of the United States, who have been and are yet creditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention of the 8th Vendemiaire, ninth year, (30th September, 1800).

ART. V. The preceding articles shall apply only, 1st, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the United States otherwise than he might have had to the Government of the French Republic, and only in case of the insufficiency of the captors; 2d, the debts mentioned in the said fifth article of the convention contracted before the 8th Vendemiaire, an. 9, (30th September, 1800), the payment of which has been heretofore claimed of the actual government of France, and for which the creditors have a right to the protection of the United States; the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed: it is the express intention of the contracting parties not to extend the benefit of the present convention

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to reclamations of American citizens, who shall have established houses of commerce in France, England, or other countries than the United States, in partnership with foreigners, and who by that reason and the nature of their commerce ought to be regarded as domiciliated in the places where such houses exist. All agreements and bargains concerning merchandise, which shall not be the property of American citizens, are equally excepted from the benefit of the said convention, saving, however, to such persons their claims in like manner as if this treaty had not been made.

ART. VI. And that the different questions which may arise under the preceding article may be fairly investigated, the ministers plenipotentiary of the United States shall name three persons, who shall act from the present and provisionally, and who shall have full power to examine, without removing the documents, all the accounts of the different claims already liquidated by the bureau established for this purpose by the French Republic, and to ascertain whether they belong to the classes designated by the present convention and the principles established in it; or if they are not in one of its exceptions, and on their certificate, declaring that the debt is due to an American citizen or his representative, and that it existed before the 8th Vendemiaire, 9th year, (30th September, 1800), the creditor shall be entitled to an order on the Treasury of the United States, in the manner prescribed by the third article.

ART. VII. The same agents shall likewise have power, without removing the documents, to examine the claims which are prepared for verification, and to certify those which ought to be admitted by uniting the necessary qualifications, and not being comprised in the exceptions contained in the present convention.

ART. VIII. The same agents shall likewise examine the claims which are not prepared for liquidation, and certify in writing those which in their judgments ought to be admitted to liquidation.

ART. IX. In proportion as the debts mentioned in these articles shall be admitted, they shall be discharged, with interest at six per cent. by the Treasury of the United States.

ART. X. And that no debt which shall not have the qualifications above mentioned, and that no unjust or exorbitant demand may be admitted, the commercial agent of the United States at Paris, or such other agent as the minister plenipotentiary of the United States shall think proper to nominate, shall assist at the operations of the bureau and co-operate in the examination of the claims; and if this agent shall be of opinion that any debt is not completely proved, or if he shall judge that it is not comprised in the principles of the fifth article above mentioned; and if, notwithstanding his opinion, the bureau established by the French Government should think that it ought to be liquidated, he shall transmit his observations to the board established by the United States, who, without removing documents, shall make a complete examination of the debt and vouchers which support it, and report the result to the minister of the United States. The minister of the United States shall transmit his observations in all such cases to the minister of the treasury of the French Republic, on whose report the French Government shall decide definitively in every case.

The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French Government reserving to itself the right to decide definitively on such claim so far as it concerns itself.

ART. XI. Every necessary decision shall be made in the course of a year, to commence from the exchange of ratifications, and no reclamation shall be admitted afterward.

ART. XII. In case of claims for debts contracted by the Government of France with citizens of the United States since the 8th Vendemiaire, ninth year, (30th September, 1800), not being comprised in this convention, may be pursued, and the payment demanded in the same manner as if it had not been made.

ART. XIII. The present convention shall be ratified in good and due form, and the ratifications shall be exchanged in six months from the date of the signature of the ministers plenipotentiary, or sooner if possible.

In faith of which, the respective ministers plenipotentiary have signed the above articles, both in the French and English languages, declaring nevertheless that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals.

Done at Paris, the tenth day of Floréal, eleventh year of the French Republic, 30th April, 1803.

ROBERT R. LIVINGSTON. [L. S.]
JAMES MONROE. [L. S.]
BARBÉ MARBOIS. [L. S.]

Mr. Monroe transmitted the treaty and conventions to President Jefferson, and then proceeded to London as minister of the United States.

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POLITICAL ACTION UPON THE TREATY.

President Jefferson had always been a strict constructionist of the Constitution. The reception of this treaty, which acquired an immense province, embarrassed him, as he knew of no warrant in the Constitution for such a purchase, and had only authorized the purchase of a place of deposit and dock-yard. He had always denied to the National Government any powers not specifically conferred upon it by the Constitution. He could not find a clause in the Constitution which gave Congress any express power to appropriate money to purchase additional territory.

In his private correspondence he stated this difficulty, suggesting an amendment to the Constitution. The treaty required mutual exchange of ratifications within six months. He proposed calling Congress, have the money appropriated, and cure the act by a subsequent amendment to the Constitution. The power of acquisition of territory could be alone charged to the general power of Congress to make and collect taxes and revenues with which to pay the expenses and debts of the nation, and to provide for the common defense and general welfare of the United States. President Jefferson, by proclamation, called an extra session of Congress, to meet October 17, 1803, to consider this subject. In his message of that date he called full attention to this treaty, and special attention to the provisional appropriation of $2,000,000 made January 10, 1803, intended as a part of the price, and stated that this was considered as conveying the sanction of Congress to the acquisition proposed. This message made no mention of the claim of there being no warrant in the Constitution to purchase.

The Senate, October 19, 1803, ratified the treaty. Bonaparte's ratification was in Washington, in the hands of M. Pinchon, the French *chargé de affaires*, and on the 21st the ratifications were exchanged and the treaty was closed.

October 21, 1803, the President sent a special message to Congress, calling attention to the completion of the ratification, and also suggesting the necessity of an appropriation and laws for the occupation and government of the acquired territory.

A lengthy political debate ensued in the House. The necessity for the consent of Spain to the acquisition of the province was urged, and a motion calling on the President for a copy of the treaty between France and Spain (the treaty of Ildefonso) and for evidence that Spain, in whose hands the province still remained, was ready to make delivery of the same. This motion was defeated by a majority of two votes. John Randolph, of Roanoke, Va., moved that provision should be made for carrying the treaty and the conventions into operation. This, after earnest debate, was adopted October 25th by 90 ayes to 25 nays.

The King of Spain's minister represented to the United States that France had made an alienation in this cession which she had promised never to make without first consulting Spain.

THE UNITED STATES TAKES POSSESSION OF LOUISIANA.

October 23, 1803, the following act was approved:

AN ACT to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris on the thirtieth of April last; and for the temporary government thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to take possession of, and occupy, the territory ceded by France to the United States, by the treaty concluded at Paris on the thirtieth day of April last, between the two nations; and that he may, for that purpose, and in order to maintain in the said territories the authority of the United States, employ any part of the army and navy of the United States, and of the force authorized by an act passed the third day of March last, entitled "An act directing a detachment from the militia of the United States, and for erecting certain arsenals," which he may deem necessary; and so much of the sum appropriated by the said act as may be necessary, is hereby appropriated for the purpose of carrying this act into effect; to be applied under the direction of the President of the United States.

SEC. 2. *And be it further enacted*, That, until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers, exercised by the

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officers of the existing government of the same, shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct, for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

November 10, 1803, an act was approved creating a stock (bonds) to the amount of $11,250,000 for the purpose of carrying into effect the first convention under the above treaty, and making provision for paying the same. This was carried into effect, the stock issued, delivered to the agent of France, and duly acknowledged. The financial agents were Messrs. Hope and Labouchére, of Amsterdam, and the Barings, of London.

November 10, 1803, an act was approved making provision for payment of claims of citizens of the United States on the government of France, the payment of which had been assumed by the United States by virtue of the convention (2) of the 30th of April under the treaty.

President Jefferson at once proceeded to occupy and get actual possession of the province, which had been ordered to be delivered to France by writ of the King of Spain, dated Barcelona, October 15, 1802, General Victor to receive it on the part of France, or any other officer duly authorized by the Republic of France.

November 30, 1803, at New Orleans, Pierre Clement Laussat, colonial prefect, commissioner on the part of France, received the colony and province of Louisiana from El Marquez de Casa Calvo, commissioner on the part of Spain, under an order of February 18, 1803. This was only twenty days prior to its transfer by France to the commissioners on the part of the United States. The manner of taking and receiving possession by the United States was as detailed in the following official paper:

Message from the President of the United States to Congress, January 16, 1804.

In execution of the act of the present session of Congress for taking possession of Louisiana, as ceded to us by France, and for the temporary government thereof, Governor Claibourne, of the Mississippi Territory, and General Wilkinson were appointed commissioners to receive possession. They proceeded, with such regular troops as had been assembled at Fort Adams from the nearest posts, and with some militia of the Mississippi Territory, to New Orleans. To be prepared for anything unexpected which might arise out of the transaction, a respectable body of militia was ordered to be in readiness in the States of Ohio, Kentucky, and Tennessee, and a part of those of Tennessee was moved on to the Natchez. No occasion, however, arose for their services. Our commissioners, on their arrival at New Orleans, found the province already delivered by the commissaries of Spain to that of France, who delivered it over to them on the 20th day of December, as appears by their declaratory act accompanying this. Governour Claiborne, being duly invested with the powers heretofore exercised by the governour and intendant of Louisiana, assumed the government on the same day, and, for the maintenance of law and order, immediately issued the proclamation and address now communicated.

On this important acquisition, so favorable to the immediate interests of our western citizens, so auspicious to the peace and security of the Nation in general, which adds to our country territories so extensive and fertile, and to our citizens new brethren to partake of the blessings of freedom and self-government, I offer to Congress and our country my sincere congratulations.

TH: JEFFERSON.

Report of Commissioners.

CITY OF NEW ORLEANS,
December 20, 1803.

SIR: We have the satisfaction to announce to you that the province of Louisiana was this day surrendered to the United States by the commissioner of France; and to add, that the flag of our country was raised in this city amidst the acclamations of the inhabitants.

The enclosed is a copy of an instrument in writing, which was signed and exchanged by the commissioners of the two governments, and is designed as a record of this interesting transaction.

Accept assurances of our respectful consideration.

WILLIAM C. C. CLAIBORNE.
JA: WILKINSON.

The Hon. JAMES MADISON,
Secretary of State, City of Washington.

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The undersigned William C. C. Claiborne and James Wilkinson, commissioners or agents of the United States, agreeable to the full powers they have received from Thomas Jefferson, President of the United States, under date of the 31st October, 1803, and twenty-eighth year of the Independence of the United States of America, (8 Brumaire, 12 year of the French Republick) countersigned by the Secretary of State, James Madison, and citizen Peter Clement Laussat, colonial prefect, and commissioner of the French Government for the delivery in the name of the French Republick of the country, territories and dependencies of Louisiana, to the commissioners or agents of the United States, conformably to the powers, commission, and special mandate which he has received in the name of the French people from citizen Buonaparte, First Consul, under date of the 9th June, 1803, (17 Prairial, 11 year of the French Republick) countersigned by the secretary of state, Hugues Maret, and by his excellency the minister of marine and colonies, Decres, do certify by these presents, that on this day, Tuesday the 20th December, 1803 of the Christian era, (28th Frimaire, 12 year of the French Republick) being convened in the hall of the Hotel de Ville of New Orleans, accompanied on both sides by the chiefs and officers of the army and navy, by the municipality and divers respectable citizens of their respective republicks, the said William C. C. Claiborne and James Wilkinson delivered to the said citizen Laussat their aforesaid full powers, by which it evidently appears that full power and authority has been given them jointly and severally to take possession of and to occupy the territories ceded by France to the United States by the treaty concluded at Paris on the 30th day of April last past, (10th Floreal) and for that purpose to repair to the said territory and there to execute and perform all such acts and things, touching the premises, as may be necessary for fulfilling their appointment conformable to the said treaty and laws of the United States; and thereupon the said citizen Laussat declared that in virtue of and in the terms of the powers, commission and special mandate dated at St. Cloud, 6th June 1803 of the Christian era (17th Prairial 11 year of the French Republick) he put from that moment the said commissioners of the United States in possession of the country, territories and dependencies of Louisiana, conformably to the 1. 2. 4. and 5th articles of the treaty and the two conventions, concluded and signed the 30 April 1803, (10 Floreal 11th year of the French Republick) between the French Republick and the United States of America by citizen Francis Barbe Marbois, minister of the publick treasury, and Messieurs Robert R. Livingston and James Monroe, ministers plenipotentiary of the United States, all three furnished with full powers, of which treaty and two conventions the ratifications, made by the First Consul of the French Republick, on the one part, and by the President of the United States, by and with the advice and consent of the Senate, on the other part, have been exchanged and mutually received at the city of Washington, the 21 October 1803, 28 Vindemaire 12 year of the French Republick, by citizen Louis Andre Pichon, *charge des affaires* of the French Republick, near the United States, on the part of France, and by James Madison, Secretary of State of the United States, on the part of the United States, according to the *process verbal* drawn up on the same day; and the present delivery of the country is made to them, to the end that, in conformity with the object of the said treaty, the sovereignty and property of the colony or province of Louisiana may pass to the said United States, under the same clauses and conditions as it had been ceded by Spain to France, in virtue of the treaty concluded at St. Ildefonso, on the 1 October, 1800 (9th Vindemiaire, 9 year) between these two last powers, which has since received its execution by the actual re-entrance of the French Republick into possession of the said colony or province.

And the said citizen Laussat in consequence, at this present time, delivered to the said commissioners of the United States, in this publick sitting, the keys of the city of New Orleans, declaring that he discharges from their oaths of fidelity towards the French Republick, the citizens and inhabitants of Louisiana, who shall choose to remain under the dominion of the United States.

And that it may for ever appear, the undersigned have signed the *process verbal* of this important and solemn act, in the French and English languages, and have sealed it with their seals, and have caused it to be countersigned by their secretaries of commission, the day, month and year above written.

WM. C. C. CLAIBORNE. [L. S.]
JAMES WILKINSON. [L. S.]
LAUSSAT. [L. S.]

Proclamation

By his excellency William C. C. Claiborne, Governour of the Mississippi Territory, exercising the powers of governour-general and intendant of the province of Louisiana.

Whereas, by stipulations between the governments of France and Spain, the latter ceded to the former the colony and province of Louisiana, with the same extent which it had at the date of the above-mentioned treaty in the hands of Spain, and that it had when France possessed it, and such as it ought to be after the treaties subsequently

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entered into between Spain and other states; and whereas the government of France has ceded the same to the United States by a treaty duly ratified, and bearing date the 30th of April, in the present year, and the possession of said colony and province is now in the United States, according to the tenour of the last-mentioned treaty; and whereas the Congress of the United States, on the 31st day of October, in the present year, did enact that until the expiration of the session of Congress then sitting, (unless provisions for the temporary government of the said territories be sooner made by Congress,) all the military, civil and judicial powers, exercised by the then existing government of the same, shall be vested in such person or persons, and shall be exercised in such manner, as the President of the United States shall direct, for the maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property and religion; and the President of the United States has by his commission, bearing date the same 31st day of October, invested me with all the powers, and charged me with the several duties heretofore held and exercised by the governour-general and intendant of the province:

I have, therefore, thought fit to issue this my proclamation, making known the premises, and to declare, that the government heretofore exercised over the said province of Louisiana, as well under the authority of Spain as of the French Republick, has ceased, and that of the United States of America is established over the same; that the inhabitants thereof will be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; that in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess; that all laws and municipal regulations, which were in existence at the cessation of the late government, remain in full force; and all civil officers charged with their execution, except those whose powers have been specially vested in me, and except also such officers as have been entrusted with the collection of the revenue, are continued in their functions, during the pleasure of the governour for the time being, or until provision shall otherwise be made.

And I do hereby exhort and enjoin all the inhabitants, and other persons within the said province, to be faithful and true in their allegiance to the United States, and obedient to the laws and authorities of the same, under full assurance that their just rights will be under the guardianship of the United States, and will be maintained from all force or violence from without or within.

In testimony whereof I have hereunto set my hand.

Given at the city of New Orleans, the 20th day of December, 1803, and of the Independence of the United States of America the 28th.

WM. C. C. CLAIBORNE.

The governor's address to the citizens of Louisiana.

FELLOW CITIZENS OF LOUISIANA:

On the great and interesting event now finally consummated—an event so advantageous to yourselves, and so glorious to united America, I cannot forbear offering you my warmest congratulations. The wise policy of the Consul of France has, by the cession of Louisiana to the United States, secured to *you* a connection beyond the reach of change, and to your posterity the sure inheritance of freedom. The American people receive you as brothers; and will hasten to extend to you a participation in those inestimable rights, which have formed the basis of their own unexampled prosperity. Under the auspices of the American Government, you may confidently rely upon the security of your liberty, your property, and the religion of your choice. You may with equal certainty rest assured, that your commerce will be promoted and your agriculture cherished; in a word, that your true interests will be among the primary objects of our National Legislature. In return for these benefits, the United States will be amply remunerated, if your growing attachment to the Constitution of our country, and your veneration for the principles on which it is founded, be duly proportioned to the blessings which they will confer. Among your first duties, therefore, you should cultivate with assiduity among yourselves the advancement of political information; you should guide the rising generation in the paths of republican economy and virtue; you should encourage literature, for without the advantages of education your descendants will be unable to appreciate the intrinsick worth of the Government transmitted to them.

As for myself, fellow citizens, accept a sincere assurance, that, during my continuance in the situation in which the President of the United States has been pleased to place me, every exertion will be made on my part to foster your internal happiness, and forward your general welfare, for it is only by such means that I can secure to myself the approbation of those great and just men who preside in the councils of the Nation.

WILLIAM C. C. CLAIBORNE.

NEW ORLEANS, *December* 20, 1803.

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President Jefferson was particularly desirous of having James Monroe, of Virginia, as his correspondence shows, for governor of Louisiana, but Mr. Monroe preferred to remain as minister in London.

General James Wilkinson, in command of the United States troops in Louisiana, January 16, 1804, notified the War Department that he did not "until this day" receive the orders of the French and Spanish commissioners for the delivery of the posts in Upper Louisiana. He also became uneasy at the delay of the French and Spanish troops in evacuating New Orleans and the province. In March and April, 1804, he complained to the War Department of this. On the 25th of April, 1804, he notified the War Department that the prefect of the French embarked on the 21st instant, and that the commissioners of the United States on the 24th took leave of the commissioner of Spain.

RUMORED OPPOSITION OF SPAIN TO THE CESSION AND DELIVERY.

Rumors were rife that Spain did not intend to make complete delivery of the province to France. Mr. Pinckney, minister of the United States at Madrid, made inquiry of the Spanish secretary of state, Mr. Cevallos, and received the following reply:

SIR: Having taken information upon what you were pleased to say to me in your note of the 10th ultimo, I have to offer to your notice that the King's minister in the United States has been informed that his majesty has given no order whatever for opposing the delivery of Louisiana to the French; and that the report current in the United States or elsewhere of the existence of such an order is wholly without foundation; since there is no connection whatever between the pretended opposition, and that representation made by his majesty's minister to the Government of the United States, on the defect which impaired the sale of Louisiana made by France, in which he manifested the just motives of the Spanish Government for protesting against an alienation which France had promised never to make.

At the same time that his majesty's minister in the United States is charged to inform the American Government of the falsity of the above rumor, he is ordered to make known to it, that his majesty has thought proper to renounce his protest against the alienation of Louisiana by France, notwithstanding the solid motives on which that protest was founded; affording, in this way, a new proof of his benevolence and friendship for the United States.

PEDRO CEVALLOS.

EL PARDO, 10*th February*, 1804.

Thus Spain's claim to the province of Louisiana was in fact abandoned, and the United States succeeded to the title of Spain from De Soto, in 1541, and the subsequent transferred title of France from La Salle, in 1682.

BOUNDARIES OF THE PROVINCE OF LOUISIANA.

The boundaries of Louisiana, as ceded by Napoleon to the United States, were indefinite, the treaty itself, according to Chief Justice Marshall, having been couched in terms of "studied ambiguity." Questions of boundary between Louisiana and Florida were involved which require some explanation. Louisiana was transferred to us with the same limits as when France formerly possessed it, and as Spain possessed it at the time of the treaty of San Ildefonso. Spanish diplomacy, however, found it convenient to consider British occupancy as permanently dissevering West Florida from Louisiana, which it claimed as a new conquest from Great Britain; but the United States, in 1811, took military possession of the country west of Perdido River, thus insisting upon the original limits of Louisiana as claimed by France.

This imbroglio was still further complicated by events on the Florida border during our last war with England, and the reprisals made by General Jackson for the repeated infractions of neutrality by the Spanish authorities.

The boundaries of Louisiana were settled by the treaty with Spain in 1819, and the northern and northwestern boundaries by a series of treaties with Great Britain, concluding in 1871.

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It was claimed that Spain made grants of land in that portion of Louisiana running to the Perdido River after the treaty of San Ildefonso, her cession of Louisiana to France. The United States disregarded all this, and April 14, 1812, all that portion west of Pearl River was annexed to Louisiana, and the remaining portion as far as the Perdido was incorporated, May 14, 1812, with the Mississippi Territory, although Spain held Mobile. The eastern portion of this is now in Alabama.

Louisiana was erected into two Territories by act of Congress March 26, 1804, one called the Territory of Orleans and the other the District of Louisiana. The Territory of Orleans became the State of Louisiana April 30, 1812.

THE COST AND AREA OF THE LOUISIANA PURCHASE.

Cost.

The United States paid for this cession—

Principal sum	$15,000,000 00
Interest to redemption	8,529,353 00
	23,529,353 00
Claims of citizens of the United States due from France under this treaty assumed by the United States in part payment for the territory and paid to June 30, 1880	3,738,268 98
	27,267,621 98

Area.

	Square miles.
The area acquired lies in the State of Alabama, west of the Perdido and on the Gulf, below latitude 31° north, estimated to contain	2,300
State of Mississippi, west of Alabama, adjoining Louisiana, on the Gulf, and south of 31° north latitude, estimated at	3,600
State of Louisiana	41,346
State of Arkansas	52,202
State of Missouri	65,370
State of Kansas, all but southwest corner (estimated)	73,542
State of Iowa	55,045
State of Minnesota, west of the Mississippi River	57,531
State of Nebraska	75,995
State of Colorado, east of the Rocky Mountains and north of Arkansas River	57,000
State of Oregon	95,274
In the Territories the estimated areas are—	
Territory of Dakota	150,932
Territory of Montana	143,776
Territory of Idaho	86,294
Territory of Washington	69,994
Territory of Wyoming, all but the zone in the middle, south, and southwest part	83,563
Indian Territory	68,991
Lying in eleven States and six Territories, a total area of, and all becoming public domain	1,182,752

Or 756,961,280 acres.

The areas above for the divisions entire are taken from the United States Land Office Report for 1880, and the areas for fractional divisions are taken from the map accompanying the United States Census Report of 1870, prepared by S. W. Stocking, Esq.

The entire Louisiana purchase, being five times greater than the area of France, viz, 201,900 square miles, excepting certain grants made by French and Spanish authorities, and other legal exceptions, became public domain, subject to the survey, settlement, and disposition laws of the United States when the same were extended over the several political divisions from time to time by separate acts of Congress.

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THE EXPLORATIONS OF THE LOUISIANA PURCHASE.

LEWIS AND CLARKE'S EXPEDITION.

Mr. Jefferson, while at Paris as American minister in 1787, met John Ledyard, who came to France to attempt a business arrangement in the fur trade on the northwest coast of America. Failing in this, Mr. Jefferson proposed to him a land expedition through North Europe to Kamtschatka and to the Pacific. Russia gave consent, and Ledyard at once set out and went into winter quarters 200 miles from Kamtschatka. Here he was stopped by the Russians and compelled, under arrest, to return. In 1792 Mr. Jefferson proposed a subscription by the American Philosophical Society to engage a person to go to the northwest coast by land. Capt. Meriwether Lewis, then stationed at Charlottesville, Va., was engaged for this purpose. M. Michaux, a French botanist, was to be his fellow explorer. They proceeded as far as Kentucky, when a message from the French minister at Washington recalled M. Michaux, and the journey here terminated. On the 18th of January, 1803, prior to the Louisiana purchase, President Jefferson, in a confidential message to Congress (the act for establishing trading houses among the Indians being about to expire by limitation), recommended that the act be continued and extended to posts among the Indians on the Mississippi River, and that a party of explorers be sent up the Missouri River to its source, then to cross the Rocky Mountains to the Pacific Ocean. This was approved, an appropriation made, and Captain Lewis, at his own request, was detailed to command the expedition. First Lieut. (Capt.) William Clarke, brother of General George Rogers Clarke, was afterward detailed with him. It was an expedition of discovery and inquiry. Its instructions were to notice and detail the geography and character of the country, to enter into negotiations with the Indians for commerce, and to describe their habits, characteristics, and history.

The party consisted of Meriwether Lewis, captain, U. S. A., First Regiment Infantry (formerly Mr. Jefferson's secretary); William Clarke, first lieutenant, U. S. A.; John Ordway, Nathaniel Prior, and Patrick Gass, sergeants, U. S. A.; Charles Floyd, William Bratton, John Colter, John Collins, Pier Cruzatte, Robert Frazier, Joseph Fields, George Gibson, Silas Goodrich, Hugh Hall, Richard Worfington, Thomas P. Howard, Peter Wiser, John Baptiste Le Page, Francis Labuiche, Hugh M'Neal, John Potts, John Shields, George Shannon, John B. Thompson, William Werner, Alexander Willard, Richard Windsor, Joseph Whitehouse, John Newman, George Drewyer or George Drulyard, and Tousaint Chabono (the last two interpreters,) the wife of the interpreter Chabono, a Snake squaw and her child, and "York," a colored servant to Captain Clarke, who died at Richmond, Va., in the fall of 1879.

President Jefferson himself prepared the written instructions for Captain Lewis. The party in boats entered the Missouri River May 4, 1804. In 1805, in the summer, they crossed the Rocky Mountains. November 15, 1805, they landed at Cape Disappointment. They had passed down Lewis River (now known as Snake River) to its junction with the Columbia and thence to the Pacific Ocean. They spent the winter of 1805-'06 at Fort Clatsop, on the south side of the Columbia.

The expedition returned to Saint Louis September 23, 1806, after an absence of two years and three months, and it furnished the first particular and reliable information of the region between the Mississippi River and the Pacific Ocean. Many editions of their report of the expedition were published, and also the diary or journal of Sergeant Patrick Gass. By act of March 3, 1807, Congress ordered warrants for 1,600 acres of land to Lewis and Clarke, respectively, and warrants for 320 acres each to the names given above as composing the expedition, except the colored man "York," who received no warrant. These warrants were located on the west side of the Mississippi River, or were to be received at $2 per acre for any such lands. Double pay for time while employed in the expedition to the Pacific was voted all parties. Lewis was afterwards, in 1807, made governor of Louisiana Territory, and died October 11, 1809, near Nashville, Tenn. Clarke became a brigadier-general, and was made governor of Missouri Territory from

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1813 to 1820, and died September 1, 1838. Lewis' Fork of Columbia, or the south branch of the Columbia, rising in Wyoming and running through Idaho, known as Snake or Shoshone River, is named after Captain Lewis. The north fork of the Columbia is called Clarke's Fork. It rises in Montana, flows west to the junction with the Snake near Wallula, and forms the Columbia. It was named after Captain Clarke. A county in Montana also commemorates their names, being called Lewis and Clarke County.

VARIOUS MILITARY AND CIVIL EXPLORING AND SURVEYING PARTIES—1808 TO 1880.

The region west of the Mississippi to the Pacific and north to the line of the British Possessions embraced in the Louisiana purchase, has been a fruitful field for explorers. The Hudson Bay Company occupied most of the region west of the Rocky Mountains and north of California and Utah for a long period; their last post on American soil, Fort Hall, Idaho, being withdrawn in 1854. Fort Hall had been erected by Nathaniel Wythe, a Massachusetts man, in 1836 or 1838, in opposition to the American Fur Company, and sold to the Hudson Bay Company. This region was the home of the hunter and trapper. In 1808 the Missouri Fur Company, of Saint Louis, built a trading-post on Lewis or Snake River, in the southeastern portion of the now Territory of Idaho, then Oregon. In 1810 the Pacific Fur Company—Mr. John Jacob Astor—resolved to make settlement on the Oregon coast. March 23, 1811, their ship "Tonquin" arrived at the mouth of Columbia River, and Astoria was founded. In the war of 1812 between the United States and Great Britain, this post was seized by the British man-of-war "Raccoon," and the name of Astoria was changed to Fort George. By the first article of the treaty of Ghent, October 6, 1818, Fort George was surrendered to J. B. Provost on behalf of the United States by Captain Hickey, of the British man-of-war "Blossom," and J. Keith, agent of the Northwest Trading Company (which had been in possession of it), and the name Astoria was at once restored to it.

The Great West, west of the Mississippi and north of the Arkansas River, was in the Louisiana purchase. Christopher Carson, Sublette and Smith, James Bridger, Nathaniel Wythe, and roving trappers and hunters thereafter made this then unexplored region their home. It was the source from which came the supplies of buffalo and other skins. In the period from 1803 to 1870 this region was explored by a series of expeditions under the auspices of the United States Army and Navy Departments, including Lewis and Clarke's, Bonniville, Admiral John Wilkes, Capt. John C. Fremont, &c., a full list of the expeditions being given in Lieut. George M. Wheeler's Report of Military Surveys under the War Department, 1871 to 1879. Dr. John Evans's (elsewhere noted) Survey of Oregon and Washington Territories, and Dr. F. V. Hayden's Geological Work in Nebraska, and Dr. Robert Dale Owen's in Iowa and Wisconsin, under the auspices of the General Land Office, in the territory of the Louisiana purchase, added much to the world's knowledge of this vast and productive country. The rich mines of Montana, Idaho, Colorado, and Oregon lie within it, together with millions of acres of undeveloped mining lands.

The expedition of Maj. John W. Powell, in 1867, and the subsequent geological survey made under his charge in the Rocky Mountain region in 1874 and to 1879, were partially within it, as was much of the survey of the fortieth parallel under direction of Clarence King, geologist. The geological survey of the Territories under Prof. F. V. Hayden, from 1870 to 1879, was executed mostly within this purchase.

The publications of the several expeditions and surveys under the auspices above set out under laws of the United States, published by the United States Government, contain a mass of valuable and reliable information as to the resources and inhabitants of that vast and in some parts still unexplored region.

A great number of private expeditions under the auspices of colleges, societies, and individuals, such as the researches of Prof. O. C. Marsh, of Yale College, and the hunting expedition of Sir George Gore, in 1854 and 1856, have been successfully made during the last forty years, and have given a store of valuable and interesting scientific and economical information.

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In 1805-'06, Dr. Sibley made notes of the country and inhabitants adjacent to the Territory of Orleans and an account of Red River. Mr. Dunbar, of Natchez, in 1804, under authority of the United States, surveyed and explored the Washita. (See President Jefferson's message of February 14, 1806, to Congress.)

HISTORICAL REFERENCES.

Bancroft's History of the United States; Hildreth's History of the United States; History of Louisiana; Spanish, French, and American Domination: Chas. Gayarre.

THE PURCHASE OF THE EAST AND WEST FLORIDAS FROM SPAIN.

PRELIMINARY WORK AND NEGOTIATIONS.

Spain, by the discovery of Florida on Palm Sunday, March 27, 1512, and its occupation dating from the landing of Ponce de Leon near Saint Augustine, April 8, 1512, and the various expeditions following, including that of Fernando de Soto, in 1536, who explored its interior, acquired the right to the possession of the Territory of Florida. Sir Francis Drake's capture of Saint Augustine, in 1586, was temporary. In 1736, Spain ceded Florida to Great Britain, in exchange for the island of Cuba, and the British flag was raised over it. In 1783, after the conclusion of the definitive treaty of peace between Great Britain and the United States, Great Britain ceded to Spain the provinces of East and West Florida, and they again came under the flag of Spain. This cession gave no definition of boundaries, and the province of West Florida became a subject of dispute between the United States and Spain.

THE PERDIDO CLAIM.

Great Britain held that the thirty-first parallel of north latitude was the northern boundary of the province she ceded, extending from the Appalachicola to the Mississippi River, and by another treaty made at the same time stated that the territory to the north of that parallel belonged to the United States (now in Alabama and Mississippi). The United States thereupon insisted upon the boundary at the thirty-first parallel north latitude. Spain claimed that the province of West Florida as ceded by Great Britain to her, remained as it was declared to be by the proclamation of the King of Great Britain, of date October 7, 1763, and extended by the recommendation of the British Board of Trade, June 6, 1764, and so held and governed by the British Government, as shown by communications to Governor Elliott, of May 15, 1767. This included the territory between the rivers that bounded the original province and between the thirty-first parallel north latitude (going north) and to that of a line east and west from the mouth of the Yazoo River. Spain at once took possession of this territory and held it for a time, but by the treaty of 1795, October 27, waived claims to the territory north of latitude 31° north. This left the remainder of the province of West Florida still in doubt—that portion between the Iberville and Perdido rivers, and south of latitude 31° north, the national boundary. The United States claimed this country under the following title: October 1, 1800, Spain ceded to France the province of Louisiana. France, by the treaty of Paris, sold the same to the United States, April 30, 1803. Spain claimed after 1803, and up to 1819 (date of her sale of Florida to the United States) that the cession to France was only for the city and island of New Orleans and the province of Louisiana west of the Mississippi River, which she had in 1762 received from France. Part of this Perdido claim was afterwards annexed below 31° north latitude to the States of Alabama and Mississippi, extending thence to the Gulf. The United States by joint resolution of Congress, January 15, 1811, and acts of like date and of March 3, 1811, passed in secret session, made public in 1817, occupied and held this disputed territory for a time. Spain and France protested, but the United States never withdrew its claim to the territory.

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The cession of the province of Louisiana by France in 1803 gave the United States a title to the territory west of the Perdido. This was also occupied.

Before and after the purchase of Louisiana, Mr. Jefferson looked toward the purchase of the province of Florida from Spain, and after the decision of Congress he appointed Mr. Armstrong, of New York, and Mr. Bowdoin, of Massachusetts, to negotiate the purchase of Florida from Spain. This negotiation failed. Then Mr. Monroe was called upon to join Mr. Pinckney, minister at Madrid, in the settlement of our difficulties with Spain both as to boundaries and claims for commercial spoliations. Mr. Monroe, in a letter to M. Talleyrand at Paris, November 4, 1804, gives a full statement of this, as well as did Mr. Livingston, in a letter of date November 12, 1804, at Paris, to M. Talleyrand, wherein he states "that Mr. Monroe, minister plenipotentiary from the United States to the court of London, is now here, on his way to Spain, where he is specially charged, in conjunction with Mr. Pinckney, to negotiate for the purchase of Florida." These letters asked the favorable intervention of the Emperor Napoleon with the Spanish King in the matter of the purchase. Talleyrand in his answer intimated that Bonaparte nonconcurred in the American view of the boundary question.

January 28, 1805, Messrs. Monroe and Pinckney addressed a letter to Don Pedro Cevallos, inclosing a project of a convention between the countries. This was answered by Don Cevallos January 31, 1805. A correspondence running until the 15th of May then followed, and ended in a refusal on the part of the King to treat further and in a rejection of the proffer of adjustment or purchase. On May 22, 1805, Mr. Monroe took leave of the King.

In 1807 Spain issued a decree similar to the French decree of November 21, 1806. This intensified public feeling aided by the fact that the question of settlement of national boundaries (Louisiana) and spoliation claims had not been settled between the two countries. A new Spanish minister, Don Onis, in 1808, arrived in behalf of the supporters of the royal family who had rebelled against Bonaparte's rule in Spain. President Jefferson declined to receive him.

In 1810, in the province of West Florida, and in that part lying on the Mississippi River, disturbances took place and the authority of Spain was defied. The fort at Baton Rouge was seized. The citizens declared themselves independent, adopted a flag, and made proclamation of the fact.

October 27, 1810, President Madison issued proclamation taking possession of the east bank of the Mississippi under the treaty of 1803, claiming that occupation was necessary to protect both the United States and Spain from violence, and would leave the question of ownership for the future. Governor Claiborne, of Orleans Territory, was dispatched at once from Washington to take possession. An attack upon Mobile by a party from near Fort Stoddart failed. They threatened another attack, whereupon Folck, the Spanish governor, in a letter to the American authorities hinted at a probability of his desiring to treat with them for the transfer of the province, unless he was re-enforced from Havana or Vera Cruz.

This occupation met strong opposition in the United States. An expedition was organized and acted against the Seminole Indians in East Florida. The legislature of Georgia, November 20, 1812, resolved that the occupation of Florida was essential to the safety of the State, and passed an act to raise a State force to act against Saint Augustine and punish the Indians. Early in 1813 a volunteer force entered Florida. Orders were issued July 14, 1814, by the War Department, to Andrew Jackson commanding, to take possession of the town of Pensacola, as Florida at this time had become a place of organization for marauding bands to act against the United States. The orders were six months reaching him. In the mean time a British naval force arrived at Pensacola and landed some troops under Colonel Nichols, who at once began to arm and equip the Creek refugees, enemies of the United States. The orders to General Jackson were countermanded October 21, 1814, but he, in the mean time, had entered Pensacola, driven out the British, and delivered the place to the Spanish authorities. Congressional inquiries were made this year of the executive department as to the position of the United States in relation to Spain. The answer was that it was friendly.

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In 1815 Don Onis, the Spanish ambassador, was recognized. In 1816 the Spanish minister at Washington remonstrated against the continued occupation by the United States of West Florida and insisted on non-intercourse between the United States and Mexico, that province being then in revolt against Spain. Mr. Monroe, Secretary of State for President Madison, suggested that as West Florida was now separated from the Spanish possessions of Mexico, it was of but little advantage to Spain to hold it, and an exchange of part of Louisiana bordering on Texas was suggested for Florida, and neutrality as to Mexico was intimated; but nothing definite resulted from this correspondence.

In 1817, Mr. Monroe now being President, it was proposed to receive from Spain in settlement of the claims held by citizens of the United States against her, the cession of the province of Florida. This embraced the offer to accept for a western boundary of Louisiana the river Colorado, of Texas. To this Don Onis, the Spanish minister, objected.

A correspondence now ensued, from July 4, 1817, to March 18, 1818, between John Quincy Adams, Secretary of State, and Don Luis de Onis, which explains fully the differences between the two nations and their respective claims as to boundaries. (See American State Papers, vol. 12, pp. 1 to 195.)

During 1817, the Seminoles residing on Spanish territory harbored a large number of refugee Creeks of the late war. They were a constant source of alarm and war to the Georgia settlers. The Indians, in retaliation for their expulsion from the just ceded Creek territory, north of the line of Florida, attacked and captured a boat on the Appalachicola River. General Jackson was ordered to take command in person of the United States forces in the South, and orders were issued to pursue the Indians into Florida if necessary. In 1818, the statement of President Monroe, in his message to Congress, that expeditions had been authorized against Amelia Island and Galveston, was met with a protest from Don Luis de Onis, the Spanish minister at Washington. March 14, 1818, President Monroe transmitted to Congress the correspondence between John Quincy Adams and Don Luis de Onis, above referred to.

In April, 1818, General Jackson had, in the prosecution of the Indian (Seminole) war, taken possession of the Spanish fort at St. Mark's, Florida, taking it with force but without bloodshed, and thus Florida was occupied by troops of the United States. On May 24, 1818, General Jackson, on a rumor of the encouragement of an Indian invasion of Alabama (having the day before received a protest from the Spanish governor against the invasion, and a promise of resistance), entered the city of Pensacola. The governor held the fort at the Barrancas. An assault was ordered against it, when it capitulated on the 27th of May. On June 17, the Spanish minister protested to the United States against General Jackson's acts while a treaty was under consideration. The unfulfilled treaty agreements of Spain to restrain Indians in her territory from raiding the United States was set up, and the aid and assistance rendered the Indians by the forts at St. Mark's and Pensacola was held to be sufficient ground for their seizure, and that now that the Indian war was over, the two forts would be surrendered to Spain, when Spain would agree to garrison them with a force large enough to control the Indians.

The ratification of the convention of 1802, (now October, 1818,) arrived from Spain.

NEGOTIATIONS OPENED FOR CESSION, 1818.

De Onis opened negotiations under the instructions he had received with the ratification of the convention of 1802. He asked conditions, and that the boundary of the territory of Spain west of the Mississippi should be due north of a line commencing on the Gulf of Mexico east of the river Sabine, and extending to the Missouri, and thence to its source. Secretary Adams offered in reply, October 31, 1818, as his ultimatum, to accept as a boundary for the Spanish possessions west of the Mississippi (which would be the western and the southern boundary of the Louisiana province purchased from France in 1803) the river Sabine to the thirty-third degree north lati-

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tude, thence to the Red River due north, that river to its source, the crest of the Rocky Mountains to the forty-first degree north latitude, and a line thence due west to the Pacific Ocean, about the present boundary of the Louisiana purchase. This claim Don Onis (November 16) pronounced unheard of, and proffered in lieu an agreement to the line of the Sabine River, with a line due north to the Missouri, and from and along that river to its head. Here the negotiations rested for a time, pending instructions from Spain. In the Congress of 1819, in January, a fierce debate came on as to the right of invasion of Spanish soil in Florida. February 22, 1819, John Quincy Adams, on behalf of the United States, and Don Luis de Onis, on behalf of Spain, at Washington, signed the treaty of the cession of Florida to the United States, as follows:

Treaty of amity, settlement, and limits between the United States of America and his catholic majesty. Concluded February 22, 1819; *ratifications exchanged February* 22, 1821; *proclaimed February* 22, 1821. *Also ratification of the same by the King of Spain, October* 24, 1820.

The United States of America and his catholic majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to settle and terminate all their differences and pretensions, by a treaty, which shall designate, with precision, the limits of their respective bordering territories in North America.

With this intention the President of the United States has furnished with their full powers John Quincy Adams, Secretary of State of the said United States; and his catholic majesty has appointed the Most Excellent Lord Don Luis De Onis, Gonzales, Lopez y Vara, Lord of the town of Rayaces, Perpetual Regidor of the Corporation of the city of Salamanca, Knight Grand Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendée, Knight Pensioner of the Royal and Distinguished Spanish Order of Charles the Third, Member of the Supreme Assembly of the said Royal Order; of the Council of his catholic majesty; his secretary, with exercise of decrees, and his envoy extraordinary and minister plenipotentiary near the United States of America;

And the said plenipotentiaries, after having exchanged their powers, have agreed upon and concluded the following articles:

ART. I. There shall be a firm and inviolable peace and sincere friendship between the United States and their citizens and his catholic majesty, his successors and subjects, without exception of persons or places.

ART. II. His catholic majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissaries or officers of the United States, duly authorized to receive them.

ART. III. The boundary line between the two countries, west of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole as being laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But if the source of the Arkansas River shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the South Sea: All the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line, that is to say: The United States hereby cede to his catholic majesty, and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the above-described line; and, in like manner, his catholic majesty cedes to the said United

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States all his rights, claims, and pretensions to any territories east and north of the said line, and for himself, his heirs, and successors, renounces all claim to the said territories forever.

ART. IV. To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty at Natchitoches, on the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude 42, to the South Sea: they shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ART. V. The inhabitants of the ceded territories shall be secured in the free exercise of their religion, without any restriction; and all those who may desire to remove to the Spanish dominions shall be permitted to sell or export their effects, at any time whatever, without being subject, in either case, to duties.

ART. VI. The inhabitants of the territories which his catholic majesty cedes to the United States, by this treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

ART. VII. The officers and troops of his catholic majesty, in the territories hereby ceded by him to the United States, shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange of the ratifications of this treaty, or sooner if possible, by the officers of his catholic majesty to the commissioners or officers of the United States duly appointed to receive them; and the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops and their baggage to the Havana.

ART. VIII. All the grants of land made before the 24th of January, 1818, by his catholic majesty, or by his lawful authorities, in the said territories ceded by his majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of his catholic majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation, and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal, on the part of his catholic majesty, for the cession of the Floridas was made, are hereby declared and agreed to be null and void.

ART. IX. The two high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they, themselves, as well as their respective citizens and subjects, may have suffered until the time of signing this treaty.

The renunciation of the United States will extend to all the injuries mentioned in the convention of the 11th of August, 1802.

2. To all claims on account of prizes made by French privateers, and condemned by French consuls, within the territory and jurisdiction of Spain.

3. To all claims of indemnities on account of the suspension of the right to deposit at New Orleans in 1802.

4. To all claims of citizens of the United States upon the government of Spain, arising from the unlawful seizures at sea, and in the ports and territories of Spain, or the Spanish colonies.

5. To all claims of citizens of the United States upon the Spanish Government, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State, or to the minister of the United States in Spain, since the date of the convention of 1802, and until the signature of this treaty.

The renunciation of his catholic majesty extends—

1. To all the injuries mentioned in the convention of the 11th of August, 1802.

2. To the sums which his catholic majesty advanced for the return of Captain Pike from the Provincias Internas.

3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York.

4. To all claims of Spanish subjects upon the Government of the United States

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arising from unlawful seizures at sea, or within the ports and territorial jurisdiction of the United States.

Finally, to all the claims of subjects of his catholic majesty upon the Government of the United States in which the interposition of his catholic majesty's government has been solicited, before the date of this treaty and since the date of the convention of 1802, or which may have been made to the department of foreign affairs of His Majesty, or to his minister in the United States.

And the high contracting parties, respectively, renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American army in Florida.

ART. X. The convention entered into between the two governments, on the 11th of August, 1802, the ratifications of which were exchanged the 21st of December, 1818, is annulled.

ART. XI. The United States, exonerating Spain from all demands in future, on account of the claims of their citizens to which the renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of those claims, a commission, to consist of three commissioners, citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, which commission shall meet at the city of Washington, and, within the space of three years from the time of their first meeting, shall receive, examine, and decide upon the amount and validity of all the claims included within the descriptions above mentioned. The said commissioners shall taken a oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties; and, in case of the death, sickness, or necessary absence of any such commissioner, his place may be supplied by the appointment, as aforesaid, or by the President of the United States, during the recess of the Senate, of another commissioner in his stead. The said commissioners shall be authorized to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish Government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of justice, the laws of nations, and the stipulations of the treaty between the two parties of 27th October, 1795; the said documents to be specified, when demanded, at the instance of the said commissioners.

The payment of such claims as may be admitted and adjusted by the said commissioners, or the major part of them, to an amount not exceeding five millions of dollars, shall be made by the United States, either immediately at their Treasury, or by the creation of stock, bearing an interest of six per cent. per annum, payable from the proceeds of sales of public lands within the territories hereby ceded to the United States, or in such other manner as the Congress of the United States may prescribe by law.

The records of the proceedings of the said commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the Department of State of the United States; and copies of them, or any part of them, shall be furnished to the Spanish Government, if required, at the demand of the Spanish minister in the United States.

ART. XII. The treaty of limits and navigation, of 1795, remains confirmed in all and each one of its articles excepting the 2, 3, 4, 21, and the second clause of the 22d article, which, having been altered by this treaty, or having received their entire execution, are no longer valid.

With respect to the 15th article of the same treaty of friendship, limits, and navigation of 1795, in which it is stipulated that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those powers who recognize this principle; but if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose government acknowledge this principle, and not of others.

ART. XIII. Both contracting parties, wishing to favour their mutual commerce, by affording in their ports every necessary assistance to their respective merchant vessels, have agreed that the sailors who shall desert from their vessels in the ports of the other, shall be arrested and delivered up, at the instance of the consul, who shall prove, nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation: that is to say, the American consul in a Spanish port shall exhibit the document known by the name of articles, and the Spanish consul in American ports the roll of the vessel; and if the name of the deserter or deserters who

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are claimed shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

ART. XIV. The United States hereby certify that they have not received any compensation from France for the injuries they suffered from her privateers, consuls, and tribunals on the coasts and in the ports of Spain, for the satisfaction of which provision is made by this treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same in such manner as she may deem just and proper.

ART. XV. The United States, to give to his catholic majesty a proof of their desire to cement the relations of amity subsisting between the two nations, and to favour the commerce of the subjects of his catholic majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or manufactures, directly from the ports of Spain, or of her colonies, shall be admitted, for the term of twelve years, to the ports of Pensacola and St. Augustine, in the Floridas, without paying other or higher duties on their cargoes, or of tonnage, than will be paid by the vessels of the United States. During the said term no other nation shall enjoy the same privileges within the ceded territories. The twelve years shall commence three months after the exchange of the ratifications of this treaty.

ART. XVI. The present treaty shall be ratified in due form, by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof we, the underwritten plenipotentiaries of the United States of America and of his catholic majesty, have signed, by virtue of our powers, the present treaty of amity, settlement, and limits, and have thereunto affixed our seals, respectively.

Done at Washington this twenty-second day of February, one thousand eight hundred and nineteen.

JOHN QUINCY ADAMS. [L. S.]
LUIS DE ONIS. [L. S.]

POLITICAL ACTION ON THE TREATY.

This treaty was unanimously ratified by the Senate of the United States. Spain did not ratify at once, but let the time fixed for ratification expire. Congress, in expectation of an immediate ratification by Spain, passed an act authorizing the President to take possession of the Floridas.

The hesitation of Spain to ratify was the cause of vigorous and urgent diplomatic action. De Onis was recalled as Spanish ambassador, and Don Vives sent out. He came by the way of Paris and London. On his arrival at Washington he opened a correspondence with Mr. Adams, who demanded action upon the treaty already entered into between the United States and Spain, upon full powers and in conformity to instructions. A stormy political discussion took place in Congress pending ratification by Spain. Much was made of the proposed western boundary of Louisiana.

RATIFICATION BY THE KING OF SPAIN.

October 29, 1820, the treaty was ratified by the King of Spain.

Ratification by His Catholic Majesty, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and iwenty.*

Ferdinand the Seventh, by the Grace of God and by the constitution of the Spanish monarchy, King of the Spains.

Whereas on the twenty-second day of February, of the year one thousand eight hundred and nineteen last past, a treaty was concluded and signed in the city of Washington, between Don Luis de Onis, my envoy extraordinary and minister plenipotentiary, and John Quincy Adams, Esq., Secretary of State of the United States of America, competently authorized by both parties, consisting of sixteen articles, which had for their object the arrangement of differences and of limits between both governments and their respective territories, which are of the following form and literal tenor:

[Here follows the above treaty, word for word.]

Therefore, having seen and examined the sixteen articles aforesaid, and having first obtained the consent and authority of the General Cortes of the nation with respect to the cession mentioned and stipulated in the 2d and 3d articles, I approve and ratify all and every one of the articles referred to, and the clauses which are con-

* Translation.

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tained in them; and, in virtue of these presents, I approve and ratify them; promising, on the faith and word of a King, to execute and observe them, and to cause them to be executed and observed entirely as if I myself had signed them; and that the circumstance of having exceeded the term of six months, fixed for the exchange of the ratifications in the 16th article, may afford no obstacle in any manner, it is my deliberate will that the present ratification be as valid and firm, and produce the same effects, as if it had been done within the determined period. Desirous at the same time of avoiding any doubt or ambiguity concerning the meaning of the 8th article of the said treaty, in respect to the date which is pointed out in it as the period for the confirmation of the grants of lands in the Floridas, made by me, or by the competent authorities in my royal name, which point of date was fixed in the positive understanding of the three grants of land made in favor of the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas, being annulled by its tenor, I think proper to declare that the said three grants have remained and do remain entirely annulled and invalid; and that neither the three individuals mentioned, nor those who may have title or interest through them, can avail themselves of the said grants at any time, or in any manner; under which explicit declaration the said 8th article is to be understood as ratified. In the faith of all which I have commanded to despatch these presents. Signed by my hand, sealed with my secret seal, and countersigned by the underwritten my Secretary of Despatch of State.

Given at Madrid, the twenty-fourth of October, one thousand eight hundred and twenty.

FERNANDO.

EVARISTO PEREZ DE CASTRO.

[Copies of the grants annulled by the foregoing treaty will be found in 8 Statutes at Large, page 267, *et seq.*]

The treaty was again sent to the Senate of the United States for ratification, and ratified February 19, 1821, there being but four dissenting votes.

PROCLAMATION OF TREATY.

February 22d, 1821, two years after the signing by the agents of the respective governments, President Monroe issued the following proclamation:

By the President of the United States: a Proclamation.

Whereas, a treaty of amity, settlement, and limits between the United States of America and His Catholic Majesty was concluded and signed between their plenipotentiaries in this city, on the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, which treaty, word for word, is as follows:

[Here follows the treaty in full.]

And whereas, his said Catholic Majesty did, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and twenty, ratify and confirm the said treaty, which ratification is in the words and of the tenor following:

[Here follows the ratification by the King of Spain in full.]

And whereas, the Senate of the United States did, on the nineteenth day of the present month, advise and consent to the ratification, on the part of these United States, of the said treaty, in the following words:

"IN SENATE OF THE UNITED STATES, *February* 19, 1821.

"*Resolved, two-thirds of the Senators present concurring therein*, That the Senate, having examined the treaty of amity, settlement, and limits between the United States of America and His Catholic Majesty, made and concluded on the twenty-second of February, one-thousand eight hundred and nineteen, and seen and considered the ratification thereof made by his said Catholic Majesty on the twenty-fourth day of October, one thousand eight hundred and twenty, do consent to and advise the President of the United States to ratify the same."

And whereas, in pursuance of the said advice and consent of the Senate of the United States, I have ratified and confirmed the said treaty, in the words following, viz.:

"Now, therefore, I, James Monroe, President of the United States of America, having seen and considered the treaty above recited, together with the ratification of His Catholic Majesty thereof, do, in pursuance of the aforesaid advice and consent of the Senate of the United States, by these presents, accept, ratify, and confirm, the said treaty, and every clause and article thereof, as the same are herein before set forth.

"In faith whereof I have caused the seal of the United States of America to be hereto affixed.

"Given under my hand, at the city of Washington, this twenty-second day of Feb-

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ruary, in the year of our Lord one thousand eight hundred and twenty-one, and of the Independence of the said States the forty-fifth.

"By the President: "JAMES MONROE.

"JOHN QUINCY ADAMS,
"*Secretary of State.*"

And whereas the said ratifications, on the part of the United States, and of His Catholic Majesty, have been this day duly exchanged, at Washington, by John Quincy Adams, Secretary of State of the United States, and by General Dn. Francisco Dionisio Vives, envoy extraordinary and minister plenipotentiary of His Catholic Majesty: Now, therefore, to the end that the said treaty may be observed and performed with good faith, on the part of the United States, I have caused the premises to be made public; and I do hereby enjoin and require all persons bearing office, civil or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said treaty, and every clause and article thereof.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Done at the city of Washington, the twenty-second day of February, in the year of our Lord one thousand eight hundred and twenty-one, and of the sovereignty and Independence of the United States the forty-fifth.

[L. S.] JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

THE SEVERAL ACTS AND DEEDS ACQUIRING POSSESSION OF THE FLORIDAS.

Col. Robert Butler was appointed commissioner under the treaty on the part of the United States, and Don José Coppinger on the part of Spain, for East Florida.

March 3, 1821, Congress authorized, by law, the President to organize a temporary government for Florida pending legislation.

President Monroe, March 10, 1821, appointed Major-General Andrew Jackson governor, his commission vesting in him all the powers and duties heretofore held and exercised by the captain-general, intendant, and governor under Spain.

SURRENDER OF THE FLORIDAS BY SPAIN.

July 10, 1821, Don José Coppinger, appointed a commissioner by the captain-general of Cuba, and Col. Robert Butler, appointed a commissioner on the part of the United States, met at Saint Augustine and, after inventory, proceeded to turn over for Spain and receive for the United States the province of East Florida.

Copy of the paper in the English language, signed by the commissioner on the part of the United States, and the commissioner on the part of His Catholic Majesty, upon the delivery of possession of the province of East Florida to the United States.

In the place of St. Augustine, and on the 10th day of July, eighteen hundred and twenty-one, Don José Coppinger, colonel of the national armies, and commissioner, appointed by his excellency the captain-general of the island of Cuba, to make a formal delivery of this said place and province of East Florida to the Government of the United States of America, by virtue of the treaty of cession concluded at Washington on the 22d of February, 1819, and the royal schedule of delivery of the 24th of October, of the last year, annexed to the documents mentioned in the certificate that form a heading to these instruments in testimony thereof, and the adjutant-general of the southern division of said States, Colonel Don Robert Butler, duly authorized by the aforesaid Government to receive the same; we having had several conferences in order to carry into effect our respective commissions, as will appear by our official communications, and having received by the latter, the documents, inventories, and plans, appertaining to the property and sovereignty of the Spanish nation held in this province and its adjacent islands depending thereon, with the sites, public squares, vacant lands, public edifices, fortifications, and other works, not being private property, and the same having been preceded by the arrangements and formalities that, for the greater solemnity of this important act, they have judged proper, there has been verified, at four o'clock of the evening of this day, the complete and personal delivery of the fortifications, and all else of this aforesaid province to the commissioner, officers, and troops of the United States; and, in consequence thereof, having embarked for the Havana the military and civil officers and Spanish troops, in the American transports provided for this purpose, the Spanish authorities having this moment ceased the exercise of their functions, and those appointed by the American Government having began theirs; duly noting that

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we have transmitted to our governments the doubts occurring whether the artillery ought to be comprehended in the fortifications, and if the public archives, relating to private property, ought to remain and be delivered to the American Government by virtue of the cession, and that there remains in the fortifications, until the aforesaid resolution is made, the artillery, munitions, and implements, specified in a particular inventory, awaiting on these points, and the others appearing in question in our correspondence, the superior decision of our respective governments, and which is to have, whatever may be the result, the most religious compliance at any time that it may arrive, and in which the possession that at present appears given shall not serve as an obstacle.

In testimony of which, and that this may at all times serve as an expressive and formal receipt in this act, we, the subscribing commissioners, sign four instruments of this same tenor, in the English and Spanish languages, at the above-mentioned place, and said day, month, and year.

ROBERT BUTLER.
JOSÉ COPPINGER.

[To the original act there is a certificate in the Spanish language, of which the following is a translation:]

In faith whereof I certify that the preceding act was executed in the presence of the illustrious Ayuntamiento, and various private persons assembled, and also of various military and naval officers of the Government of the United States of America.

JUAN DE ENTRALGO,
Notary of the Government and Secretary of the Cabildo.

ST. AUGUSTINE, 10*th July*, 1821.

TRANSFER OF THE PROVINCE OF WEST FLORIDA.

The Province of West Florida was transferred to the United States July 17, 1821. It was received by General Jackson, commissioner on behalf of the United States, from José Callava, commissioner on behalf of Spain, at Pensacola.

Copy of the paper in the English language signed by the commissioner on the part of the United States, and the commissioner on the part of his catholic majesty, upon the delivery of possession of the province of West Florida to the United States.

The undersigned, Major General Andrew Jackson, of the State of Tennessee, commissioner of the United States, in pursuance of the full powers received by him from James Monroe, President of the United States of America, of the date of the 10th of March, 1821, and of the 45th of the Independence of the United States of America, attested by John Quincy Adams, Secretary of State, and Don José Callava, commandant of the province of West Florida, and commissioner for the delivery, in the name of his catholic majesty, of the country, territories, and dependencies, of West Florida, to the commissioner of the United States, in conformity with the powers, commission, and special mandate, received by him from the captain-general of the Island of Cuba, of the date of the 5th of May, 1821, imparting to him therein the royal order of the 24th of October, 1820, issued and signed by his catholic majesty, Ferdinand the Seventh, and attested by the secretary of state, Don Evaristo Perez de Castro.

Do certify by these presents, that, on the seventeenth day of July, one thousand eight hundred and twenty-one of the Christian æra, and forty-sixth of the Independence of the United States, having met in the court-room of the government house in the town of Pensacola, accompanied on either part by the chiefs and officers of the army and navy, and by a number of the citizens of the respective nations, the said Andrew Jackson, major-general and commissioner, has delivered to the said Colonel Commandant Don José Callava, his before-mentioned powers; whereby he recognizes him to have received full power and authority to take possession of, and to occupy, the territories ceded by Spain to the United States by the treaty concluded at Washington on the 22d day of February, 1819, and for that purpose to repair to said territories, and there to execute and to peform all such acts and things touching the premises, as may be necessary for fulfilling his appointment conformably to the said treaty and the laws of the United States, with authority likewise to appoint any person or persons in his stead, to receive possession of any part of the said ceded territories, according to the stipulations of the said treaty: Wherefore, the Colonel Commandant Don José Callava immediately declared, that, in virtue and in performance of the power, commission, and special mandate, dated at Havana on the 5th of May, 1821, he thenceforth, and from that moment, placed the said commissioner of the United States in possession of the country, territories, and dependencies, of West Florida, including the fortress of St. Marks, with the adjacent islands dependent upon said province, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other build-

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ings which are not private property, according to, and in the manner set forth by, the inventories and schedules which he has signed and delivered with the archives and documents directly relating to the property and sovereignty of the said territory of West Florida, including the fortress of St. Marks, and situated to the east of the Mississippi River, the whole in conformity with the second article of the treaty of cession concluded at Washington the 22d of February, 1819, between Spain and the United States, by Don Luis de Onis, minister plenipotentiary of his catholic majesty, and John Quincy Adams, Secretary of State of the United States, both provided with full powers, which treaty has been ratified on the one part by his catholic majesty, Ferdinand the Seventh, and the President of the United States, with the advice and consent of the Senate of the United States, on the other part; which ratifications have been duly exchanged at Washington the 22d of February, 1821, and the forty-fifth of the Independence of the United States of America, by General Don Dyonisius Vives, minister plenipotentiary of his catholic majesty, and John Quincy Adams, Secretary of State of the United States, according to the instrument signed on the same day: And the present delivery of the country is made in order that, in execution of the said treaty, the sovereignty and the property of that province of West Florida, including the fortress of St. Marks, shall pass to the United States, under the stipulations therein expressed.

And the said Colonel Commandant Don José Callava has, in consequence, at this present time, made to the commissioner of the United States, Major-General Andrew Jackson, in this public cession, a delivery of the keys of the town of Pensacola, of the archives, documents, and other articles, in the inventories before mentioned; declaring that he releases from their oath of allegiance to Spain the citizens and inhabitants of West Florida who may choose to remain under the dominion of the United States.

And that this important and solemn act may be in perpetual memory, the within named have signed the same, and have sealed with their respective seals, and caused to be attested by their secretaries of commission, the day and year aforesaid.

ANDREW JACKSON.
By order of the Commissioner on the part of the United States.
R. K. CALL,
Sec'y of the Commission.

JOSÉ CALLAVA.
Por mandato de su senoria el Coronel Comisario del Gobierno de España.
JOSÉ Y. CRUZAT,
El Secretario de la Comision.

July 17, 1821, the date of the transfer of West Florida, General Jackson at Pensacola issued the following:

Proclamation by Major-General Andrew Jackson, governor of the provinces of the Floridas, exercising the powers of the captain-general and of the intendant of the island of Cuba, over the said provinces, and of the governors of said provinces, respectively.

Whereas, by the treaty concluded between the United States and Spain, on the 22d day of February, 1819, and duly ratified, the provinces of the Floridas were ceded by Spain to the United States, and the possession of the said provinces is now in the United States:

And whereas the Congress of the United States, on the 3d day of March, in the present year, did enact that, until the end of the first session of the Seventeenth Congress, unless provision for the temporary government of said provinces be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the said provinces, shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the maintaining the inhabitants of said territories in the free enjoyment of their liberty, property, and religion; and the President of the United States has, by his commission, bearing date the tenth day of said March, invested me with all the powers, and charged me with the several duties, heretofore held and exercised by the captain-general, intendant, and governors, aforesaid:

I have, therefore, thought fit to issue this my proclamation, making known the premises, and to declare that the government heretofore exercised over the said provinces, under the authority of Spain, has ceased, and that that of the United States of America is established over the same; that the inhabitants thereof will be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States; that, in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion they profess; that all laws and municipal regulations which were in existence at the cessation of the late government, remain in full force; and all civil officers charged with their execution, except those whose powers have been especially vested in me, and except, also, such officers as have been intrusted with the collection of the revenue, are continued in their functions, during the pleasure of the governor for the time being, or until provision shall otherwise be made.

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And I do hereby exhort and enjoin all the inhabitants and other persons within the said provinces, to be faithful and true in their allegiance to the United States, and obedient to the laws and authorities of the same, under full assurance that their just rights will be under the guardianship of the United States, and will be maintained from all force and violence from without or within.

Given at Pensacola this [*tenth* day of July for East Florida, and *seventeenth* day of July for West Florida,] one thousand eight hundred and twenty-one.

ANDREW JACKSON.

By the governor:
R. K. CALL, *Acting Secretary of the Floridas.*

ST. AUGUSTINE, EAST FLORIDA, *July* 10, 1821.

By the governor:
ROBERT BUTLER, *United States Commissioner.*

And thus the banner of Spain, which was first raised in Florida April 8, 1512, giving place temporarily to the English from 1736 to 1783, was on the 10th and 17th of July, 1821, after a period of about three hundred and eight years, replaced by the flag of the United States.

BOUNDARIES OF THE FLORIDAS.

General Jackson had serious difficulties thereafter with the Spanish officials in obtaining documents and papers relating to the transfer.

March 30, 1822, Congress passed an organic act for the Territory of Florida, providing a civil government, and thus superseding the laws of Spain, which continued in force until this action by Congress. William P. Duval was appointed governor. The treaty stipulation in regard to the western and southern boundary of the Louisiana purchase, or eastern and western boundary of the Spanish possessions (Mexico) west of the Mississippi, were not carried out with Spain because of the war between Mexico and Spain.

January 12, 1828, the United States entered into treaty with Mexico, J. R. Poinsett acting on behalf of the United States, and S. Camacho and J. Y. Esteva on the part of Mexico, at the City of Mexico. (Ratifications exchanged April 5, 1832; proclaimed April 5, 1832.) This treaty referred to the Florida treaty of 1819, and to the boundary line which was established by Spain when Mexico constituted part of that monarchy, and confirmed the third and fourth articles of the treaty of Spain with the United States of 1819. It was ratified by the Senate of the United States with only three dissenting votes. This treaty was carried out, and the boundary between the United States and Mexico fixed as follows:

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river to the thirty-second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River, and running thence by a line due north to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude forty-two north; and thence, by that parallel of latitude, to the South Sea; the whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, one thousand eight hundred and eighteen. But if the source of the Arkansas River shall be found to fall north or south of latitude forty-two, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude forty-two, and thence along the said parallel to the South Sea, all the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States of America; but the use of the waters and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line; that is to say, the United States hereby cede to his catholic majesty, renounce forever, all their rights, claims, and pretensions to the territories lying west and south of the above-described line;

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and, in like manner, his catholic majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line; and for himself, his heirs, and successors, renounces all claim to the said territories forever.

COST AND AREA OF THE PURCHASE.

The Florida treaty cost the Government of the United States $5,000,000 in bonds similar to those issued for the Louisiana purchase, and $1,489,768 of interest on the same to the time of rédemption, delivered to the Spanish Government, a total of $6,489,768, and added to the national and public domain 59,268 square miles or 37,931,520 acres, or the present State of Florida, including certain grants.

The land laws of the United States were afterward extended, as to surveys and disposition, over Florida, and the lands were disposed of thereunder, excepting certain grants made by English and Spanish authorities.

Decisions of the Supreme Court of the United States under this treaty, in relation to lands and land titles, were in the cases of Foster *et al. v.* Neilson (2 Peters, 306); Soulard *et al. v.* The United States (4 Peters, 511); Delaware *v.* The United States (9 Peters, 117); Mitchel *et al. v.* The United States (9 Peters, 711); The United States *v.* Kingsley (12 Peters, 476); The United States *v.* Arredondo (6 Peters, 706); The United States *v.* Percheman (9 Peters, 51).

Authorities cited hereunder: Hildreth, History of the United States, vol. 6; Benton, Thirty Years in the United States Senate, vol. 1; "Treaties and Conventions," State Department series, July 4, 1776–1871; American State Papers, vol. 12, Waite & Sons, 1817; Charters and Constitutions, Ben. Perley Poore, vol. 1; Reports Supreme Court of the United States, Peters, vols. 2, 4, 6, 7, 9, and 12.

ANNEXATION OF THE REPUBLIC OF TEXAS.

POLITICAL HISTORY.

The area embraced in the Texas annexation of 1845 was originally embraced in the French or Spanish possessions west of the Mississippi. France never ceded her claim to Texas due to discovery by La Salle in 1682, and colonization in 1685, February 18, at Matagorda Bay. In 1676 the Marquis Laguna, Viceroy of Mexico, sent an expedition to capture the country. In 1691 Don Domingo Teran was appointed governor of Cohahuila and Texas, under Spain. The United States purchased the province of Louisiana from France in 1803 and her claims to this territory as well. By the treaty of purchase of Florida in 1819 from Spain, however, the United States agreed to the present eastern boundary of the State of Texas as the eastern boundary of Spanish possessions. The United States of Mexico obtained, under the treaty at Cordova, February 24, 1821, their independence of Spanish rule. By treaty at Mexico, of date January 12, 1828, the boundary between the two countries was confirmed and ratified as described and laid down by the Spanish treaty of 1819. Cohahuila and Texas, the northeast provinces of Mexico, were continued under one government and united as a state by the Mexican Government, with a governor, remaining as they were under Spanish rule. A congress of this State met at Saltillo in 1827 and framed a constitution, which was proclaimed March 11, 1827, in which year Mr. Clay, Secretary of State under Mr. Adams, instructed J. R. Poinsett, minister of the United States to Mexico, to offer $1,000,000 for the cession to the United States of Mexico's territory east of the Rio Grande, but Mr. Poinsett did not make this tender to the Mexican Government.

In 1829 Mr. Van Buren, Secretary of State under General Jackson, instructed our minister to Mexico to offer four or five millions of dollars for the portion of Texas this side of the Nueces River, but Mexico refused. In 1830 orders were issued to prevent any further emigration from the United States. Another constitution was formed and a declaration of independence made at San Felipe de Austin by a convention which met October 17, 1835. It was signed November 13, 1835. Henry Smith was elected governor of the provisional government which was created thereunder.

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REPUBLIC OF TEXAS ORGANIZED—REVOLUTION AND WAR WITH MEXICO.

A war ensued between the Mexicans and the Americans in Texas. A declaration of independence was adopted at Washington, on the Brazos River, by a convention, together with an executive ordinance. On May 27, 1836, the Republic of Texas was proclaimed, and David G. Burnet elected president. Its boundaries by act of congress of the Republic were fixed on the north and east as settled in the treaty between the United States and Spain, 1819, confirmed by Mexico in 1828; on the south and west from the mouth of the Sabine along the Gulf; thence three leagues from shore to the mouth of and up the Rio Grande River to its source, and thence due north to the forty-fourth parallel north latitude.

REPUBLIC OF TEXAS RECOGNIZED BY THE UNITED STATES.

By joint resolution, March 3, 1837, the Republic of Texas was recognized by the United States. A convention was held between John Forsyth on behalf of the United States, and Memucan Hunt for the Republic of Texas, at Washington, D. C., April 25, 1838, for marking the boundary between them, the ratifications of which were exchanged October 12, 1838, and the treaty proclaimed October 13, 1838. The following is a copy of the same:

Treaty between the United States and Texas.

Whereas the treaty of limits made and concluded on the twelfth day of January, in the year of our Lord one thousand eight hundred and twenty-eight, between the United States of America on the one part and the United Mexican States on the other, is binding upon the Republic of Texas, the same having been entered into at a time when Texas formed a part of the said United Mexican States;

And whereas it is deemed proper and expedient, in order to prevent future disputes and collisions between the United States and Texas in regard to the boundary between the two countries as designated by the said treaty, that a portion of the same should be run and marked without unnecessary delay:

The President of the United States has appointed John Forsyth their plenipotentiary, and the President of the Republic of Texas has appointed Memucan Hunt its plenipotentiary;

And the said plenipotentiaries, having exchanged their full powers, have agreed upon and concluded the following articles:

ARTICLE I. Each of the contracting parties shall appoint a commissioner and surveyor, who shall meet, before the termination of twelve months from the exchange of the ratifications of this convention, at New Orleans, and proceed to run and mark that portion of the said boundary which extends from the mouth of the Sabine, where that river enters the Gulph of Mexico, to the Red River. They shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this convention, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ART. II. And it is agreed that until this line shall be marked out, as is provided for in the foregoing article, each of the contracting parties shall continue to exercise jurisdiction in all territory over which its jurisdiction has hitherto been exercised; and that the remaining portion of the said boundary line shall be run and marked at such time hereafter as may suit the convenience of both the contracting parties, until which time each of the said parties shall exercise, without the interference of the other, within the territory of which the boundary shall not have been so marked and run, jurisdiction to the same extent to which it has been heretofore usually exercised.

ART. III. The present convention shall be ratified, and the ratifications shall be exchanged at Washington, within the term of six months from the date hereof, or sooner if possible.

In witness whereof we, the respective plenipotentiaries, have signed the same, and have hereunto affixed our respective seals.

Done at Washington this twenty-fifth day of April, in the year of our Lord one thousand eight hundred and thirty-eight, in the sixty-second year of the Independence of the United States of America, and in the third of that of the Republic of Texas.

JOHN FORSYTH. [L. S.]
MEMUCAN HUNT. [L. S.]

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ANNEXATION OF TEXAS TO THE UNITED STATES.

Texas made several applications for the recognition of her independence during the administrations of President Jackson and President Van Buren. Admission into the Union was soon urged. President Tyler favored it, and the admission of Texas as a State into the Union became a national political issue. In 1844 the annexation treaty was rejected in the Senate by a vote of 16 to 35 nays.

March 1, 1845, the Congress of the United States passed a joint resolution for the annexation of the Republic of Texas to the United States, as follows:

JOINT RESOLUTION for annexing Texas to the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress doth consent that the territory properly included within and rightfully belonging to the Republic of Texas may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

SEC. 2. *And be it further resolved,* That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit:

First. Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other governments; and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

Second. Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports, and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct, but in no event are said debts and liabilities to become a charge upon the Government of the United States.

Third. New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crimes) shall be prohibited.

SEC. 3. *And be it further resolved,* That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas, as an overture on the part of the United States for admission, to negotiate with that Republic; then,

Be it resolved, That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two Representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States, shall be agreed upon by the governments of Texas and the United States: That the sum of one hundred thousand dollars be, and the same is hereby, appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two houses of Congress, as the President may direct.

This joint resolution passed the House of Representatives February 25, 1845, by a vote of 120 ayes to 98 nays. It passed the Senate by a vote of 27 ayes to 25 nays March 1, 1845, and was approved by President Tyler. A messenger was dispatched with these resolutions at once to the Republic of Texas.

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CONSENT OF TEXAS TO ANNEXATION TO THE UNITED STATES.

The following was the consent of Texas to annexation:

Whereas the Government of the United States hath proposed the following terms, guarantees, and conditions on which the people and territory of the Republic of Texas may be erected into a new State, to be called the State of Texas, and admitted as one of the States of the American Union, to wit:

[Here follow the first and second sections of the resolutions of the Congress of the United States, above set out, of March 1, 1845.]

And whereas, by said terms, the consent of the existing government of Texas is required; therefore

Be it resolved by the senate and house of representatives of the Republic of Texas, in congress assembled, That the government of Texas doth consent that the people and territory of the Republic of Texas may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, in order that the same may be admitted as one of the States of the American Union; and said consent is given on the terms, guarantees, and conditions set forth in the preamble of this joint resolution.

SEC. 2. *Be it further resolved,* That the proclamation of the president of the Republic of Texas, bearing date May fifth, eighteen hundred and forty-five, and the election of deputies to sit in convention at Austin, on the fourth day of July next, for the adoption of a constitution for the State of Texas, had in accordance therewith, hereby receives the consent of the existing government of Texas.

SEC. 3. *Be it further resolved,* That the President of Texas is hereby requested immediately to furnish the Government of the United States, through their accredited minister near this government, with a copy of this joint resolution; also, to furnish the convention to assemble at Austin, on the fourth of July next, a copy of the same, and the same shall take effect from and after its passage.

An ordinance.

Whereas, The Congress of the United States of America has passed resolutions providing for the annexation of Texas to that Union, which resolutions were approved by the President of the United States on the first day of March, one thousand eight hundred and forty-five; and whereas the President of the United States has submitted to Texas the first and second sections of the said resolutions, as the basis upon which Texas may be admitted as one of the States of the said Union; and whereas the existing government of the Republic of Texas has assented to the proposals thus made, the terms and conditions of which are as follows: [Here follow the resolutions, above referred to, of March 1, 1845.]

Now, in order to manifest the assent of the people of this republic, as required in the above-recited portions of the said resolutions, we, the deputies of the people of Texas in convention assembled, in their name and by their authority, do ordain and declare that we assent to and accept the proposals, conditions, and guarantees contained in the first and second sections of the resolutions of the Congress of the United States aforesaid.

Done at the city of Austin, Republic of Texas, July 4, 1845.

WM. J. RUSK, *President.*

PHIL. M. CUNY.
H. G. RUNNELS.
ROBERT M. FORBES.
SAM LUSK.
JNO. CALDWELL.
JOSE ANTONIO NAVARRO.
GEO. WM. BROWN.
GUSTAVUS A. EVERTS.
LEMUEL DALE EVANS.
J. B. MILLER.
R. E. B. BAYLOR.
J. S. MAYFIELD.
R. BACHE.
JAMES LOVE.
WM. L. HUNTER.
JNO. D. ANDERSON.
ISAAC PARKER.
P. O. LUMPKIN.
FRANCIS MOORE, JR.
ISAAC W. BRASHEAR.
ALEXANDER MCGOWAN.
ISAAC VAN ZANDT.
S. HOLLAND.
EDWARD CLARK.
GEO. W. SMYTH.
JAMES ARMSTRONG.
JOHN M. LEWIS.
JAMES SCOTT.
ARCHIBALD MCNEILL.
A. C. HORTON.
ISRAEL STANDEFER.
JOS. L. HOGG.
CHAS. S. TAYLOR.
DAVID GAGE.
HENRY J. JEWETT.
CAVITT ARMSTRONG.
JAMES POWER.
ALBERT H. LATIMER.
WM. C. YOUNG.
J. PINCKNEY HENDERSON.
NICHOLAS H. DARNELL.
EMERY RAINS.
A. W. O. HICKS.
JAMES M. BURROUGHS.
H. L. KINNEY.
WILLIAM L. CAZNEAU.
A. S. CUNNINGHAM.
ABNER S. LIPSCOMB.
JOHN HEMPHILL.
VAN R. IRION.
VOLNEY E. HOWARD.
E. H. TARRANT.
FRANCIS M. WHITE.
JAMES DAVIS.
GEORGE T. WOOD.
G. W. WRIGHT.
H. R. LATIMER.
W. B. OCHILTREE.
OLIVER JONES.
B. C. BAGBY.
CHAS. BELLINGER STEWART.

Attest:

JAS. H. RAYMOND, *Secretary.*

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A constitutional convention met at Austin—named after a colonist of that name—July 4, 1845, and completed its work August 27, 1845. The constitution so framed was submitted to the people October 13, 1845, and ratified by a vote of 4,174 ayes to 312 nays.

TEXAS ADMITTED INTO THE UNION.

December 29, 1845, Congress passed the following joint resolution:

JOINT RESOLUTION for the admission of the State of Texas into the Union.

Whereas the Congress of the United States, by a joint resolution approved March the first, eighteen hundred and forty-five, did consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, might be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing government, in order that the same might be admitted as one of the States of the Union; which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution; and whereas the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing government, did adopt a constitution, and erect a new State, with a republican form of government, and, in the name of the people of Texas, and by their authority, did ordain and declare that they assented to and accepted the proposals, conditions, and guarantees contained in said first and second sections of said resolution: and whereas the said constitution, with the proper evidence of its adoption by the people of the Republic of Texas, has been transmitted to the President of the United States, and laid before Congress, in conformity to the provisions of said joint resolution: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Texas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

SEC. 2. *And be it further resolved,* That until the Representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of Texas shall be entitled to choose two Representatives.

This was approved by President Polk December 29, 1845.

AREA OF ANNEXED TERRITORY.

The territory acquired by this annexation was equal to the area of the present State of Texas, viz: 274,356 square miles, or 175,587,840 acres; and the land ceded by Texas in 1850 to the United States for $16,000,000, amounting to 96,707 square miles, or 61,892,480 acres, which became a part of the public domain. It added to the national domain 371,063 square miles, or 237,480,320 acres.

The State of Texas retained the disposition of her public lands. The United States never owned public lands in Texas. The State has a land office for the sale and disposition of her large unoccupied domain and makes grants to railroads, and for other purposes, being sovereign over the land. She has her own settlement laws.

THE TREATY OF GUADALUPE HIDALGO—ACQUISITION OF TERRITORY FROM THE REPUBLIC OF MEXICO.

PRELIMINARY ATTEMPTS AT PURCHASE, AND HISTORY.

The treaty of Guadalupe Hidalgo, between the United States and the Republic of Mexico, February 2, 1848, added to the national and public domain the territory lying between the Rio Grande River north along the one hundred and sixth meridian of longitude west from Greenwich to the forty-second parallel north latitude, and along that parallel to the Pacific Ocean. Prior to the time that Commodore Sloat took possession of California, she had been the object of jealous attention on the part of several foreign nations. The Russians established themselves at Bodega, on the coast of California, in the year 1812, by permission of Spain, for the purpose of fishing and obtaining furs.

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Then, after this, they brought cattle, raised herds, and produced wheat. Forty miles from Bodega, beyond the San Sebastian River, they built Fort Slawianski, called by the Mexicans "Fort of Ross." They flew the Russian flag, and the military governor appointed by the Czar of Russia was in command. During the Mexican revolution they assumed to be the actual owners of the territory thus occupied. In the year 1842, through the fostering care of the Russian home government, this colony possessed one-sixth of the white population of California. After the United States finally acquired California this military colony was withdrawn.

In the year 1835, President Jackson proposed to the government of Mexico to purchase the territory lying east and north of a line drawn from the Gulf of Mexico along the eastern bank of the Rio Grande up to the thirty-seventh parallel north latitude, and thence along that parallel to the Pacific Ocean. This would have obtained the Bay of San Francisco, but the negotiation failed. Frémont's expedition by land and Wilkes's exploring expedition by sea and land, all under Government auspices, gave much information to the country at large of the Pacific Coast.

In 1841, by order of Marshal Soult, minister of war of France, an attaché of the French mission to Mexico, M. Duflot de Mofras, visited California and made a thorough exploration. He remained there two years.

In 1846 an informal meeting of citizens and natives of California was held at Monterey to consider annexation. The consuls of England (Forbes), of France (Guys), and of the United States (Larkin) were working during this period to encourage in the Californians a desire for annexation to one of their respective countries. Members were elected to a convention to consider annexation, but it never met. It was claimed that Great Britain intended to seize California as an equivalent for the Mexican debt due to British subjects. She had a fleet in the Pacific waters watching the American fleet, and it entered the harbor of Monterey a few hours after Commodore Sloat had there raised the American flag, July 7, 1846. It is presumed from official action on the part of the naval and other officers of the United States Government, that our navy was to see that no foreign government took possession of California. (See Mr. Buchanan's letter to Minister Slidell, April 10, 1845, as to the French and English designs.)

After the terms of annexation offered to Texas by the United States had been accepted by Texas, President Polk, in 1845, ordered the army of the United States to occupy the western portion of Texas, between the Nueces and Rio Grande rivers and to hold it. A strong naval force in the Gulf was ordered to co-operate with the army. Under date of November 10, 1845, Mr. Buchanan, Secretary of State, instructed John Slidell, United States minister to Mexico, to offer the Mexican Government, for the cession of New Mexico and a boundary line on the Rio Grande and to the forty-second parallel north latitude, the assumption of claims of American citizens against Mexico, and $5,000,000; for the cession of the province of California, the assumption of claims of American citizens against Mexico and $25,000,000; and for the bay and harbor of San Francisco and north of it, $20,000,000.

WAR WITH MEXICO, MAY 13, 1846.

On the 13th of May, 1846, Congress passed a law declaring that "war existed by the act of Mexico," and the war with Mexico ensued.

THE PRELIMINARY STEPS TOWARD PEACE.

April 15, 1845, President Polk commissioned Nicholas P. Trist, esq., chief clerk of the Department of State, to proceed, as the confidential agent of the Government and commissioner, to Mexico. He was furnished with a project of treaty, stating the purchase prices to be paid for the extension of our boundary. Upon his arrival in Mexico, Mr. Trist opened his negotiations with the Mexican authorities. On the 2d of September, 1847, he met the Mexican commissioners and tried to arrange a treaty, but failed. A

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temporary armistice was granted. September 6, General Scott notified Santa Anna that he would resume military operations the next day, as the armistice had been repeatedly broken. On the 7th the war was resumed.

November 22, proposals were received from the Mexican authorities for negotiations for a treaty.

THE TREATY OF GUADALUPE HIDALGO.

It was made by Nicholas Trist, esq., on behalf of the United States (although a long time before recalled), and Luis G. Cuevas, Bernardo Couto and Miguel Atristain on the part of Mexico. This treaty was done at the City of Guadalupe Hidalgo, Mexico, February 2, 1848. Mr. Trist transmitted it to Mr. Buchanan, Secretary of State, and President Polk sent it to the Senate with a message on Wednesday, February 23, 1848. He recommended that the tenth article should not be ratified. The Senate, after debate, amended it. It was finally adopted with amendments, March 10, 1848, by a vote of yeas 38, nays 14.

By and with the advice of the Senate, President Polk appointed Hon. Ambrose H. Sevier (United States Senator), of Arkansas, and Hon. Nathaniel Clifford (Attorney-General), of Maine, commissioners to Mexico, as envoys extraordinary and ministers plenipotentiaries. They took with them a copy of the treaty, with the amendments of the Senate duly ratified by the President, and had full powers to ratify the same The protocol to the treaty was their work. They arrived at the city of Queretaro May 5, 1848. The amended treaty was submitted to the Mexican Senate on that day, and it passed by a vote of 33 ayes to 5 nays. It had previously passed the House of Deputies.

On the 30th of May, at the same city, ratifications were exchanged, and afterwards the commissioners at the city of Mexico paid over the $3,000,000 cash payment.

Treaty of peace, friendship, limits, and settlement, with the Republic of Mexico, concluded February 2, 1848; *ratifications exchanged at Queretaro, May* 30, 1848; *proclaimed July* 4, 1848.

In the name of Almighty God:

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence wherein the two people should live, as good neighbours, have for that purpose appointed their respective plenipotentiaries, that is to say:

The President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said Republic;

Who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican Republic:

ARTICLE I. There shall be firm and universal peace between the United States of America and the Mexican Republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

ART II. Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or commissioners appointed by the general-in-chief of the forces of the United States, and such as may be appointed by the Mexican Government, to the end that a provisional suspension of hostilities shall take place, and that in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

ART. III. Immediately upon the ratification of the present treaty by the Government of the United States, orders shall be transmitted to the commanders of their land and naval forces requiring the latter (provided this treaty shall then have been ratified by the government of the Mexican Republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all

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troops of the United States then in the interior of the Mexican Republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the Republic shall be completed with the least possible delay; the Mexican Government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner orders shall be despatched to persons in charge of the custom-houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican Government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and exports, collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of ratification of this treaty by the government of the Mexican Republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican Government, at the city of Mexico, within three months after the exchange of ratifications.

The evacuation of the capital of the Mexican Republic by the troops of the United States, in virtue of the above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

ART. IV. Immediately after the exchange of ratifications of the present treaty all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican Republic, as about to be established by the following article, shall be definitively restored to the said Republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the government of the Mexican Republic. To this end, immediately upon the signature of this treaty, orders shall be despatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulation, as regards the restoration of artillery, apparatus of war, &c.

The final evacuation of the territory of the Mexican Republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible; the Mexican Government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarcation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the general-in-chief of the said troops and the Mexican Government, whereby healthy and otherwise suitable places at a distance from the ports not exceeding thirty leagues, shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season shall be understood to extend from the first day of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the Government of the said United States will exact the release of such captives, and cause them to be restored to their country.

ART. V. The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called the Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

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The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "*Map of the United Mexican States, as organized and defined by various acts of the congress of said Republic, and constructed according to the best authorities. Revised edition. Published at New York, in 1847, by J. Disturnell;*" of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the atlas to the voyage of the schooners Sutil and Mexicana; of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both Republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this article shall be religiously respected by each of the two Republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the General Government of each, in conformity with its own constitution.

ART. VI. The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the river Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article; it being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the river Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the governments of both Republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

ART. VII. The river Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two Republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favouring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both governments.

The stipulations contained in the present article shall not impair the territorial rights of either Republic within its established limits.

ART. VIII. Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they posess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with

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respect to it guarantees equally ample as if the same belonged to citizens of the United States.

ART. IX. The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

ART. X. [Stricken out.]

ART. XI. Considering that a great part of the territories, which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive controul of the Government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the Government of the United States whensoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said Government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two Republics; nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the Government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican Government. The Mexican authorities will, as far as practicable, give to the Government of the United States notice of such captures; and its agents shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the mean time, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the Government of the United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent, as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the Government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And, finally, the sacredness of this obligation shall never be lost sight of by the said Government, when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but, on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

ART. XII. In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen millions of dollars.

Immediately after this treaty shall have been duly ratified by the government of the Mexican Republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican Government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.

ART. XIII. The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican Republic, under the conventions between the two Republics severally concluded on the eleventh day of April, eighteen hundred and thirty nine, and on the thirtieth day of January, eighteen hun-

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dred and forty-three; so that the Mexican Republic shall be absolutely exempt, for the future, from all expense whatever on account of the said claims.

ART. XIV. The United States do furthermore discharge the Mexican Republic from all claims of citizens of the United States, not heretofore decided against the Mexican Government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

ART. XV. The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one-quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the Government of the United States, whose awards shall be final and conclusive; provided that, in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the city of Mexico on the twentieth day of November, one thousand eight hundred and forty-three; and in no case shall an award be made in favour of any claim not embraced by these principles and rules.

If, in the opinion of the said board of commissioners or of the claimants, any books, records, or documents, in the possession or power of the government of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican minister for foreign affairs, to be transmitted by the Secretary of State of the United States; and the Mexican Government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents so specified, which shall be in their possession or power (or authenticated copies or extracts of the same), to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said board of commissioners; provided that no such application shall be made by or at the instance of any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

ART. XVI. Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify for its security.

ART. XVII. The treaty of amity, commerce, and navigation, concluded at the city of Mexico on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

ART. XVIII. All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the Government of the United States hereby engaging and pledging its faith to establish, and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation, which they may know of, or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

ART. XIX. With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of the United States, whether by citizens of either Republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

1. All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and

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previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

3. All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects, and property described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects, or property described in the first and second rules shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects, or property, described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals or other property exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-house at such port, no person shall be required by the Mexican authorities, whether general or state, to pay any tax, duty, or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

ART. XX. Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom-houses, conformably with the stipulation in the third article, in such case all merchandise, effects, and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

ART. XXI. If unhappily any disagreement should hereafter arise between the governments of the two Republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one Republic against the other, until the government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

ART. XXII. If (which is not to be expected, and which God forbid) war should unhappily break out between the two Republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world to observe the following rules; absolutely where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:

1. The merchants of either Republic then residing in the other shall be allowed to remain twelve months, (for those dwelling in the interior,) and six months, (for those dwelling at the seaports,) to collect their debts and settle their affairs; during which periods they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance, conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women

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and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldier shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished, by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute, whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and, during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

ART. XXIII. This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican Republic, with the previous approbation of its general Congress; and the ratifications shall be exchanged in the city of Washington, or at the seat of government of Mexico, in four months from the date of the signature hereof, or sooner if practicable.

In faith whereof we, the respective plenipotentiaries, have signed this treaty of peace, friendship, limits, and settlement, and have hereunto affixed our seals respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

N. P. TRIST. [L. S.]
LUIS G. CUEVAS. [L. S.]
BERNARDO COUTO. [L. S.]
MIGL. ATRISTAIN. [L. S.]

Protocol.

In the city of Queretaro, on the twenty-sixth of the month of May, eighteen hundred and forty-eight, at a conference between their excellencies Nathan Clifford and Ambrose H. Sevier, commissioners of the U. S. of A., with full powers from their Government to make to the Mexican Republic suitable explanations in regard to the amendments which the Senate and Government of the said United States have made in the treaty of peace, friendship, limits, and definitive settlement between the

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two Republics, signed in Guadalupe Hidalgo, on the second day of February of the present year; and his excellency Don Luis de la Rosa, minister of foreign affairs of the Republic of Mexico; it was agreed, after adequate conversation, respecting the changes alluded to, to record in the present protocol the following explanations, which their aforesaid excellencies the commissioners gave in the name of their Government and in fulfillment of the commission conferred upon them near the Mexican Republic:

1st. The American Government by suppressing the IXth article of the treaty of Guadalupe Hidalgo and substituting the IIId article of the treaty of Louisiana, did not intend to diminish in any way what was agreed upon by the aforesaid article IXth in favor of the inhabitants of the territories ceded by Mexico. Its understanding is that all of that agreement is contained in the 3d article of the treaty of Louisiana. In consequence all the privileges and guarantees, civil, political, and religious, which would have been possessed by the inhabitants of the ceded territories, if the IXth article of the treaty had been retained, will be enjoyed by them, without any difference, under the article which has been substituted.

2d. The American Government by suppressing the Xth article of the treaty of Guadalupe did not in any way intend to annul the grants of lands made by Mexico in the ceded territories. These grants, notwithstanding the suppression of the article of the treaty, preserve the legal value which they may possess, and the grantees may cause their legitimate [titles] to be acknowledged before the American tribunals.

Conformably to the law of the United States, legitimate titles to every description of property, personal and real, existing in the ceded territories are those which were legitimate titles under the Mexican law in California and New Mexico up to the 13th of May, 1846, and in Texas up to the 2d March, 1836.

3d. The Government of the United States, by suppressing the concluding paragraph of article XIIth of the treaty, did not intend to deprive the Mexican Republic of the free and unrestrained faculty of ceding, conveying, or transferring at any time (as it may judge best) the sum of the twelve millions of dollars which the same Government of the U. States is to deliver in the places designated by the amended article.

And these explanations having been accepted by the minister of foreign affairs of the Mexican Republic, he declared, in name of his government, that with the understanding conveyed by them the same government would proceed to ratify the treaty of Guadalupe, as modified by the Senate and Government of the U. States. In testimony of which, their excellencies, the aforesaid commissioners and the minister have signed and sealed, in quintuplicate, the present protocol.

[SEAL.]	A. H. SEVIER.
[SEAL.]	NATHAN CLIFFORD.
[SEAL.]	LUIS DE LA ROSA.

First and fifth articles of the unratified convention between the United States and the Mexican Republic of the 20th November, 1843, referred to in the fifteenth article of the preceding treaty.

ARTICLE I. All claims of citizens of the Mexican Republic against the Government of the United States which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of the United States against the government of the Mexican Republic, which, for whatever cause, were not submitted to, nor considered, nor finally decided by, the commission, nor by the arbiter appointed by the convention of 1839, and which shall be presented in the manner and time hereinafter specified, shall be referred to four commissioners, who shall form a board, and shall be appointed in the following manner, that is to say: Two commissioners shall be appointed by the President of the Mexican Republic, and the other two by the President of the United States, with the approbation and consent of the Senate. The said commissioners, thus appointed, shall, in presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the treaties between the two Republics.

ART. V. All claims of citizens of the United States against the government of the Mexican Republic, which were considered by the commissioners, and referred to the umpire appointed under the convention of the eleventh April, 1839, and which were not decided by him, shall be referred to, and decided by, the umpire to be appointed, as provided by this convention, on the points submitted to the umpire under the late convention, and his decision shall be final and conclusive. It is also agreed, that if the respective commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims.

THE EVACUATION OF THE CITY OF MEXICO BY THE UNITED STATES.

At 6 o'clock a. m., June 12, 1848, the flag of the United States was taken down from the National Palace in the city of Mexico, and the colors of Mexico hoisted in their

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stead, the customary honors being paid to both. The last division of the American army was withdrawn, and the occupation of Mexico by the United States was at an end. July 4, 1848, President Polk issued proclamation of the foregoing treaty.

BOUNDARIES, AREA, AND COST OF CESSION.

By this cession, the United States obtained the acknowledgment of the boundaries of Texas, annexed in 1845, and the territory west of the Rio Grande, and of a meridian north from its source to the forty-second parallel, north latitude, and lying between these boundaries and the forty-second parallel on the north, the Pacific Ocean on the west, and the national boundary on the south established by this treaty. (See Article V.) This boundary was afterward altered by the addition of the land purchased by the Gadsden treaty of 1853, and the present national boundary was established. The area of territory obtained by this treaty (exclusive of the Texas cession, in doubt as to part) was estimated at 522,568 square miles, viz:

	Square miles.
Lying now in the State of California, being the entire State	157,801
The entire State of Nevada	112,090
Arizona (except the Gadsden purchase of 1853)	82,381
New Mexico west of the Rio Grande and north of the Gadsden purchase of 1853	42,000
Utah, entire	84,476
Colorado, west of the Rocky Mountains	29,500
Wyoming, the southwest portion	14,320
In all, estimated at	522,568

Or 334,443,520 acres.

All of this became national and public domain, and the land laws of the United States were extended over it by Congress (for disposition and sale), excepting certain grants made therein by Spanish and Mexican authorities. It cost, principal sum under the treaty, $15,000,000.

The southern and western boundary of this cession is (west of Texas) the boundary of the public as well as of the national domain. The boundary lines were settled and surveyed by a joint commission. (See report in 1854–'55.)

DELIVERY OF THE CESSION.

The United States being in possession, by military force, no formal delivery of the territory was had other than by the payment of the sum stipulated and fixing and determining the boundary line.

AUTHORITIES.

See "Treaty between the United States and Mexico, Thirtieth Congress, first session, Ex. Doc. No. 52"; also, "Stocking's Areas and Political Division of the United States"; the ninth census; address by John W. Dwinnelle, San Francisco, September 10, 1866; diplomatic correspondence, United States, 1819 to 1850; treaties and conventions, United States, 1871; President's messages, 1841–1850.

TEXAS PURCHASE, DECEMBER 13, 1850.

BOUNDARIES OF TEXAS.

This was an increase to the public domain, not to the national, being already included in the national area, having been acquired by the act of annexation of Texas, March 1, 1845.

The State of Texas held, under claims of the republic of Texas which she succeeded to, title to all the land lying east of the Rio Grande River and embraced within the

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limits of the Rio Grande on the west and south and the boundary between the United States and Spain under the Florida treaty of 1819 on the east, viz, the Sabine River, thence south to the Red River, thence northwest to the one hundredth meridian west of Greenwich, to the Arkansas River, thence to the source of the Arkansas River, supposed to be at or near the forty-second parallel of north latitude. These boundaries were confirmed by the Mexican treaty of 1828 with the United States.

Upon the admission of Texas by joint resolution December 29, 1845, these treaty boundaries became the boundary of the State. They were indefinite, and the resolution said: "The territory properly included within and rightfully belonging to the republic of Texas." The part of this claim now in New Mexico, all east of the Rio Grande River, Texas, tried to organize into counties under act of her legislature in January, 1849. The executive of Texas, Governor Bell, sent an agent to Santa Fé, the people of which place denied that they were within the jurisdiction of Texas.

On the 22d of September, 1847, General Stephen W. Kearney, under orders of the War Department (the United States then being at war with Mexico), having marched overland and captured the Mexican province of New Mexico, and being military governor thereof, published a series of laws for its government. Texas had claimed all the territory east of the Rio Grande, and Mr. Marcy, Secretary of War, in a dispatch of date October 12, 1848, instructed the commanding officer at Santa Fé to respect the authority of Texas therein.

September 9, 1850, an organic act for New Mexico was passed, giving it the present eastern boundary and taking from the Texas claim about sixty-five thousand square miles of territory.

CESSION BY TEXAS.

Congress, by act of September 9, 1850, made proposals for the cession by Texas of her claim to the territory north of latitude 30° 30′ north, west of the one hundred and third meridan of longitude west from Greenwich and north of the thirty-second parallel of north latitude, and to the Rio Grande River, to the United States. Texas was to relinquish all claims against the United States for any payments or liabilities on the part of the United States for the property of the republic of Texas, surrendered by the State, which was turned over to the United States at the time of annexation, and the United States proposed to pay to the State of Texas $10,000,000 for such cession in five per cent. fourteen-year bonds.

November 25, 1850, the legislature of the State accepted, and by proclamation of the President of the United States, of date December 13, 1850, the act of Congress of September 9, 1850, was announced to be operative, and the ceded territory came under the control of the United States.

AREA AND COST OF THE PURCHASE.

The United States obtained by this cession for the public domain (estimated) 96,707 square miles of territory, being and lying in the following States and Territories:

	Square miles.
In the southwest corner of Kansas	7,766
In the southeastern corner of Colorado	18,000
In the eastern portion of the Territory of New Mexico	65,201
In the public land strip north of the Pan-Handle of Texas	5,740
Total	96,707

Or 61,892,480 acres.

Over all of the above, except the land lying in the "public land strip", and excepting certain grants therein made by the Spanish and Mexican authorities, have the public land laws of the United States, as to survey and disposition, been extended. It cost:

Principal sum, five per cent. fourteen-year bonds	$5,000,000
Interest to date of redemption	3,500,000
Act of February 28, 1855	7,500,000
Total	16,000,000

The United States assumed jurisdiction at once upon the acceptance by the State of Texas of the terms offered, and has since retained it.

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PURCHASE FROM THE REPUBLIC OF MEXICO.

GADSDEN PURCHASE.

Under the administration of President Pierce, December 30, 1853, a treaty was entered into by James Gadsden, United States minister to Mexico, and Don Manuel Diez de Bonilla, secretary of state, José Salazar Ylarregui, and J. Mariano Monterde, as scientific commissioners on behalf of the Republic of Mexico, for the purchase of the tract of land now lying in the southern part of the Territories of New Mexico and Arizona, then in the Republic of Mexico and adjoining the United States south of the river Gila, and from the Rio Grande on the east to a point twenty miles below the mouth of the Gila on the west, on the Colorado River. The Gila River and branches from this point eastward was the boundary fixed by the treaty of Guadalupe Hidalgo, in 1848. This purchase was for the purpose of more correctly defining and making a more regular line and certain boundary between the United States and Mexico.

The treaty was as follows:

Treaty with Mexico. Concluded December 30, 1853; *ratifications exchanged June* 30, 1854; *proclaimed June* 30, 1854.

In the name of Almighty God.

The Republic of Mexico and the United States of America, desiring to remove every cause of disagreement which might interfere in any manner with the better friendship and intercourse between the two countries, and especially in respect to the true limits which should be established, when, notwithstanding what was covenanted in the treaty of Guadalupe Hidalgo in the year 1848, opposite interpretations have been urged, which might give occasion to questions of serious moment: To avoid these, and to strengthen and more firmly maintain the peace which happily prevails between the two Republics, the President of the United States has, for this purpose, appointed James Gadsden, envoy extraordinary and minister plenipotentiary of the same near the Mexican Government, and the President of Mexico has appointed as plenipotentiary "*ad hoc*" his excellency Don Manuel Diez de Bonilla, cavalier grand cross of the national and distinguished order of Guadalupe, and secretary of state and of the office of foreign relations, and Don José Salazar Ylarregui and General Mariano Monterde, as scientific commissioners, invested with full powers for this negotiation; who, having communicated their respective full powers, and finding them in due and proper form, have agreed upon the articles following:

ARTICLE I. The Mexican Republic agrees to designate the following as her true limits with the United States for the future: Retaining the same dividing line between the two Californias as already defined and established, according to the 5th article of the treaty of Guadalupe Hidalgo, the limits between the two Republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of 31° 47′ north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of 31° 20′ north latitude; thence along the said parallel of 31° 20′ to the one hundred and eleventh meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River twenty English miles below the junction of the Gila and Colorado rivers; thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

For the performance of this portion of the treaty, each of the two governments shall nominate one commissioner, to the end that, by common consent, the two thus nominated, having met in the city of Paso del Norte, three months after the exchange of the ratifications of this treaty, may proceed to survey and mark out upon the land the dividing line stipulated by this article, where it shall not have already been surveyed and established by the mixed commission, according to the treaty of Guadalupe, keeping a journal and making proper plans of their operations. For this purpose, if they should judge it necessary, the contracting parties shall be at liberty each to unite to its respective commissioner scientific or other assistants, such as astronomers and surveyors, whose concurrence shall not be considered necessary for the settlement and ratification of a true line of division between the two Republics; that line shall be alone established upon which the commissioners may fix, their consent in this particular being considered decisive and an integral part of this treaty, without necessity of ulterior ratification or approval, and without room for interpretation of any kind by either of the parties contracting.

The dividing line thus established shall, in all time, be faithfully respected by the two governments, without any variation therein, unless of the express and free con-

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sent of the two, given in conformity to the principles of the law of nations, and in accordance with the constitution of each country, respectively.

In consequence, the stipulation in the 5th article of the treaty of Guadalupe upon the boundary line therein described is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

ART. II. The government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo; and the said article and the thirty-third article of the treaty of amity, commerce, and navigation between the United States of America and the United Mexican States, concluded at Mexico on the fifth day of April, 1831, are hereby abrogated.

ART. III. In consideration of the foregoing stipulations, the Government of the United States agrees to pay to the government of Mexico, in the city of New York, the sum of ten millions of dollars, of which seven millions shall be paid immediately upon the exchange of the ratifications of this treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

ART. IV. The provisions of the 6th and 7th articles of the treaty of Guadalupe Hidalgo having been rendered nugatory for the most part by the cession of territory granted in the first article of this treaty, the said articles are hereby abrogated and annulled, and the provisions as herein expressed substituted therefor. The vessels and citizens of the United States shall, in all time, have free and uninterrupted passage through the Gulf of California, to and from their possessions situated north of the boundary line of the two countries. It being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government; and precisely the same provisions, stipulations, and restrictions, in all respects, are hereby agreed upon and adopted, and shall be scrupulously observed and enforced, by the two contracting governments in reference to the Rio Colorado, so far and for such distance as the middle of that river is made their common boundary line by the first article of this treaty.

The several provisions, stipulations, and restrictions contained in the 7th article of the treaty of Guadalupe Hidalgo shall remain in force only so far as regards the Rio Bravo del Norte, below the initial of the said boundary provided in the first article of this treaty; that is to say, below the intersection of the 31° 47′ 30″ parallel of latitude, with the boundary line established by the late treaty dividing said river from its mouth upwards, according to the 5th article of the treaty of Guadalupe.

ART. V. All the provisions of the eighth and ninth, sixteenth and seventeenth articles of the treaty of Guadalupe Hidalgo, shall apply to the territory ceded by the Mexican Republic in the first article of the present treaty, and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and effectually as if the said articles were herein again recited and set forth.

ART. VI. No grants of land within the territory ceded by the first article of this treaty bearing date subsequent to the day—twenty-fifth of September—when the minister and subscriber to this treaty on the part of the United States proposed to the government of Mexico to terminate the question of boundary, will be considered valid or be recognized by the United States, or will any grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the archives of Mexico.

ART. VII. Should there at any future period (which God forbid) occur any disagreement between the two nations which might lead to a rupture of their relations and reciprocal peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference; and should they still in this manner not succeed, never will they proceed to a declaration of war without having previously paid attention to what has been set forth in article 21 of the treaty of Guadalupe for similar cases; which article, as well as the 22d, is here re-affirmed.

ART. VIII. The Mexican Government having on the 5th of February, 1853, authorized the early constructiou of a plank and rail road across the Isthmus of Tehuantepec, and, to secure the stable benefits of said transit way to the persons and merchandize of the citizens of Mexico and the United States, it is stipulated that neither government will interpose any obstacle to the transit of persons and merchandize of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

The United States, by its agents, shall have the right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States Government and its citizens, which may be intended for transit, and not for distribution on the isthmus, free of custom-house or other charges by the Mexican Government. Neither passports nor

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letters of security will be required of persons crossing the isthmus and not remaining in the country.

When the construction of the railroad shall be completed, the Mexican Government agrees to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

The two governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that Government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

The Mexican Government having agreed to protect with its whole power the prosecution, preservation, and security of the work, the United States may extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by the public or international law.

ART. IX. This treaty shall be ratified, and the respective ratifications shall be exchanged at the city of Washington within the exact period of six months from the date of its signature, or sooner if possible.

In testimony whereof we, the plenipotentiaries of the contracting parties, have hereunto affixed our hands and seals at Mexico, the thirtieth (30th) day of December, in the year of our Lord one thousand eight hundred and fifty-three, in the thirty-third year of the Independence of the Mexican Republic, and the seventy-eighth of that of the United States.

JAMES GADSDEN. [L. S.]
MANUEL DIEZ DE BONILLA. [L. S.]
JOSÉ SALAZAR YLARREGUI. [L. S.]
J. MARIANA MONTERDE. [L. S.]

AREA AND COST OF THIS PURCHASE.

The territory thus purchased was in area (estimated) 45,535 square miles or 29,142,400 acres, and now lies 14,000 square miles (west of the Rio Grande) in the southeastern portion of the Territory of New Mexico and in the southern part of the Territory of Arizona, south of the river Gila, running across the entire Territory from the western boundary line of New Mexico to the Gila River on the west, and containing in area (estimated) 31,535 square miles. This land is now under the land laws of the United States and is subject to disposition and sale, excepting certain grants made therein by Spanish or Mexican authorities.

The United States Government paid the Republic of Mexico for this cession $10,000,000; $7,000,000 was paid immediately after the ratification of the treaty, and $3,000,000 in 1856, after the boundary commission surveyed and marked the boundary line, which was completed in 1855–'56. The tract embraces a large part of the Mesilla Valley in New Mexico. The entire area of this purchase became national as well as public domain.

TRANSFER.

There was no formal transfer of this ceded territory to the United States other than fixing and determining the boundary line. (See Reports of Boundary Commission, 1854–'55.)

THE PURCHASE OF ALASKA FROM RUSSIA.

The purchase of Alaska from Russia, March 30, 1867, was the last of the treaties of purchase of territory, and added to and completed our present national and public domain.

RUSSIA'S CLAIM TO THE TERRITORY, AND ITS BOUNDARIES.

Russia claimed this territory by discovery. Captain Behring, who was sent out in 1733 by Empress Ann, discovered the mainland of North America in latitude 58° 28′, on the 18th of July, 1741. His colleague, Captain Tschirikow, being separated from him in a storm, sighted the same coast in latitude 56°, on the 15th of July, 1741, while Behring sailed up the coast, discovering many of the islands of the Aleutian Archipelago, some of which, however, he had seen during his previous voyage in 1728. The coast of British Columbia was discovered in 1790 by Vancouver, upon the strength of

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which England claimed its sovereignty. The discovery of the coast of Oregon by Captain Gray, in the same year, formed the basis of a claim of our Government to the sovereignty of the whole coast, at least as far north as the Russian discoveries. The line separating us from those discoveries was fixed as the parallel of 54° 40′ in the treaty concluded at St. Petersburg, April 17–5, 1824, between Henry Middleton on behalf of the United States and Le Comte Charles de Nesselrode and Pierre de Poletica on behalf of the Emperor Nicholas.

This was settled by the following article:

ART. III. It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of 54° 40′ of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

The territory between that parallel and 49° was recognized as belonging to the English, by virtue of Vancouver's discoveries. North of 54° 40′ the claim of Russia seems never to have been questioned.

Great Britain, February 28–16, 1825, made a treaty with Russia recognizing the boundaries of the Russian claim for Alaska. This boundary, 54° 40′ north latitude, conceded to Russia as the southern boundary of her territorial claim on the Pacific Coast, with the claim and rights of Spain to the territory adjoining on the south, sold to the United States in 1819, together with our claim of discovery by Captain Gray in 1790 to the whole coast to the southern line of the Russian possessions, formed the basis of the claim of the United States to the territory of Oregon, to the line of 54° 40′ north latitude.

The treaty of June 15, 1846, between the United States and Great Britain, forced the United States to withdraw this claim, and the intermediate country between 49° and 54° 40′ north latitude went to Great Britain under Vancouver's claim of prior discovery in 1790, the parallel 49° north latitude becoming the northern boundary line of the United States on the Pacific slope.

NEGOTIATIONS FOR PURCHASE.

Alaska was offered to the United States for a pecuniary consideration during the Crimean war in 1854, by Baron Stoeckl, Russian envoy at Washington, but this offer was declined by the Pierce administration. During the administration of President Buchanan, unofficial negotiations were set on foot by our Cabinet for the purchase of Alaska, the sum of $5,000,000 being named as the price, but significant intimations were received that Russia expected a higher price. The legislature of Washton Territory, in January, 1866, memorialized the President in behalf of the immediate acquisition of the Russian territories of North America. A strong pressure was brought to bear upon both the legislative and executive departments of the General Government. When the fact became generally known that the lease of the franchises of the Russo-American Fur Company by the Hudson Bay Company would expire in June, 1867, and would probably be renewed unless we acquired the territory in the meanwhile, the anxiety for the measure increased. Formal negotiations were entered into between Baron Stoeckl, the Russian minister at Washington, and Hon. W. H. Seward, Secretary of State, resulting in the formation of the treaty of March 30, 1867, the signatures of the plenipotentiaries being affixed at 4 o'clock on the morning of that day.

Convention for the cession of the Russian possessions in North America to the United States. Concluded March 30, 1867; *ratifications exchanged June* 20, 1867; *proclaimed June* 20, 1867.

The United States of America and his majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their plenipotentiaries, the President of the United States, William H. Seward, Secretary of State; and his majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his envoy extraordinary and minister plenipotentiary to the United States;

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And the said plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

ARTICLE I. His majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28–16, 1825, and described in Articles III and IV of said convention, in the following terms:

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133d degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude, (of the same meridian); and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

"1st. That the island called Prince of Wales Island shall belong wholly to Russia," (now, by this cession to the United States).

"2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned, (that is to say, the limit to the possessions ceded by this convention), shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed are contained passes through a point in Behring's Straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's Straits and Behring's Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Kormandorski couplet or group, in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian.

ART. II. In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian Government, shall remain the property of such members of the Greek Oriental Church resident in the territory as may choose to worship therein. Any government archives, papers, and documents relative to the territory and dominion aforesaid, which may now be existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian Government, or to such Russian officers or subjects as they may apply for.

ART. III. The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

ART. IV. His majesty, the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents, appointed on behalf of the United States, the territory, dominion, property, dependencies, and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of im-

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mediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

ART. V. Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

ART. VI. In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property-holders; and the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ART. VII. When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and, on the other, by his majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner if possible.

In faith whereof the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington the thirtieth day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

WILLIAM H. SEWARD. [L. S.]
EDOUARD DE STOECKL. [L. S.]

THE TRANSFER OF ALASKA TO THE UNITED STATES.

Message from the President of the United States, in relation to the transfer of Alaska Territory from Russia to the United States.

To the Senate and House of Representatives:

I transmit a report from Secretary of State, and the documents to which it refers, in relation to the formal transfer of territory from Russia to the United States, in accordance with the treaty of the 30th of March last.

ANDREW JOHNSON.

WASHINGTON, *January* 27, 1868.

To the President:

The Secretary of State has the honor to lay before the President a copy of a correspondence between the Secretary and General Lovell H. Rousseau, and papers accompanying the same, concerning the transfer of the Territory of Alaska to the United States.

Respectfully submitted.

WILLIAM H. SEWARD.

DEPARTMENT OF STATE,
Washington, January 27, 1868.

Mr. Seward to General Rousseau.

DEPARTMENT OF STATE,
Washington, August 7, 1867.

GENERAL: You will herewith receive the warrant of the President, under the great seal of the United States, appointing you commissioner on behalf of this Government, to receive from a similar officer appointed on behalf of the Imperial Government of Russia the territory ceded by that government to the United States, pursuant to the treaty of the 30th of March last. You will consequently enter into communication with Captain Pestchouroff, the Russian commissioner, now here, and arrange with him in regard to proceeding, as soon as may be convenient, to the territory referred to, in order that your commission may be fulfilled.

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On arriving at Sitka, the principal town in the ceded territory, you will receive from the Russian commissioner the formal transfer of that territory, under mutual national salutes from artillery, in which the United States will take the lead.

Pursuant to the stipulations of the treaty, that transfer will include all forts and military posts, and public buildings, such as the governor's house and those used for government purposes; dockyards, barracks, hospitals and schools; all public lands, and all ungranted lots of ground at Sitka and Kodiak. Private dwellings and warehouses, blacksmiths', joiners', coopers', tanners', and other similar shops, ice-houses, flour and saw mills, and any small barracks on the island, are subject to the control of their owners, and are not to be included in the transfer to the United States.

The respective commissioners, after distinguishing between the property to be transferred to the United States and that to be retained by individuals, will draw up and sign full inventories of the same in duplicate. In order, however, that the said individual proprietors may retain their property as aforesaid, or if they should so prefer may dispose of the same, you will, upon the production of the proper documentary or other proof of ownership, furnish the said proprietors with a certificate of their right to hold the same.

In accordance with the stipulations of the treaty, the churches and chapels in the ceded territory will continue to be the property of the members of the Greco-Russian church. Any houses and lots which may have been granted to those churches will also remain their property.

As it is understood that the Russian American Company possess, in that quarter, large stores of furs, provisions, and other goods now at Sitka, Kodiak, and elsewhere on the mainland and on the island, it is proper that that company should have a reasonable time to collect, sell, or export that property. For that purpose the company may leave in the territory an agent or agents for the purpose of closing their business. No taxes will be levied on the property of the company now in the territory, until Congress shall otherwise direct.

It is expected that, in the transaction of the important business hereby intrusted to you, it will be borne in mind that, in making the cession of the territory referred to, his Imperial Majesty the Emperor of all the Russias has been actuated by a desire of giving a signal proof of that friendship for the United States which has characterized his own reign and that of his illustrious predecessors. It is hoped, therefore, that all your intercourse with the Russian commissioner will be friendly, courteous, and frank.

This department understands from the President that, upon the conclusion of the business with the Russian commissioner, you will have command in the territory, to be exercised under the orders of the War Department.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

Brig. Gen. LOVELL H. ROUSSEAU.

Mr. Seward to General Rousseau.

DEPARTMENT OF STATE,
Washington, January 24, 1868,

GENERAL: I have had the honor to receive the report which, on the 5th of December last, you transmitted to me, of the execution of the agency confided to you for receiving the formal transfer of the Territory of Alaska.

The report was accompanied by a certificate mutually executed and delivered on the 26th of October last, between yourself and Alexis Pestchouroff, Russian commissioner; an inventory of the property belonging to the Greco-Russian church at Sitka; a list of the names of persons holding property in fee-simple in the city of Sitka; an inventory of private property in the city of Sitka; an inventory of forts and public buildings in the island of Kodiak; a letter of the Russian commissioner to yourself, written on the 26th of October; a map of the city of Sitka; and the United States flag which was used by you on the occasion of the transfer.

The proceedings referred to have been submitted to the President, and I am directed to acknowledge the reception of the papers, and to communicate to you the President's satisfaction with the manner in which your important and delicate trust was executed.

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD,
Secretary of State.

Maj. Gen. LOVELL H. ROUSSEAU,
Headquarters Department of the Columbia, Portland, Oregon.

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Brigadier-General Rousseau to Mr. Seward.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oregon, December 5, 1867.

SIR: I have the honor to report that, on the receipt from you of my appointment by the President as United States commissioner to receive the formal transfer of the Territory of Alaska, and also your instructions touching that transfer, I repaired at once to New York to make the necessary preparation to sail on the 21st of August, but on reaching that city I found it impossible to get off on that day.

I sought and obtained at once an interview with Baron Stoeckl, the Russian minister, and Captain Pestchouroff, of the Russian imperial navy, and Captain Koskul, representing the Russian American Company; and it was arranged that we should sail from New York on the 31st of August, and we accordingly sailed on that day, via Panama, reaching San Francisco, California, on the 22d of September. As we entered the harbor of San Francisco the batteries of the forts fired a salute.

On reaching San Francisco, we found the preparations for taking military possession of the new Territory completed by Major-General Halleck, who had ships laden with supplies for the troops, and transportation all ready for the troops themselves to Sitka.

Admiral Thatcher, also, had provided transportation for the commissioners on the propeller man-of-war Ossipee, Captain Emmons commanding. Returning the admiral's call, visiting him on board his flag-ship Pensacola, the commissioners received a salute of her batteries.

Hastening in preparation, we took our departure for Sitka on the morning of the 27th of September.

When we set sail we intended to go directly by the open sea to New Archangel, but after three or four days, during which the sea was very rough, with little or no wind, and making very slow progress, we concluded to go by way of Victoria and the straits, thus taking the inland passage. The troops and supplies had preceded us a day or two from San Francisco, and as they could not land at Sitka before we reached there, it was thought best to take the inland route in order to insure our arrival at the latter place certainly within a reasonable time. This we could not do in the open sea, as it was quite rough, and what wind we had or expected to have in October and till the middle of November was from the northwest (a head wind for us).

Our ship was very slow, and with a head wind or rough sea made not more than two to four knots an hour. The winds in the Northern Pacific, from May to November inclusive, are from the northwest generally, and the balance of the year from the southeast. Besides, I suffered greatly from sea-sickness, followed by what I feared was congestive chills, and sought to avoid this suffering by taking the inland passage.

We reached Esquimalt, Vancouver's Island, on the night of the 4th of October, took in a supply of coal, and steamed for Sitka on the morning of the 6th. After a pleasant passage, taking it altogether, we cast anchor in the harbor of New Archangel on the 18th of October, at eleven o'clock a. m., where we found the troops and supplies had preceded us several days. The day was bright and beautiful. We landed immediately, and fixed the hour of three and a half o'clock that day for the transfer, of which General Jeff. C. Davis, commanding the troops there; Captain Emmons, United States ship Ossipee; Captain McDougall, United States ship Jamestown; Captain Bradford, United States ship Resaca, and the officers of their respective commands, as also the governor of the Territory, the Prince Maksontoff, were notified and invited to be present.

The command of General Davis, about two hundred and fifty strong, in full uniform, armed and handsomely equipped, were landed about three o'clock, and marched up to the top of the eminence on which stands the governor's house, where the transfer was to be made. At the same time a company of Russian soldiers were marched to the ground, and took their place upon the left of the flag-staff, from which the Russian flag was then floating. The command of General Davis was formed under his direction on the right.

The United States flag to be raised on the occasion was in care of a color-guard—a lieutenant, a sergeant, and ten men of General Davis's command.

The officers above named, as well as the officers under their command, the Prince Maksontoff, and his wife the Princess Maksontoff, together with many Russian and American citizens, and some Indians, were present.

The formation of the ground, however, was such as to preclude any considerable demonstration.

It was arranged by Captain Pestchouroff and myself that, in firing the salutes on the exchange of flags, the United States should lead off, in accordance with your instructions, but that there should be alternate guns from the American and Russian batteries, thus giving the flag of each nation a double national salute, the national salute being thus answered in the moment it was given. The troops, being promptly formed, were, at precisely half past three o'clock, brought to a present arms, the signal

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given to the Ossipee, (Lieutenant Crossman, executive officer of the ship, and for the time in command), which was to fire the salute, and the ceremony was begun by lowering the Russian flag. As it began its descent down the flag-staff the battery of the Ossipee, with large nine-inch guns, led off in the salute, peal after peal crashing and re-echoing in the gorges of the surrounding mountains, answered by the Russian water battery (a battery on the wharf), firing alternately. But the ceremony was interrupted by the catching of the Russian flag in the ropes attached to the flag-staff. The soldier who was lowering it, continuing to pull at it, tore off the border by which it was attached, leaving the flag entwined tightly around the ropes. The flag-staff was a native pine, perhaps ninety feet in height. In an instant the Russian soldiers, taking different shrouds attached to the flag-staff, attempted to ascend to the flag, which, having been whipped around the ropes by the wind, remained tight and fast. At first (being sailors as well as soldiers) they made rapid progress, but laboring hard, they soon became tired, and when half-way up scarcely moved at all, and finally came to a stand-still. There was a dilemma; but in a moment a "boatswain's chair," so called, was made by knotting a rope to make a loop for a man to sit in and be pulled upward, and another Russian soldier was quickly drawn up to the flag. On reaching it he detached it from the ropes, and not hearing the calls from Captain Pestchouroff below to "bring it down," dropped it below, and in its descent it fell on the bayonets of the Russian soldiers.

The United States flag (the one given to me for that purpose, by your direction, at Washington) was then properly attached and began its ascent, hoisted by my private secretary, George Lovell Rousseau, and again the salutes were fired as before, the Russian water battery leading off. The flag was so hoisted that in the instant it reached its place the report of the last big gun of the Ossipee reverberated from the mountains around. The salutes being completed, Captain Pestchouroff stepped up to me and said: "General Rousseau, by authority from His Majesty the Emperor of Russia, I transfer to the United States the Territory of Alaska," and in as few words I acknowledged the acceptance of the transfer, and the ceremony was at an end. Three cheers were then spontaneously given for the United States flag by the American citizens present, although this was no part of the programme, and on some accounts I regretted that it occurred.

Captain Pestchouroff, the governor, and myself, on the Monday following, went to work to distinguish between the public and private buildings in the town of New Archangel, and giving certificates to private individual owners of property there.

* * * * * * *

All the buildings in any wise used for public purposes were delivered to the United States commissioner, taken possession of, and turned over to General Davis, as were also the public archives of the Territory; and in a spirit of liberality the wharf and several valuable warehouses belonging to the Russian-American Company were included in the transfer by the Russian commissioner. Both the wharf and the warehouses were very much needed by our people.

We could not visit Kodiak, or any other point in the new Territory, as the season in which we might expect stormy weather was rapidly approaching.

For the further action of the commissioners, in the execution of their commission, your attention is respectfully called to the protocol, map, and inventories accompanying this report. With this report and accompanying papers I return to you the United States flag used on the occasion of the transfer of the Territory.

In your instructions, both written and verbal, you were somewhat particular to impress me with your desire that all the intercourse between the Russian and American commissioners should be liberal, frank, and courteous; and I am pleased to say, that from the meeting of Captain Pestchouroff and myself in your office till we parted after our work was ended, all our communication and association with each other, personal and official, were of the friendliest character, and just such as I am sure you desired.

* * * * * * *

Hoping that the President and yourself will be satisfied with my efforts to discharge the duty assigned me, in accordance with instructions given for my guidance, and that the new Territory may prove as valuable an acquisition to our country as you would desire it,

I have the honor to be your very obedient servant,

LOVELL H. ROUSSEAU,
United States Commissioner, and Brigadier-General U. S. A.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Here followed inventories and schedules of public and private property in New Archangel, Sitka.]

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AREA AND COST OF THE PURCHASE.

This purchase cost the United States $7,200,000, and added to the national and public domain an area of 577,390 square miles, as estimated, or 369,529,600 acres—all lying in Alaska, and subject to disposition and control by the Congress of the United States, excepting certain grants made by the Russian Government. The land laws of the United States have not as yet been extended over Alaska, and although public domain, it is not yet open to settlement under United States land laws, because the lands have not yet been opened for settlement or surveyed by order of Congress (which is the first step after the Indian title is extinguished), and after this, Congress, by law, directs how, when, and by what system the lands may be disposed of.

AUTHORITIES.

See "Treaties and Conventions," July 4, 1776, to July 21, 1871; also, H. Ex. Doc. No. 125, second session Fortieth Congress; Message from the President of the United States in relation to the transfer of territory from Russia to the United States.

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CHAPTER V.

TO DECEMBER 1, 1883.

THE ORDINANCE OF 1787.—NORTHWEST AND SOUTHWESTERN TERRITORIES.

GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO.

CLAIM OF VIRGINIA AND NEW YORK TO THE LANDS THEREIN.

The entire territory east of the Mississippi River, north of the Ohio River, and west of the State of Pennsylvania, which had, prior to the Revolutionary War, been subject to the jurisdiction of the Province of Quebec, was claimed by the State of Virginia at and prior to March 1, 1784, the date of her first cession to the confederated government. She was in possession of the French settlements of Vincennes and Illinois, which she had occupied and defended during the Revolutionary War.

The first charter of Virginia (James I., April 10, 1606) extended along the sea-coast from the thirty-fourth degree to the forty-first degree of north latitude, but only fifty miles inland.

By the second charter for Virginia (James I., May 23, 1609) the limits of the colony were extended so as to embrace "the whole sea-coast, north and south, within two hundred miles of old Point Comfort, extending from sea to sea west and northwest, and also all the islands within one hundred miles along the coast of both seas of the precinct aforesaid," evidently meaning the Atlantic and Pacific Oceans.

The third charter, dated March 12, 1612, annexed to Virginia all the islands within 300 leagues of the coast. Those three charters were vacated by *quo warranto* before the 15th of July, 1624, on which day a commission issued for the government of Virginia, without making, however, any alteration in the boundaries established by the second charter. The colony was afterwards curtailed on the north by the grants to Lord Baltimore and to William Penn, and on the south by that to the proprietors of Carolina.

CLAIM OF NEW YORK CEDED.

New York, prior to the cession by Virginia, having conveyed to the United States, March 1, 1781, her claims to this territory, being titles derived from treaties and purchases from the Six Nations of Indians, the Congress of the Confederation passed the resolution for the government of the western territory, April 23, 1784. This left Connecticut and Massachusetts the only States that had or laid any claims to the territory north of the river Ohio and west of Pennsylvania. The cessions of those States to the United States, and the further confirmatory cession by Virginia in 1788, gave to the United States an indisputable title to the public lands within that territory as far west as the river Mississippi, which, by the treaty of Paris between George III. of Great Britain and the King of Spain, February 10, 1763, had been established as the boundary between the British possessions in America and the province of Louisiana.

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ACTION OF THE CONGRESS OF THE CONFEDERATION ON THE NEW YORK AND VIRGINIA CESSIONS, 1784.

The territory ceded by Virginia to the United States, March 1, 1784, became the subject of legislation on the part of the Congress of the Confederation, beginning on the day of cession.

On the 1st of March, 1784, a committee, consisting of Mr. Jefferson, of Virginia, Mr. Chase, of Maryland, and Mr. Howell, of Rhode Island, submitted to Congress the following plan for the temporary government of the Western Territory:

The committee appointed to prepare a plan for the temporary government of the Western Territory have agreed to the following resolutions:

Resolved, That the Territory ceded or to be ceded by individual States to the United States, whensoever the same shall have been purchased of the Indian inhabitants and offered for sale by the United States, shall be formed into additional States, bounded in the following manner, as nearly as such cessions will admit; that is to say northwardly and southwardly by parallels of latitude, so that each State shall comprehend, from south to north, two degrees of latitude, beginning to count from the completion of thirty-one degrees north of the equator; but any territory northwardly of the 47th degree shall make part of the State next below. And eastwardly and westwardly they shall be bounded, those on the Mississippi, by that river on one side and the meridian of the lowest point of the rapids of the Ohio on the other; and those adjoining on the east, by the same meridian on their western side, and on their eastern by the meridian of the western cape of the mouth of the Great Kanawha. And the territory eastward of this last meridian, between the Ohio, Lake Erie and Pennsylvania, shall be one State.

That the settlers within the territory so to be purchased and offered for sale, shall, either on their own petition, or the order of Congress, receive authority from them, with appointments of time and place, for their free males, of full age, to meet together, for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of these States, so that such laws nevertheless shall be subject to alteration by their ordinary legislature, and to erect, subject to a like alteration, counties or townships for the election of members for their legislature.

That such temporary government shall only continue in force in any State until it shall have acquired 20,000 free inhabitants, when, giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves.

Provided, That both the temporary and permanent government be established on these principles as their basis:

1. That they shall forever remain a part of the United States of America.
2. That in their persons, property, and territory they shall be subject to the Government of the United States in Congress assembled, and to the Articles of Confederation in all those cases in which the original States shall be so subject.
3. That they shall be subject to pay a part of the federal debts contracted or to be contracted, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on other States.
4. That their respective governments shall be in republican forms, and shall admit no person to be a citizen who holds any hereditary title.
5. That after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said States otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.

That whensoever any of the said States shall have of free inhabitants as many as shall then be in any one of the least numerous of the thirteen original States, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the said original States, after which the assent of two-thirds of the United States, in Congress assembled, shall be requisite in all those cases wherein, by the confederation, the assent of nine States is now required; provided the consent of nine States to such admission may be obtained according to the 11th of the Articles of Confederation. Until such admission by their delegates into Congress any of the said States, after the establishment of their temporary government, shall have authority to keep a sitting member in Congress, with a right of debating, but not voting.

That the territory northward of the 45th degree, that is to say, of the completion of 45 degrees from the equator, and extending to the Lake of the Woods, shall be called *Sylvania;* that of the territory under the 45th and 44th degrees, that which lies westward of Lake Michigan shall be called *Michigania;* and that which is eastward thereof within the peninsula formed by the lakes and waters of Michigan, Huron, St. Clair and Erie shall be called *Cherronesus*, and shall include any part of the peninsula which

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may extend above the 45th degree. Of the territory under the 43d and 45th degrees, that to the westward, through which the Assenippi or Rock River runs, shall be called *Assenisipia;* and that to the eastward, in which are the fountains of the Muskingum, the two Miamies of Ohio, the Wabash, the Illinois, the Miami of the Lake, and the Sandusky rivers, shall be called *Metropotamia.* Of the territory which lies under the 39th and 38th degrees, to which shall be added so much of the point of land within the fork of the Ohio and Mississippi as lies under the 37th degree, that to the westward within and adjacent to which are the confluences of the rivers Wabash, Shawnee, Tamsee, Ohio, Illinois, Mississippi, and Missouri shall be called *Polypotamia;* and that to the eastward farther up the Ohio, shall be called *Polisipia.*

This report was recommitted to the same committee on the 17th of March and a new one was submitted on the 22d of the same month. The second report agreed in substance with the first. The principal difference was the omission of the paragraph giving names to the States to be formed out of the Western Territory. It was taken up for consideration by Congress on the 19th of April, on which day, on the motion of Mr. Spaight, of North Carolina, the following clause was stricken out of the report:

That after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in the punishment of crimes whereof the party shall have been duly convicted to have been personally guilty.

On the adoption of this proviso Maryland, Virginia, South Carolina voted "no." Massachusetts, Rhode Island, Connecticut, New Hampshire, New York, and Pennsylvania voted "aye." North Carolina was divided. Georgia, Delaware, and New Jersey were absent. Failing to receive a majority (seven) of the States for its retention, it failed.

The report was further considered and amended on the 20th and 21st. On the 23d it was agreed to (ten States voting "aye" and one "no"), without the clause prohibiting slavery and involuntary servitude after the year 1800. On the question to agree to the report, after the prohibitory clause was struck out, the yeas and nays were required by Mr. Beresford. The vote was:

Ayes—New Hampshire, Mr. Foster, Mr. Blanchard; Massachusetts, Mr. Gerry, Mr. Partridge; Rhode Island, Mr. Ellery, Mr. Howell; Connecticut, Mr. Sherman, Mr. Wadsworth; New York, Mr. Dewitt, Mr. Payne; New Jersey, Mr. Beatty, Mr. Dick; Pennsylvania, Mr. Mifflin, Mr. Montgomery, Mr. Hand; Maryland, Mr. Stone, Mr. Chase; Virginia, Mr. Jefferson, Mr. Mercer, Mr. Monroe; North Carolina, Mr. Williamson, Mr. Spaight.

Nays—South Carolina, Mr. Read, Mr. Beresford.

Absent—Delaware, Georgia.

RESOLUTIONS FOR THE GOVERNMENT OF THE WESTERN TERRITORY, PASSED APRIL 23, 1784.

Resolved, That so much of the territory ceded or to be ceded by individual States to the United States, as is already purchased or shall be purchased of the Indian inhabitants, and offered for sale by Congress, shall be divided into distinct States in the following manner, as nearly as such cessions will admit; that is to say, by parallels of latitude, so that each State shall comprehend from north to south two degrees of latitude, beginning to count from the completion of forty-five degrees north of the equator; and by meridians of longitude, one of which shall pass through the lowest point of the rapids of Ohio, and the other through the western cape of the mouth of the Great Kanhaway; but the territory eastward of this last meridian, between the Ohio, Lake Erie, and Pennsylvania, shall be one State, whatsoever may be its comprehension of latitude. That which may lie beyond the completion of the 45th degree, between the said meridians, shall make part of the State adjoining it on the south; and that part of the Ohio, which is between the same meridians, coinciding nearly with the parallel of 39 degrees, shall be substituted so far in lieu of that parallel as a boundary line.

That the settlers on any territory so purchased and offered for sale, shall, either on their own petition or on the order of Congress, receive authority from them, with appointments of time and place, for their free males of full age, within the limits of their State, to meet together, for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original States; so that such laws, nevertheless, shall be subject to alteration by their ordinary legislature; and to erect, subject to a like alteration, counties, townships, or other divisions, for the election of members for their legislature.

That when any such State shall have acquired twenty thousand free inhabitants, on

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giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves: *Provided*, That both the temporary and permanent governments be established on these principles as their basis:

1. That they shall forever remain a part of this confederacy of the United States of America.

2. That they shall be subject to the Articles of Confederation in all those cases in which the original States shall be so subject, and to all the acts and ordinances of the United States in Congress assembled, conformable thereto.

3. That they, in no case, shall interfere with the primary disposal of the soil by the United States in Congress assembled, nor with the ordinances and regulations which Congress may find necessary for securing the title in such soil to the bona-fide purchasers.

4. That they shall be subject to pay a part of the federal debts contracted, or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States.

5. That no tax shall be imposed on lands the property of the United States.

6. That their respective governments shall be republican.

7. That the lands of non-resident proprietors shall, in no case, be taxed higher than those of residents within any new State, before the admission thereof to a vote by its delegates in Congress.

That whensoever any of the said States shall have, of free inhabitants, as many as shall then be in any one the least numerous of the thirteen original States, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said original States; provided the consent of so many States in Congress is first obtained as may, at the time, be competent to such admission. And in order to adapt the said Articles of Confederation to the state of Congress when its numbers shall be thus increased, it shall be proposed to the legislatures of the States, originally parties thereto, to require the assent of two-thirds of the United States in Congress assembled, in all those cases wherein, by the said articles, the assent of nine States is now required, which, being agreed to by them, shall be binding on the new States. Until such admission by their delegates into Congress, any of the said States, after the establishment of their temporary government, shall have authority to keep a member in Congress, with a right of debating, but not of voting.

That measures, not inconsistent with the principles of the confederation, and necessary for the preservation of peace and good order among the settlers in any of the said new States, until they shall assume a temporary government as aforesaid, may, from time to time, be taken by the United States in Congress assembled.

That the preceding articles shall be formed into a charter of compact; shall be duly executed by the President of the United States in Congress assembled, under his hand, and the seal of the United States; shall be promulgated; and shall stand as fundamental constitutions between the thirteen original States, and each of the several States now newly described, unalterable from and after the sale of any part of the territory of such State, pursuant to this resolve, but by the joint consent of the United States in Congress assembled, and of the particular State within which such alteration is proposed to be made.

Thus the substance of the report of Mr. Jefferson of a plan for the government of the Western Territory (without restrictions as to slavery) became a law, and remained so during 1784 to 1787, when these resolutions were repealed in terms by the passage of the ordinance for the government of the "Territory of the United States northwest of the river Ohio."

PRELIMINARY ACTION ON THE ORDINANCE OF 1787.

In Congress, March 16, 1785, a motion was made by Mr. King, seconded by Mr. Ellery, that the following proposition be committed:

That there shall be neither slavery nor involuntary servitude in any of the States described in the resolve of Congress of the 23d of April, 1784, otherwise than in the punishment of crimes, whereof the party shall have been personally guilty; and that this regulation shall be an article of compact, and remain a fundamental principle of the Constitution between the thirteen original States, and each of the States described in the said resolve of the 23d of April, 1784.

The motion was, "that the following proposition be committed"—that is, committed to a committee of the whole House. It was a separate, independent proposition. The terms of it show that it was offered as an addition to the resolve of April 23, 1784, with the intention of restoring to that resolve a clause that had originally formed part of it.

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Mr. King's motion to commit was agreed to; eight States (New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Maryland) voted in the affirmative, and three States (Virginia, North Carolina, and South Carolina) in the negative. Neither Delaware nor Georgia was represented.

After the commitment of this proposition, it was neither called up in Congress nor noticed by any of the committees who subsequently reported plans for the government of the Western Territory.

The subject was not laid over from this time till September, 1786. It is noticed as being before Congress on the 24th of March, the 10th of May, the 13th of July, and the 24th of August, of that year.

On the 24th of March, 1786, a report was made by the grand committee of the House, to whom had been referred a motion of Mr. Monroe upon the subject of the Western Territory.

On the 10th of May, 1786, a report was made by another committee, consisting of Mr. Monroe, of Virginia, Mr. Johnson, of Connecticut, Mr. King, of Massachusetts, Mr. Kean, of South Carolina, and Mr. Pinckney, of South Carolina, to whom a motion of Mr. Dane, for considering and reporting the form of a temporary government for the Western Territory, was referred. This report, after amendments, was recommitted on the 13th of July following.

On the 24th of August, 1786, the secretary of Congress was directed to inform the inhabitants of Kaskaskia "that Congress have under their consideration the plan of a temporary government for the said district, and that its adoption will be no longer protracted than the importance of the subject and a due regard to their interest may require."

On the 19th of September, 1786, a committee consisting of Mr. Johnson, of Connecticut, Mr. Pinckney, of South Carolina, Mr. Smith, of New York, Mr. Dane, of Massachusetts, and Mr. Henry, of Maryland, appointed to prepare a "plan of temporary government for such districts or new States as shall be laid out by the United States upon the principles of the acts of cession from individual States, and admitted into the confederacy," made a report, which was taken up for consideration on the 29th, and, after some discussion and several motions to amend, the further consideration was postponed.

On the 26th of April, 1787, the same committee (Mr. Johnson, Mr. Pinckney, Mr. Smith, Mr. Dane, and Mr. Henry) reported "An ordinance for the government of the Western Territory." It was read a second time, and amended on the 9th of May, when the next day was assigned for the third reading. On the 10th the order of the day for the third reading was called for by the State of Massachusetts, and was postponed. On the 9th and 10th of May, Massachusetts was represented by Mr. Gorham, Mr. King, and Mr. Dane. The proposition which, on Mr. King's motion, was "committed" on the 16th of March of the preceding year, was not in the ordinance as reported by the committee, nor was any motion made in the Congress to insert it as an amendment.

The following is a copy of the ordinance, as amended, and ordered to a third reading:

AN ORDINANCE for the government of the Western Territory.

It is hereby ordained by the United States, in Congress assembled, That there shall be appointed from time to time, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress.

There shall be appointed by Congress from time to time, a secretary, whose commission shall continue in force for four years, unless sooner revoked by Congress. It shall be his duty to keep and preserve the acts and laws passed by the general assembly, and public records of the district, and of the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress.

There shall also be appointed a court, to consist of three judges, any two of whom shall form a court, who shall have a common law jurisdiction, whose commissions shall continue in force during good behavior.

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And to secure the rights of personal liberty and property to the inhabitants and others, purchasers in the said district, it is hereby ordained that the inhabitants of such districts shall always be entitled to the benefits of the act of *habeas corpus*, and of the trial by jury.

The governor and judges, or a majority of them, shall adopt, and publish in the district, such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time, which shall prevail in said district until the organization of the general assembly, unless disapproved by Congress; but afterwards the general assembly shall have authority to alter them as they shall think fit: *Provided, however*, That said assembly shall have no power to create perpetuities.

The governor for the time being shall be commander-in-chief of the militia, and appoint and commission all officers in the same below the rank of general officer. All officers of that rank shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers in each county or township, as he shall find necessary for the preservation of peace and good order in the same. After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

The governor shall, as soon as may be, proceed to lay out the district into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature, as soon as there shall be five thousand free male inhabitants of full age within the said district. Upon giving due proof thereof to the governor, they shall receive authority, with time and place to elect representatives from their counties or townships as aforesaid, to represent them in general assembly, provided that for every five hundred free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature, provided that no person shall be eligible or qualified to act as a representative unless he shall be a citizen of one of the United States, or have resided within the district three years, and shall likewise hold, in his own right in fee-simple, two hundred acres of land within the same: *Provided, also*, That a freehold or life estate in fifty acres of land, in the said district, of a citizen of any of the United States, and two years' residence, if a foreigner, in addition shall be necessary to qualify a man as elector for said representatives.

The representatives thus elected shall serve for the term of two years; and in the case of the death of a representative or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve during the residue of the time.

The general assembly shall consist of the governor, a legislative council—to consist of five members, to be appointed by the United States, in Congress assembled, to continue in office during pleasure, any three of whom to be a quorum—and a house of representatives, who shall have a legislative authority, complete in all cases for the good government of said district: *Provided*, That no act of the said general assembly shall be construed to affect any lands the property of the United States: *And provided further*, That the lands of the non-resident proprietors shall in no instance be taxed higher than the lands of residents.

All bills shall originate indifferently either in the council or house of representatives, and having been passed by a majority in both houses, shall be referred to the governor for his assent, after obtaining which, they shall be complete and valid; but no bill or legislative act, whatever, shall be valid, or of any force, without his assent.

The governor shall have power to convene, prorogue, and dissolve the general assembly, when in his opinion it shall be expedient.

The said inhabitants or settlers shall be subject to pay a part of the Federal debts contracted, or to be contracted, and to bear a proportional share of the burdens of the government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States.

The governor, judges, legislative council, secretary, and such other officers as Congress shall at any time think proper to appoint in such district, shall take an oath or affirmation of fidelity; the governor before the President of Congress, and all other officers before the governor, prescribed on the 27th day of January, 1785, to the Secretary of War, *mutatis mutandis*.

Whensoever any of the said States shall have of free inhabitants as many as are equal in number to the one-thirteenth part of the citizens of the original States, to be computed from the last enumeration, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the said original

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States, provided the consent of so many States in Congress is first obtained as may at that time be competent to such admission.

Resolved, That the resolutions of the 23d of April, 1784, be, and the same are hereby annulled and repealed.*

Such was the ordinance for the government of the Western Territory when it was ordered to a third reading on the 10th of May, 1787. It had then made no further progress in the development of those great principles for which it has since been distinguished as one of the greatest monuments of civil jurisprudence. It made no provision for the equal distribution of estates. It said nothing of extending the fundamental principles of civil and religious liberty; nothing of the rights of conscience, knowledge, or education. It did not contain the articles of compact which were to remain unaltered forever unless by common consent.

We now come to the time when these great principles were first brought forward.

On the 9th of July, 1787, ordinances were again referred. The committee now consisted of Mr. Carrington, of Virginia; Mr. Dane, of Massachusetts; Mr. R. H. Lee, of Virginia; Mr. Kean, of South Carolina; and Mr. Smith, of New York. Mr. Carrington, Mr. Lee, and Mr. Kean, the new members, were a majority.

This committee did not merely revise the ordinance; they prepared and reported the great Bill of Rights for the territory northwest of the Ohio.

The question is here presented, why was Mr. Carrington, a new member of the committee, placed at the head of it, to the exclusion of Mr. Dane and Mr. Smith, who had served previously? In the absence of positive evidence, there appears to be but one answer to this question: the opinions of all the members were known in Congress. In the course of debate new views had been presented which must have been received with general approbation. A majority of the committee were the advocates of these views, and the member by whom they were presented to the House was selected as the chairman. There is nothing improbable or out of the usual course in this. Indeed, the prompt action of the committee and of the Congress goes far to confirm it.

On the 11th of July (two days after the reference) Mr. Carrington reported the ordinance for the government of the territory of the United States northwest of the Ohio. This ordinance was read a second time on the 12th (and amended as stated below), and on the 13th it was read a third time, and passed by the unanimous vote of the eight States present in the Congress.

On the passage the yeas and nays (being required by Mr. Yates) were as follows:

Ayes—Massachusetts, Mr. Holten, Mr. Dane; New York, Mr. Smith, Mr. Harney, Mr. Yates; New Jersey, Mr. Clark, Mr. Schureman; Delaware, Mr. Kearney, Mr. Mitchell; Virginia, Mr. Grayson, Mr. R. H. Lee, Mr. Carrington; North Carolina, Mr. Blount, Mr. Hawkins; South Carolina, Mr. Kean, Mr. Huger; Georgia, Mr. Few, Mr. Pierce.

Nays—None.

Absent—New Hampshire, Rhode Island, Connecticut, Pennsylvania, Maryland.

It appears that in five days it was passed through all the forms of legislation—the reference, the action of the committee, the report, the three several readings, the discussion and amendment by Congress, and the final passage.

On the 12th of July (as above stated) Mr. Dane offered the following amendment, which was adopted as the sixth of the articles of the compact:

Article the sixth. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: *Provided always*, That any person escaping into the same, from whom labor or service is claimed in any of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

This had in part been presented by Mr. Jefferson in 1784, and again by Mr. King in 1785. In the proposition submitted by Mr. King in 1785 (which was never afterwards called up in Congress) there was no provision for reclaiming fugitives; and without

*The manuscript of this ordinance—with alterations marked on it while under consideration, just as it was amended at the President's table, among which the clause respecting slavery remains attached to it as an amendment in Mr. Dane's handwriting, in the exact words in which it now stands in the ordinance, is among the "Peter Force" archives.

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such a provision it could not have been carried at all; besides, the clause, as it now exists in the ordinance, was proposed by Mr. Dane on the 12th of July, 1787, and carried by the unanimous vote of Congress when Mr. King was not present.

Mr. King was a member of the convention for framing the Federal Constitution. He was present and voted in the convention on the 12th of July, 1787. The whole of that day was occupied in settling the proportion of representation and direct taxation, which was then determined as it now stands in the Constitution, viz, "by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths of all other persons.*"

The Congress and the convention were both in session at the same time in Philadelphia; there was of course free intercourse and interchange of opinion between the members of the two bodies. To this may be attributed the adoption on the same day of the clause in the ordinance and the clause in the Constitution.*

ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO.

In Congress of the Confederation, at Philadelphia, July 13, 1787, according to order, the ordinance for the government of the territory of the United States northwest of the river Ohio was read a third time, and passed, as follows:

AN ORDINANCE for the government of the territory of the United States northwest of the river Ohio.

Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parents' share; and there shall, in no case, be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered, by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed, from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress: There shall also

*Peter Force.

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be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time; which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterward, the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided that, for every five hundred free male inhabitants, there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature; provided, that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee-simple, two hundred acres of land within the same; provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid: and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term: And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Con-

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gress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the President of Congress, and all others officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of States and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact, between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

ARTICLE 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of *habeas corpus,* and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with, or affect, private contracts or engagements, bona fide, and without fraud, previously formed.

ART. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. 4. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of Government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary, for securing the title in such soil, to the bona-fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ART. 5. There shall be formed in the said territory, not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: the western State in the said territory, shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle States shall be bounded by the said direct line, the Wabash, from Post Vincents to the Ohio, by the

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Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however*, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ART. 6. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Porvided, always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby, repealed and declared null and void.

WILLIAM GRAYSON,
Chairman.

Done by the United States, in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of the sovereignty and Independence the twelfth.

CHARLES THOMSON,
Secretary.

REVIEW OF THE ORDINANCE OF 1787, AND CHANGE IN TENURES AND ESTATES THEREUNDER.

The ordinance of 1787 was the first general legislation by the Congress of the United States on the subject of real property. In it the leading features of feudalism are specifically repealed. Since the period of its passage the policy of the jurisprudence of the United States is not to encourage restraints upon the power of alienation of land. Free and unconditional alienation is now the rule of the National Government in the disposal of the public domain, and encouraged by all the States and Territories in land transfers.

The failure of the first aristocratic efforts at colonization upon the basis of feudalistic social organization now appears as an event giving decisive advantages to the development of freedom. Under the charter of King James I., the lands of the first and second colonies of Virginia were to be held by the mildest form of tenure, of free and common socage, which in many of the States of the Union has been transferred into allodial proprietorship, or freehold estate held in absolute individual right, and free from feudal tenure or obligation.

The usual tenure of the colonial grants, after Raleigh's first one, was free and common socage.

The common law of England as to passing title by deed for lands so held, and the provisions of the statute of frauds, were early invoked in some of the colonies, and voluntary alienations of title, after purchase from proprietary or proprietaries or from the Crown, were safely and legally guarded. There was in colonial times, in most of the colonies, safe tenure for lands. Overlapping or twice-issued grants, or grants several times over for the same lands to different proprietaries, frequently caused clash as to attornment for rents, but the individual titles usually were respected and protected.

Socage tenure denoted lands held by a fixed and determined service; not military, nor in the power of the lord paramount (or charter grantee), to whom rents might be due, to vary at his pleasure. The change in England, in relation to lands (3 Kent,

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510, 511) from knight-service to tenure by socage, was obtained only after a long and bitter struggle, and was of vast social importance.

Most of the feudal incidents of tenure (which in the colonies were of mere form) were abolished in many of the States after the Revolution, and by the United States in the immortal ordinance of 1787, the most progressive and republican act ever performed by a nation in relation to the estates of her people. It made the individual absolutely independent of the State, and the entire owner of his or her home.

Becoming the guardian of the public domain, the Congress of the Confederation, by its system of holdings in the "ordinance," made the tenure of the land safe, and, by the order of disposition afterward adopted, made from the public domain thousands of free and happy homes.

After the Revolution in 1776 the lord paramount of all socage lands became the people of the State or States, and the quit-rents which were due for the King in colonial grants, and whom the people succeeded by the Revolution of 1776, were acted upon by legislatures and generally commuted; or where proprietary rights were purchased by the State, the State in selling, as in the case of unappropriated vacant crown lands lying within States, gave patents to purchasers at their land offices in fee.

All lands granted or patented before the Revolution, within the colonies, were held by socage tenure. After this came the allodial legislation by States and the National Government. (3 Kent, 512; note A.)

A patent, grant, or deed in fee, in the sense now used in this country, is an estate of inheritance in law belonging to the owner and transferable to his heirs. It may be continued forever. (4 Kent, 406.)

Fee-simple is a pure inheritance, clear of conditions or qualifications, with certain restrictions in law as to heirs. It is an estate of perpetuity, and carries with it and confers an unlimited power of alienation. No person is capable of having a greater estate or interest in land. (4 Kent, 406.)

In the first charter to Sir Walter Raleigh for colonization in America, granted by Elizabeth March 25, 1584, the right to him, his heirs or assigns, to dispose of lands in fee simple, according to the laws of England, was granted. Tenure by knight-service was a rule then in force in England. It was abolished by statute of 12 Charles II., after the restoration in England, and the tenure of land was for the most part thereafter turned into free and common socage, and everything oppressive in that tenure was abolished. This statute essentially ended the feudal system in England, although there are remaining some unimportant features in name in all socage tenures. (3 Kent, 509.) Homage was exacted in some of the colonial grants from the grantees to the Crown. It was defined by Littleton as "the most honorable and the most humble service of reverence that a frank tenant could make to his lord." (4 Kent, 511.)

All lands held by socage tenures would seem, in theory, to have been chargeable with the oath of fealty. And every tenant, whether in fee, for life, or for years, was by the English law obliged to render it when required, as being the indispensable service due to the lord of whom he held. (4 Kent, 511, 512.) Fealty was an oath of fidelity to the lord. It was the foundation and essence of the feudal association.

Littleton says: "When a freeholder doth fealty to his lord, he shall lay his right hand upon a book, and shall say, 'Know ye this, my lord, that I shall be faithful and true unto you, and faith to you shall bear for the lands which I claim to hold of you, and that I shall lawfully do to you the customs and services which I ought to do by the terms assigned. So help me God and his saints.'"

"The oath of fealty was the parent of the oath of allegiance, now exacted of subjects and officials by sovereigns," and of officials (and can be of citizens) in republics. (3 Kent, 511.)

The highest title to land in the United States is a Government grant, a patent either from the National Government or a State.

A Government grant for land has been, and is held to be, "a contract executed." (Fletcher *v.* Peck, 6 Cranch, 87.)

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In the United States we have adopted a fundamental principle of the English law, derived from the maxims of the feudal tenure, that "the king [State] is the original proprietor or lord paramount of all the land in the kingdom, and the true and only source of title." It is a settled doctrine with us that all valid individual title to land within the United States is derived from grants from or under the authority of the governments of England, Sweden, Holland, France, Spain, Russia, Mexico, the chartered and crown colonies, or the Government of the United States and the several States of the Union. (3 Kent, 5; note A.) In all treaties defining boundaries, cessions, or purchases made by or to the United States by foreign nations or by States in the Union, or in anywise relating to the territory now within the United States, individual rights, grants, and land holdings are provided for, guarded, and confirmed either in the treaties or cessions, or by subsequent legislation by Congress.

Indian titles to lands within the limits of the United States are considered mere occupancy titles, the Government claiming the right to purchase (the fee being considered inchoate, but in the United States) by treaty; these treaties being confirmatory acts as to the fee. The lands are then added to the public domain for sale and disposition. (3 Kent.)

THE VITAL CHANGES IN LAND TENURES MADE BY THE ORDINANCE.

The second section of the ordinance of 1787 was vitally progressive.

It ordained and enacted "that the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to and be distributed among their children and the descendants of a deceased child in equal parts, the descendants of a deceased child or grandchild to take the share of their deceased parent in equal part among them; and where there shall be no children or descendants, then in equal part to the next of kin in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parent's share; and there shall in no case be a distinction between kindred of the whole and half blood; saving, in all cases, to the widow of the intestate her third part of the real estate for life and one-third part of the personal estate; and this law, relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be (being of full age) and attested by three witnesses; and real estate may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person being of full age in whom the estate may be, and attested by two witnesses, provided such will be duly proved and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrate's courts and registers shall be appointed for that purpose; and personal property may be tranferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskias, St. Vincent's, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them relative to the descent and conveyance of property."

"This statute struck the key-note of our liberal system of land law, not only in the States formed out of the public domain, but also in the older States. The doctrine of tenure is entirely exploded; it has no existence. Though the word may be used for the sake of convenience, the last vestige of feudal import has been torn from it. The individual title derived from the Government involves the entire transfer of the ownership of the soil. It is purely allodial, with all the incidents pertaining to that title, as substantial as in the infancy of Teutonic civilization. Following in the wake of this fundamental reform in our State land laws are several others which constitute appropriate corollaries. The statute of uses was never adopted in the public-land States, and hence the complex distinction between uses and trust has never embarrassed our jurisprudence. We have, however, adopted one of the methods of conveyance to

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which that statute gave rise, to wit, the method of bargain and sale. Feoffments, fines, and recoveries are entirely dispensed with, as also livery of seisin and its consequences. A conveyance is completed by the execution and delivery of the deed; entailments and perpetuities are barred by the statute, which renders void all limitations beyond persons in being and their immediate issue, and which provides that an estate tail shall become a fee-simple in the heirs of the first grantee. All joint interests in land are reduced to tenancies in common. Joint tenancies never had an existence, and coparceners are now on a footing of tenants in common. Real actions, with their multitudinous technicalities, never had an existence in our western jurisprudence, though some of the fictions of this form of action were and are still tolerated in some localities, *e. g.*, the allowance of fictitious parties to a suit. Ejectment is now the universal remedy, being the only action for the recovery of lands. Action by ejectment is limited to twenty-one years, but refractory tenants may be more speedily dispossessed by the action for forcible entry and detainer. A dispossessed claimant may, at the option of the ejector, either pay for the land, or receive pay for the improvements. For waste the party is liable in simple damages, and no more. A tenant in dower forfeits the place wasted. In the older States we see evidences of the reflex benefits of the land legislation of our public-land States.

"The Pennsylvania supreme court (5 Rawle, 112) holds that "our property is allodial, and escheat takes place, not upon principles of tenure, but by force of our statutes to avoid the uncertainty and confusion inseparable from the recognition of a title founded in priority of occupancy." Chancellor Kent says that tenure to some extent pervades real property in the United States. The title is essentially allodial, yet designated by the feudal terms fee-simple and free and common socage. These technicalities mar the municipal jurisprudence of several States, though no vestige of feudal tenure remains, and ownership, free and independent, is the real character of individual title to the soil. By the statute of February 20, 1787, New York abolished all military tenures, transferring them into free and common socage and making all State grants entirely allodial.

"The revised statutes going into effect in 1830 abolished the last shadow of feudal tenure, and made allodial proprietorship the sole title to private land, and this property liable to forfeiture only by escheat.

"In other States these tenures have either been formally changed into allodial, or if they retain the technicalities of feudalism, the latter receive an allodial signification. An estate in fee-simple means one of inheritance, having lost its beneficiary or usufructuary character.

"It will be seen from the facts recited that the liberal principles embodied in our public-land policy have reconstructed to a great extent the legal basis of our social order by liberalizing the ideas of land ownership.

"The General Government set this glorious example, and the justice and expediency of its policy in this respect are now universally admitted."*

This great American Charter contains the basic propositions, as to land tenures of the laws of the United States and of most of the States of the Nation, and became and is the foundation of the same statutes in all the public-land States and Territories. Under its care and provisions the Central and Western States and Territories of the Union, and the States in the territory south of the river Ohio, have grown from weak and straggling settlements to mighty Commonwealths and organizations containing more than 25,000,000 of people. The "ordinance" began with a wilderness. Its principles, embraced in existing laws, now govern in area and population the domain of an empire.

POLITICAL HISTORY AND ABSORPTION OF THE TERRITORY NORTHWEST OF THE RIVER OHIO.

Arthur St. Clair was appointed governor by the Congress February 1, 1788, and Winthrop Sargent secretary. August 7th, 1789, Congress, in view of the new method of

*Joseph S. Wilson, late Commissioner General Land Office.

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appointment of officers as provided in the Constitution, passed an amendatory act to the Ordinance of 1787 providing for the nomination of officers for the Territory by the President, and their appointment by and with the advice and consent of the Senate. August 8, 1789, President Washington sent to the Senate the names of Arthur St. Clair for governor, Winthrop Sargent for secretary, and Samuel Holden Parsons, John Cleves Symmes, and William Barton for judges.

The first were re-appointments. They were all confirmed. President Washington, in this message, designated the country as "The Western Territory." The supreme court was established at Cincinnati (now Ohio, named by St. Clair in honor of the Society of the Cincinnati, he having been president of the branch society in Pennsylvania). St. Clair remained governor until November 22, 1802. Winthrop Sargent afterwards, in 1798, went to Mississippi as governor of that Territory. William Henry Harrison became secretary in 1797, representing it in Congress in 1799-1800, and he became governor of the Territory of Indiana in 1800.

THE TERRITORY DIVIDED—WESTERN PORTION BECOMES INDIANA TERRITORY.

May 7, 1800, Congress, upon petition, divided this Territory into two separate governments. Indiana Territory was created, with its capital at St. Vincennes and from that portion of the Northwest Territory west of a line beginning opposite the mouth of the Kentucky River in Kentucky, and running north to the Canada line.

EASTERN PORTION BECOMES THE STATE OF OHIO.

The eastern portion now became the "Territory Northwest of the river Ohio," with its capital at Chillicothe. This portion, Nov. 29, 1802, was admitted into the Union as the State of Ohio.

TERRITORY OF MICHIGAN.

Indiana Territory, the remainder after Ohio was admitted into the Union, was divided by act of Congress January 11, 1805, and the northern central portion formed into the Territory of Michigan. The original boundaries of Michigan as by this act defined were changed by acts of Congress of April 19, 1816, April 18, 1818, June 28, 1834, and April 20, 1836. The act of 1818 made the Mississippi River the western boundary of the Territory. The act of 1834 added to Michigan the lands between the Missouri and White Earth rivers on the west and the Mississippi River on the east. The southern line of Michigan was the northern line of the States of Ohio, Indiana, Illinois, and Missouri; its western line the Missouri and White Earth rivers to the British line; its eastern line was Lakes Huron and Erie.

Michigan was admitted into the Union, with reduced and fixed boundaries, January 26, 1837, after the Territory of Wisconsin had been formed from its western portion April 20, 1836, and afterward, May 29, 1848, admitted into the Union.

INDIANA AGAIN DIVIDED—ILLINOIS CREATED.

February 3, 1809, Indiana was again divided, and the Territory of Illinois, with its capital at Kaskaskia, was created from the part lying west of the Wabash River and to the Canada line, the western boundary of Michigan. The enabling act of Congress for Illinois, April 18, 1818, gave her present boundaries, reducing her great north and northwestern area, now lying in the States of Wisconsin, Michigan, and Minnesota. Illinois was admitted into the Union December 3, 1818.

The territory northwest of the river Ohio ceased to exist as a political division after the admission of the State of Ohio into the Union November 29, 1802, although in acts of Congress it was frequently referred to and its forms affixed by legislation to other political divisions.

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THE BOUNDARIES OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO.

It was bounded on the west by the Mississippi River and international boundary line; on the south by the Ohio River; on the east, going north from the Ohio River, by the western boundary of the States of Pennsylvania and New York; and on the north by the line between the possessions of Great Britain and the United States, as described in the definitive treaty of peace of September 3, 1783.

The Territory northwest of the river Ohio, thus formed, was made up of claims of different States, which had been ceded as follows:

Virginia's uncontested claims, which was all the territory west of Pennsylvania, north of the Ohio, to the forty-first parallel north latitude, and above that her claim of capture to the northern limits of the lands under the Crown which had been subject to the jurisdiction of the Province of Quebec, and to the Lakes Michigan and Huron.

Connecticut claimed from the forty-first parallel northward to the south line of the Massachusetts claim, 42° 02′ north latitude; from east to west, from the west line of Pennsylvania to the Mississippi River.

Massachusetts claimed the north line of the Connecticut claim, viz, 42° 02′ north latitude, north to 43° 43′ 12″ north latitude; and from east to west, from the western boundary of New York to the Mississippi River.

The belt or zone lying north of the Massachusetts claim and to the Canada line, and lying east of the Mississippi River, was claimed to have been obtained by the treaty of peace with Great Britain September 3, 1783, and the cession of the State of Virginia. Massachusetts and New York claimed the "Erie purchase," about three hundred and sixteen square miles, now in Pennsylvania.

New York's claim was indefinite as to area, but was west of Pennsylvania and north of the river Ohio, as set up under Indian title, and for the three hundred and sixteen square miles in the "Erie purchase" now in Pennsylvania.

The territory northwest of the river Ohio contained an area of 265,878 square miles, and from it were formed and now lie in its original territory—

	Square miles.
The State of Ohio	39,964
The State of Indiana	33,809
The State of Illinois	55,414
The State of Michigan	56,451
The State of Wisconsin	53,924
The State of Minnesota, east of the Mississippi River and international boundary of 1776, estimated to contain	26,000
The Erie purchase (in Pennsylvania) about	316

Grand total, 170,161,867 acres.

TERRITORY OF THE UNITED STATES SOUTH OF THE RIVER OHIO, COMMONLY CALLED THE SOUTHWESTERN TERRITORY.

May 26, 1790, the Congress of the United States passed the following act providing for a temporary government for the territory of the United States south of the Ohio River:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That the territory of the United States south of the river Ohio, for the purpose of temporary government, shall be one district, the inhabitants of which shall enjoy all the privileges, benefits, and advantages set forth in the ordinance of the late Congress for the government of the territory of the United States northwest of the river Ohio; and the government of the said territory south of the Ohio shall be similar to that which is now exercised in the territory northwest of the Ohio, except so far as is otherwise provided in the conditions expressed in an act of Congress of the present session entitled "An act to accept a cession of the claims of the State of North Carolina to a certain district of western territory."*

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*See the ten conditions in the act of cession by the State of North Carolina. See fourth condition: "*Provided always*, That no regulations made or to be made by Congress shall tend to emancipate slaves."

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SEC. 2. *And be it further enacted,* That the salaries of the officers which the President of the United States shall nominate and, with the advice and consent of the Senate, appoint by virtue of this act shall be the same as those by law established, of similar offices in the government northwest of the river Ohio, and the powers, duties, and emoluments of a superintendent of Indian affairs for the southwestern department shall be united with those of the governor.

ITS BOUNDARIES.

The territory of the United States south of the river Ohio was nominally bounded on the north by the river Ohio; on the south, including nominal possessions, by the thirty-first parallel, north latitude; on the west by the Mississippi River, and on the east by the western boundary line of the States of Virginia, North Carolina, South Carolina, and Georgia.

CESSIONS INCLUDED.

Virginia ceded the belt between her western boundary line and the Ohio River on the north, and the Mississippi River on the west, with parallel 36° 33′ north latitude, for its southern boundary, now in the State of Kentucky, and nominally in the territory south of the river Ohio.

North Carolina ceded the area from 36° 33′ north latitude, going south to the parallel 35° north latitude, and from her western boundary line to the Mississippi River, now in the State of Tennessee, actually in this territory.

South Carolina ceded the area from 35° north latitude going south embraced in a belt or zone twelve to fourteen miles in width, extending from the western boundary line of the State of South Carolina to the Mississippi River, now in the States of Georgia, Alabama, and Mississippi, actually in this territory.

From the south line of the cession of South Carolina, being about latitude 34° 47′ north, going south to latitude 31° north, and reaching from the western boundary line of the State of Georgia to the Mississippi River, ceded by the State of Georgia and now in the States of Alabama and Mississippi, being the original line prior to the purchase of the province of Louisiana, between the United States and the French possessions west of the eighty-fifth meridian of west longitude, and embracing most of the British province of West Florida, nominally in this territory.

STATES ERECTED THEREFROM.

South Carolina had already at the date of the passage of the act ceded her western lands to the United States August 9, 1787, and North Carolina had made her cession February 25, 1790, a total of about 50,500 square miles. The territory at this time embraced under this act was Kentucky (part of western lands of Virginia), nominally, and the two above set out actually.

William Blount, of North Carolina, was appointed governor in 1790, and Daniel Smith secretary, with headquarters at Knoxville, now in Tennessee.

Kentucky, nominally in this territory, was admitted into the Union June 1, 1792.

At Knoxville, Tenn., under proclamation of Governor Blount, a convention was held, and a constitution framed in February, 1796, and Tennessee was admitted into the Union June 1, 1796. This absorbed the North Carolina cession. There remained the South Carolina lands, now in Mississippi, Alabama, and Georgia.

April 7, 1798, Congress created the Territory of Mississippi; the northern part of the lands therein was part of the territory south of the river Ohio, from the South Carolina cession, called after the admission of the State of Tennessee "the territory of the United States south of the State of Tennessee."

Mississippi, after division and creation of Alabama from it, was admitted into the Union December 10, 1817. Mississippi and Alabama now contain the lands ceded by Georgia to the United States.

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March 3, 1817, Alabama Territory was erected from the eastern portion of the Territory of Mississippi and admitted into the Union December 14, 1819. Alabama contains a strip on her northern boundary of the lands of the territory south of the river Ohio from the South Carolina cession.

THE REMAINDER OF THE TERRITORY.

The remainder of the territory of the United States south of the river Ohio was given to the State of Georgia, by the terms of the cession of her western lands to the United States on June 16, 1802, under her act of April 24, 1802. This land now forms the extreme northern part of the State of Georgia.

And thus all of the territory of the United States south of the river Ohio was embraced within State lines, and the act became obsolete.

AREA.

It contained an actual area of 50,500 square miles; actual and nominal of 176,758 square miles, as follows:

	Sq. miles.
Kentucky, nominal	37,680
Tennessee, actual	45,600
Alabama, Georgia, and Mississippi, actual	4,900
Alabama, nominal	46,722
Mississippi, nominal	41,856
Total, actual 50,500, and nominal 126,258	176,758

Total, actual 32,320,000 acres; nominal 80,805,120 acres.

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CHAPTER VI.

TO JUNE 30, 1882.

[See pages 552–567.]

TO JUNE 30, 1883, AND DECEMBER 1, 1883.

[See pages 1230–1238.]

ADMINISTRATION AND SURVEYS.

JUNE 30, 1880.

DEPARTMENT OF THE INTERIOR AND THE GENERAL LAND OFFICE.

The public lands being under the entire control and direction of Congress, that body has from time to time enacted various laws creating agents to sell and otherwise dispose of the public domain, and from 1776 it has made grants. From May 20, 1785, and after, under order of Congress, the Board of Treasury (three commissioners), the then Treasury Department, made sales of the public lands and gave certificates. April 21, 1792, Congress authorized the President to give patent to "the Ohio Company of Associates" (Winthrop Sargent Cutler, Rufus Putnam, and others). May 5, 1792, the President was authorized to give patent for lands to John Cleves Symmes and his associates. The money in these cases was paid direct to the Secretary of the Treasury. By act of May 18, 1796, for the sale of the lands in the Northwestern Territory, now in Ohio, the Secretary of the Treasury received a set of plats of survey, kept check-books of sales, gave notice of sales, and performed other executive duties. He became the executive power or agent in the sale or disposition of the public domain, issuing patents for grants of land, &c., with the aid of registers and receivers of district land offices after 1810, and remained so until the organization of the General Land Office in his Department.

GENERAL LAND OFFICE CREATED.

April 25, 1812, Congress created the office of Commissioner of the General Land Office, and made his bureau in and subordinate to the Treasury Department, issuing patents, and performing duties formerly executed by the several departments. The Secretary of the Treasury, by a series of acts of Congress following this, obtained supervision of the acts of the Commissioner of the General Land Office, and appeals from the action of the commissioner were made to him. July 4, 1836, the General Land Office was reorganized by law.

DEPARTMENT OF THE INTERIOR CREATED.

March 3, 1849, Congress created the Home (now Interior) Department, and by section 3 of that law provided that the Secretary of the Interior "shall perform all the duties in relation to the General Land Office of supervision and appeal now discharged by the Secretary of the Treasury." Thereafter the General Land Office became and continues to be a bureau in the Interior Department. The Secretary of the Interior is now charged with the supervision of the public business relating to the public lands, including mines and pension and bounty lands. (See Chapter XI, section 441, page 75, Revised Statutes United States.)

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Secretaries of the Interior.

Name.	Whence appointed.	Date of commission.	Administration.
Thomas Ewing	Ohio	Mar. 8, 1849	Taylor and Fillmore.
Thomas M. T. McKennan	Pa	Aug. 15, 1850	Fillmore.
Alexander H. H. Stuart	Va	Sept. 12, 1850	Fillmore.
Robert McClelland	Mich	Mar. 7, 1853	Pierce.
Jacob Thompson	Miss	Mar. 6, 1857	Buchanan.
Caleb B. Smith	Ind	Mar. 5, 1861	Lincoln.
John P. Usher	Ind	Jan. 8, 1863	Lincoln and Johnson.
James Harlan	Iowa	May 15, 1865	Johnson.
Orville H. Browning	Ills	July 27, 1866	Johnson.
Jacob D. Cox	Ohio	Mar. 5, 1869	Grant.
Columbus Delano	Ohio	Nov. 1, 1870	Grant.
Zachariah Chandler	Mich	Oct. 19, 1875	Grant.
Carl Schurz	Mo	Mar. 12, 1877	Hayes.

Assistant Secretaries of the Interior.

John P. Usher	Ind	Mar. 20, 1862	Smith.
William T. Otto	Ind	Jan. 28, 1863	Usher to Delano.
Benjamin R. Cowen	Ohio	April 17, 1871	Delano and Chandler.
Charles T. Gorham	Mich	Mar. 10, 1876	Chandler.
Alonzo Bell	N. Y	April 9, 1877	Schurz.

Assistant Attorneys-General for Interior Department.

Walter H. Smith	Ohio	Mar. 17, 1871	Delano.
Augustine S. Gaylord	Mich	Nov. 4, 1875	Chandler.
Edgar M. Marble	Mich	Mar. 30, 1877	Schurz.
Joseph K. McCammon	Pa	May 4, 1880	Schurz.

Chief Clerks of Interior Department.

Daniel C. Goddard	Ohio	Mar. 8, 1849	Ewing to Stuart.
George C. Whiting	Va	July 1, 1852	Stuart and McClelland.
Moses Kelly	N. H.	Oct. 24, 1856	McClelland to Smith.
Watton J. Smith	Ind	Oct. 16, 1861	Smith and Usher.
Hallett Kilbourn	Ind	May 3, 1863	Usher.
William P. Clarke	Iowa	May 1, 1866	Harlan.
John C. Cox	Ills	Sept. 10, 1866	Browning.
Ashton S. H. White	N. H.	Mar. 11, 1869	Cox.
George T. Metcalfe	Ohio	May 10, 1869	Cox.
John S. Delano	Ohio	Dec. 1, 1870	Delano.
William C. Morrill	Me	Dec. 1, 1873	Delano.
Stanley Plummer	Me	April 1, 1874	Delano.
Alonzo Bell	N. Y	Nov. 9, 1875	Chandler and Schurz.
George M. Lockwood	N. Y	April 10, 1877	Schurz.

COMMISSIONER OF GENERAL LAND OFFICE.

Chapter III, section 453, page 77, Revised Statutes United States, provides that—

The Commissioner of the General Land Office shall perform, under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of land, and the issuing of patents for all [*agents*] [grants] of land under the authority of the Government.

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Commissioners.	Term of service.	Where born.	Whence appointed.
Edward Tiffin	1812-1814	England	Ohio.
Josiah Meigs	1814-1822		Georgia.
John McLean	1822-1823	New Jersey	Ohio.
George Graham	1823-1830		District of Columbia.
Elijah Hayward	1830-1835		Ohio.
Ethan A. Brown	1835-1836	Connecticut	Ohio.
James Whitcomb	1836-1841	Vermont	Indiana.
Elisha M. Huntingdon	1841-1842	New York	
Thomas H. Blake	1842-1845	Maryland	Indiana.
James Shields	1845-1847	Ireland	Illinois.
Richard M Young	1847-1849	Kentucky	Illinois.
Justin Butterfield	1849-1852	New Hampshire	Illinois.
John Wilson	1852-1855	District of Columbia	District of Columbia.
Thomas A. Hendricks	1855-1859	Ohio	Indiana.
Samuel A. Smith	1859-1860		Tennessee.
Joseph S. Wilson	1860-1861	District of Columbia	District of Columbia.
James M. Edmunds	1861-1866	New York	Michigan.
Joseph S. Wilson	1866-1871	District of Columbia	District of Columbia.
Willis Drummond	1871-1874	Missouri	Iowa.
Samuel S. Burdett	1874-1876	England	Missouri.
James A. Williamson	1876	Kentucky	Iowa.

DUTIES OF COMMISSIONER OF GENERAL LAND OFFICE.

The Commissioner of the General Land Office is appointed by the President and confirmed by the Senate; receives an annual salary of $4,000, and holds office indefinitely. He performs, under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sales of the public lands of the United States, or in any wise respecting such public lands, and also such as relate to private claims of land and the issuing of patents for all lands under the authority of the Government. His duties are fully set out in Chapter III, Revised Statutes of the United States, pp. 76–78, sections 446 to 461; also, therein, the organization of the General Land Office. (See Report Public Land Commission, February 1, 1880, for details as to duties and importance of this bureau.)

IMPORTANCE OF THE GENERAL LAND OFFICE.

The General Land Office holds the records of title to the vast area known as the public domain, on which are hundreds of thousands of homes. Its records constitute the "Doomsday Book" of the public domain of the United States.

All the business pertaining to the survey, disposition, and patenting of the public lands of the United States is transacted through it, or under its order and supervision. No more responsible bureau of the Government exists.

Important questions of law often arise in the various divisions of this Office as to rules of evidence, as to boundaries, riparian rights, entries, locations, cultivation improvements, settlement, domicile, expatriation, jurisdiction of executive officers, such as the power of the Commissioner of Pensions to cancel land warrants under various circumstances after they have issued or after they have been located; as to the authority of this Office to set aside or cancel patents after execution, and before delivery and after delivery; as to rights of way and water rights; as to when patents take effect; as to when patents are valid, void, or merely voidable; as to when legal title passes without patent; in construing foreign treaties and Indian treaties; as to forfeitures, abandonments, assignments; as to rights of parties holding scrip of various kinds; as to the rights of owners of lost instruments; as to advancements for surveys, deposits and excess.

The laws and decisions of various States and Territories have to be examined to determine who are the lawful wives, widows, heirs, devisees, executors, administrators, or guardians; to determine the jurisdiction of local courts and the validity of proceedings therein, and the legality of judicial sales.

Since the organization of the Government about three thousand acts have been

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passed by Congress concerning the public lands. Many of these acts are composed of numerous sections, and many of these sections present a number of difficult questions of construction. These provisions are generally construed in the first instance by this office; it is often many years before a judicial interpretation is obtained, if ever. The Supreme Court of the United States has on more than one occasion declared that the construction and practice of this Department is entitled to great respect, and such construction is usually followed by the State courts. It is true that many of these enactments have been repealed; but under imperfect administration in former years, titles acquired or supposed to be acquired under such repealed provisions are found to be imperfect, and necessitate an examination and consideration of the early acts of Congress and of the rights of parties thereunder. In determining and in deciding these cases careful opinions must be written deciding the questions of fact and of law, giving reasons for conclusions and citing authorities.

Rules of practice in cases before the district land offices, the General Land Office, and the Department of the Interior are provided. (See circular approved October 9, 1878, and revised rules.

PRESENT ORGANIZATION OF THE GENERAL LAND OFFICE.

[See page 1230.]

Commissioner, James A. Williamson, of Iowa.
Chief Clerk, Curtis W. Holcomb, of Connecticut.

This bureau is charged with the survey and disposal of the public lands of the United States. There are at the present time, subordinate to the General Land Office, sixteen surveying districts, each in charge of a surveyor-general, with a competent corps of assistants and deputies, through whom the current and annual surveys are made and reported to this bureau. For the duties of surveyors-general, see Revised Statutes United States, section 2207 to section 2233, pp. 388–391.

There are also ninety-six land districts, each with an office conveniently located for the sale or other disposal of the public lands. These offices are in charge of registers, to whom application is made for lands, and receivers of public moneys, who, as the name indicates, receive all moneys in payment for the same, and are situated in the different public-land States and Territories. For the duties of registers and receivers, see Revised Statutes United States, sections 2234 to 2247, pp. 392–394.

The transactions of these subordinate offices are at regular intervals of time reported to the General Land Office, and the duty of classifying, examining, and definitely disposing of the work done in these offices, together with supervising and directing the same, forms the principal part of the work of the General Land Office, giving employment to an average of two hundred clerks.

In the execution of this work the necessities of the case have led to the system of subdividing the office into divisions, each in charge of a principal clerk, and to each of which respective work is referred when received from the district offices. These divisions are at present designated by letters from A to N, and in all correspondence sent from the bureau the initial letter of the division from which it emanates is marked, in order that the same may be the more readily referred to in after days.

Division A.

The chief clerk has charge of this division. Its work consists in receiving, briefing, and properly referring all communications received; in keeping the record of all appointments, resignations, or dismissals in the clerical force of the bureau; in supervising the opening or closing of district land offices; investigating charges against land officers; the matter of official bonds; the drawing of requisitions for printing; the expenditure of the contingent expense fund; and the assignment and general regulation of the clerical force of the bureau. In this division, also, all fees for exemplifications of records are received by a clerk designated for that purpose.

The chief clerk is, by law, made the Acting Commissioner during the absence of the Commissioner. (See section 447, Revised Statutes United States.)

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Division B.

This division is in charge of the recorder of the General Land Office. (See section 447, Revised Statutes United States.)

In this division patents are prepared for all tracts sold or located with warrants or scrip at the district land offices, after such transfers have been properly examined in other divisions of the bureau.

A correct record is here kept of all patents issued, and letters transmitting patents are prepared.

The original papers forming the basis of patent are here filed, and all patents undelivered or uncalled for are retained in this branch of the office.

To this division are finally referred, for examination and proper action, the papers in locations made in satisfaction of military bounty-land warrants issued by authority of various acts of Congress. The same reference is made of locations by agricultural college scrip, and the special scrip issued to Porterfield. In this division land warrants and scrip, submitted for official approval, are examined as to genuineness and regularity of assignment.

All revolutionary bounty-land scrip is here prepared, as also are patents for lands in the Virginia military district, Ohio.

The recorder is appointed by the President, and, by law, is required to countersign all patents after they have received the signature of the President.

The number of patent records in Division B is as follows:

	Vols.
Military	1,207
Cash	3,652
Home	353
Miscellaneous	375
Total (of 500 pages each)	5,587
Miscellaneous, letter, and other records	1,793
Total books of record	7,380

Patents issued for agricultural entries.

Patents issued.	Prior to 1878.	1878.	1879.	1880.	Total.
For cash sales	2,021,356	2,998	4,209	6,498	2,035,061
For homestead entries	103,149	13,418	12,702	15,781	145,050
For agricultural-college scrip	50,479	123	91	74	50,767
For Sioux half-breed scrip	3,517	12	3	11	3,543
For Chippewa half-breed scrip	1,209	.....	34	.....	1,243
On military land warrants, act 1847	88,243				
On military land warrants, act 1850	189,120				
On military land warrants, act 1852	11,982	419	855	1,037	552,932
On military land warrants, act 1855	26,276				
Under military acts 1790, 1791, 1801, and 1812	50,000	.....	.....	4	50,004
On surveyor-general's certificates, &c	2,732	.....	.....	.....	2,732
On Choctaw scrip, &c	2,722	.....	1	.....	2,723
For town sites	.....	.....	.....	15	15
Total	2,785,785	16,970	17,895	23,420	2,844,070

Division C.

In charge of the principal clerk of public lands. (See section 448, Revised Statutes United States.) In this division are kept the numerous "tract-books," which show, in well-arranged order, the status of every surveyed tract of land which is or has been included in the public domain.

All sales or other disposals of land made and reported in the district offices are noted in the proper places in these books. They also show reservations for Indian, military, or other purposes, private grants and special appropriations of land.

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This division has charge of the examination and final action on all entries under the homestead and timber-culture laws, of ordinary private purchase by cash or by sale at public offerings, all selections under internal-improvement grants or under the various grants for educational purposes and locations with land scrip.

Division D.

In charge of the principal clerk of private land claims (see section 448, Revised Statutes United States), who is by law also required to perform, *ad interim*, the duties of the recorder in the event of the absence of that officer. On this division devolves the examination of, and final action on, all claims based upon British, French, Spanish, or Mexican titles recognized and protected by acts of Congress or treaty stipulations, and which in the main lie within the territory acquired from foreign powers.

In this division, also, all locations authorized by Congress of lands in lieu of lands injured by earthquakes in the county of New Madrid, Missouri, and all classes of private claims, are passed upon.

Also the adjustment of donation and mission claims in the State of Oregon and Territory of Washington, and donation claims in the Territory of New Mexico. Likewise the examination and final action of allotments under treaty provisions to Indians, and the preparation and examination of scrip issued in accordance with law in lieu of certain unsatisfied private claims.

Division E.

In charge of the principal clerk of surveys. This division is charged with the supervision of all work relating to the public surveys. Instructions to the surveyors-general relative to the extension of surveys or the examination and correction of erroneous surveys are here prepared. All contracts for surveys by deputy surveyors are here examined and passed upon, and the adjustment of accounts for surveying service made and submitted to the Treasury Department for payment. All returns of surveys are referred to this division for examination as to correctness, and after approval are filed in the division. All records and correspondence relating to Indian, military, light-house, live-oak, or other reservations are in charge of this division.

To this division are also referred matters pertaining to the establishment of boundary lines, by astronomical surveys, between States and Territories of the United States.

The plats and field-notes of all surveys are retained on the files of this division, in charge of a principal draughtsman, who supervises all work of draughting or copying plats of surveys, and who compiles and prepares the official map of the United States. There are in this division more than 50,000 plats or maps of township and other surveys.

Division F.

This division is charged with the adjustment of grants, by congressional legislation, of lands for railroad purposes, military wagon-roads, and of laws relating to the right of way through the public lands. Here also cases of conflict of title between persons claiming under other laws and the beneficiaries of the grants named are examined and passed upon.

Division G.

This division has charge of entries made under the pre-emption laws.

In addition to this, all applications for entry under the town-site laws are here examined, and sales of Osage, Indian, trust, and diminished-reserved lands are referred to this division for proper action.

Division K.

This division has charge of the adjustment of the grants made to the States of swamp and overflowed lands, and the questions and correspondence arising thereunder. It has, also, in connection with Division M, the adjustment of claims for indemnity for swamp lands disposed of by the United States to individuals after the passage of said swamp grant.

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Division M.

To this division are first referred all returns made by registers and receivers of the business of the district land offices. The various dispositions of lands are here classified, and the accounts of the registers and receivers are here kept.

A strict account is also kept of the five per cent. fund due the States from the sale of public lands within their respective limits; an account of the receipts and expenditures of moneys collected from depredators of timber lands, and the accounts of sale of Osage and other Indian lands. All applications for repayment of moneys received for lands to which title cannot be given are here examined.

In this division is kept a classified statement of all disposals of public lands.

Division N.

The work of this division relates to mineral lands, and has in charge the examination and final disposition of applications for patents for that class of lands, and the adjudication of contests growing out of such applications.

Here, also, the mineral or non-mineral classification of given lands is passed upon.

All patents for mineral and coal lands are here prepared, and the plats of survey of all mines for which patents are sought are here filed.

Salaries of officers and employés of General Land Office.

1 Commissioner, at $4,000	$4,000
1 chief clerk, at $2,000	2,000
1 recorder, at $2,000	2,000
1 law clerk, at $2,000	2,000
1 principal clerk public lands, at $1,800	1,800
1 principal clerk private land claims, at $1,800	1,800
1 principal clerk surveys, at $1,800	1,800
6 clerks class four, at $1,800 each	10,800
1 draughtsman, at $1,600	1,600
22 clerks class three, at $1,600 each	35,200
1 assistant draughtsman, at $1,400	1,400
40 clerks class two, at $1,400 each	56,000
80 clerks class one, at $1,200 each	96,000
30 clerks, at $1,000 each	30,000
9 copyists, at $900 each	8,100
9 assistant messengers, at $720 each	6,480
6 packers, at $720 each	4,320
12 laborers, at $660 each	7,920
223	273,220

OFFICES IN THE LAND SERVICE SUBORDINATE TO THE GENERAL LAND OFFICE.

Geographer.

The first officer in charge of the surveys of the public lands was called the geographer of the United States. He was appointed under the ordinance of May 20, 1785. Thomas Hutchins was the first and only incumbent of the office.

Surveyor-General of the Northwest Territory.

Under the act of May 18, 1796, creating the office, Rufus Putnam, in 1797, was appointed surveyor-general of the Northwest Territory (including Michigan Territory). He remained until 1803.

Captain Jared Mansfield, U. S. A., succeeded as surveyor-general from 1803 to 1813.

Under Captain Mansfield, aided by the advice of Mr. Jefferson, many and important changes and improvements were made in the surveying system.*

* The following letter, in answer to one of inquiry as to Captain Jared Mansfield, father of Hon. E. D. Mansfield, the writer of the letter below, was received by the editor of this volume September 25, 1880. Mr. Mansfield died in October, 1880, and the data mentioned were not received:

MORROW, WARREN COUNTY, OHIO,
September 24, 1880.

DEAR SIR: I received a copy of your Report on the Public Lands yesterday, for which I am obliged. I will write you in a few days what I know of my father's surveys (astronomical), and give you a brief account of his first observatory. In Niles's Register you will see full accounts by the Commissioner of the Land Office of my father's system of survey.

I have the bill of astronomical instruments bought in London for the Government, and Mr. Jefferson's letter on the subject.

Yours truly, EDW. D. MANSFIELD.

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Josiah Meigs held the office of surveyor-general of this territory from 1813 to 1815. He gave way to Edward Tiffin from 1815 to 1825.

These surveyors-general employed a sufficient number of skillful deputy surveyors; who employed a force of men as chain men, &c. They were paid by the mile for each mile of line run, the first rate being $3 per mile.

Sections of the country were laid out, over which from time to time Congress or the Treasury Department appointed surveyors-general, who employed deputies, special statutes in most cases regulating this.

SURVEYORS PRIOR TO 1825.

Aaron Greeley, surveyor of Michigan Territory, 1812.
William Rector, surveyor of Illinois, Missouri, and Arkansas, 1814 to 1824.
William Clark, surveyor of Illinois, Missouri, and Arkansas, 1824 to 1825.
William McRee, surveyor of Illinois, Missouri, and Arkansas, 1825.
Isaac Briggs, surveyor south of Tennessee, 1803 to 1807.
Seth Pease, surveyor south of Tennessee, 1807 to 1820.
Thomas Freeman, surveyor south of Tennessee, 1820 to 1822
John Coffee, surveyor of Alabama, 1817 to 1825.
Robert Butler, surveyor of Florida, 1824 to 1825.
Silas Bent, surveyor of Louisiana, 1807 to 1813.

Surveyors-general within States or Territories.

May 7, 1822, the first surveying district was created, viz, the State of Ohio, with an officer called a surveyor-general in charge.

A surveying district may be a State, a Territory, or two or more of any of them joined together for such purpose by law and in charge of a surveyor-general, with assistants. The surveys are made under the contract system, the surveyor-general selecting the deputy, Congress fixing the compensation. These surveying districts are closed by act of Congress when all the public lands are surveyed, and certain archives therein transferred to the State in which the lands lie.

Registers and Receivers.

[See page 556.]

The offices of register and receiver were created by the act of May 10, 1800. Districts for the sale of lands were made at the same time and by the same act, and this method has since continued.

A land district for disposing of lands, with a register and receiver, may cover a State or there may be ten in a State. Land districts are in no wise connected in boundary with surveying districts. They are made by law of Congress, or by the President in mineral districts, and are abolished, consolidated one with another, reduced in area, or closed by Congress or the President. They are simply points for sale and disposition of land, more for the convenience of the people than of the Government. The land being surveyed is duly returned and notice of filing of plats given, and the land laws applicable to the district are put in force by the registers and receivers of the several district land offices, in permitting the settlers and locators to proceed under the law. When closed, their archives are sent to the General Land Office, which during their existence has complete and entire control over them by a system of checks and notations on a set of duplicate plats, notes, and supervises each and all changes made on the plats of the district offices, which are duly reported by them at the end of each month to the General Land Office at Washington.

Through the agency of these district offices the United States proceeds to dispose of the public lands in the methods contemplated in the laws providing for sales at ordinary private entry, for pre-emptions, for entries for homestead, timber culture, town site, and mining purposes, and in the laws making grants for specific objects, and exceptional provisions with regard to abandoned military and other reservations.

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List of offices of surveyor-general from May 10, 1800, to June 30, 1880.

Surveying district.	Location of office.	When established.	Removed or discontinued.
Ohio	Cincinnati	Act May 7, 1822	To Detroit, Mich.
Indiana and Michigan	Detroit	June, 1845	Abolished.
South of Tennessee:			
Tennessee	Washington	May 7, 1822	To Jackson, Miss.
Mississippi	Jackson	Aug. 1, 1833	Discontinued.
Illinois and Missouri	Saint Louis	Feb. 6, 1829	Abolished.
Florida	Tallahassee	June 31, 1828	To Saint Augustine.
	Saint Augustine	Mar. 9, 1844	To Tallahassee.
	Tallahassee		
Louisiana	Donaldsonville	Act March 3, 1831	To Baton Rouge.
	Baton Rouge	Dec. 9, 1843	To New Orleans.
	New Orleans		
Alabama	Florence	Aug. 25, 1831	Discontinued Aug 28, 1848.
Chickasaw lands:			
Mississippi	Pontotoc	May 7, 1833	Abolished.
Arkansas	Little Rock	June 30, 1832	Discontinued, 1859.
Wisconsin and Iowa	Dubuque	June 12, 1838	Abolished.
Oregon	Oregon City	Nov. 22, 1850	To Salem.
	Salem		To Eugene City.
	Eugene City		To Portland.
	Portland		
California	San Francisco	Act March 3, 1851	
New Mexico	Santa Fé	Aug. 1, 1854	
Washington Territory	Olympia	Aug. 1, 1854	
Kansas and Nebraska	Fort Leavenworth	Aug. 1, 1854	To Wyandotte City.
	Wyandotte City		To Lecompton.
	Lecompton		To Nebraska City.
	Nebraska City		To Leavenwortd City.
	Leavenworth City		
Utah	Salt Lake City	March 7, 1855	
Nevada	Carson City	March 28, 1861	To Virginia City.
	Virginia City	Dec. 11, 1866	
Dakota	Yankton	March 28, 1861	
Colorado	Denver	April 5, 1861	
Arizona	Tucson	May 6, 1863	
Idaho	Boisé City	Aug. 13, 1866	
Nebraska and Iowa	Plattsmouth	April 1, 1867	
Montana	Helena	April 18, 1867	
Minnesota	Saint Paul	March 15, 1866	
Wyoming	Cheyenne	March 2, 1870	

List of surveying districts where surveys are now in progress, names of surveyors-general, with their compensation and location of offices, to June 30, 1880.

[See page 554.]

Districts.	Surveyors-general.	Location of offices.	Compensation under organic act. (See Rev. Stats., sects. 2208, 2209 and 2210.)	Compensation under act of June 15, 1880, fixing salaries fiscal year 1881. (See U.S. Stats., 1879–80, p. 233.)
			Per annum.	*Per annum.*
Arizona	John Wasson	Tucson, Ariz	$3,000	$2,500
California	Theo. Wagner	San Francisco, Cal	3,000	2,750
Colorado	Albert Johnson	Denver, Colo	3,000	2,500
Dakota	Henry Espersen	Yankton, Dak	2,000	2,000
Florida	Le Roy D. Ball	Tallahassee, Fla	2,000	1,800
Idaho	Wm. P. Chandler	Boise City, Idaho	3,000	2,500
Louisiana	O. H. Brewster	New Orleans, La	2,000	1,800
Minnesota	J. H. Stewart	Saint Paul, Minn	2,000	2,000
Montana	Roswell H. Mason	Helena, Mont	3,000	2,500
Nebraska	George S. Smith	Plattsmouth, Neb	3,000	2,500
Nevada	E. S. Davis	Virginia City, Nev	2,000	2,000
New Mexico	H. M. Atkinson	Santa Fé, N. Mex.	3,000	2,500
Oregon	James C. Tolman	Portland, Oreg	2,500	2,500
Utah	F. Salomon	Salt Lake City, Utah	3,000	2,500
Washington	Wm. McMicken	Olympia, Wash.	2,500	2,500
Wyoming	E. C. David	Cheyenne, Wyo	3,000	2,500

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List of local land offices (258 *in number*) *under the laws of the United States, from May* 10, 1800, *to June* 30, 1880, *by States and Territories, with date of establishment and discontinuance.*

[See page 554.]

State.	Location.	When established.	Removed or discontinued.
Alabama	Cahaba, originally located at Milledgeville, Ga.	Act Mar. 3, 1815	To Greenville.
	Greenville	June 16, 1856	May 11, 1866.
	Huntsville, originally established at Nashville, Tenn., and afterward located at Twickenham.	Act Mar. 3, 1807	
	Saint Stephens	Act Mar. 3, 1803	To Mobile, 1867.
	Mobile		
	Demopolis	Act Mar. 2, 1833	March 30, 1866.
	Tuscaloosa	Act May 11, 1820	To Montgomery, 1866.
	Conecuh Court-House., Sparta	Act May 11, 1820	To Elba.
	Elba	Apr. 1, 1854	April 11, 1867.
	Montevallo, Mardisville	Act July 10, 1832	To Lebanon.
	Lebanon	Apr. 12, 1842	To Montgomery.
	Montgomery	Act July 10, 1832	
Arkansas	Batesville	Act Feb. 17, 1838	To Little Rock, 1865.
	Little Rock	Act Feb. 17, 1838	
	Fayetteville	Act June 25, 1832	To Huntsville.
	Huntsville	Nov. 5, 1860	Closed, 1865.
	Dardanelle	May 31, 1871	
	Washington	Act June 25, 1832	To Camden.
	Camden	Mar. 20, 1871	
	Helena	Act June 26, 1834	To Little Rock, January 2, 1860.
	Johnson Court-House	Act July 7, 1838	To Clarksville.
	Clarksville	Dec. 1, 1847	Closed February 9, 1871.
	Champagnole	Act Feb. 20, 1845	Closed 1865. To Washington.
	Harrison	Aug. 11, 1871	
Arizona	Prescott	Nov. 3, 1868	
	Florence	May 8, 1875	
California	Benicia	Mar. 3, 1853	Consolidated with San Francisco.
	Los Angeles	Mar. 3, 1853	
	Marysville	Mar. 3, 1853	
	Humboldt	Act Mar. 29, 1858	
	Stockton	Act Mar. 29, 1858	
	Visalia	Act Mar. 29, 1858	
	Sacramento	Nov. 4, 1867	
	San Francisco	Jan. 16, 1857	
	Shasta	Apr. 17, 1871	
	Susanville	June 15, 1871	
	Independence	May 31, 1873	To Bodie.
	Bodie	July 10, 1878	
Colorado	Golden City	Act June 2, 1862	To Denver.
	Denver	Sept. 12, 1864	
	Fair Play	Oct. 29, 1867	To Leadville.
	Leadville	July 11, 1879	
	Central City	Dec. 27, 1867	
	Pueblo	Act May 27, 1870	
	Del Norte	Act June 20, 1874	
	Lake City	May 5, 1877	
Dakota	Vermillion	Act Mar. 2, 1861	To Sioux Falls.
	Sioux Falls	June 9, 1873	To Mitchell.
	Mitchell	Oct. 4, 1880	
	Springfield	Oct. 21, 1870	To Watertown.
	Watertown	May 1, 1880	
	Fargo	Act May 5, 1870	
	Yankton	June, 1872	
	Bismarck	Act Apr. 24, 1874	
	Sheridan	May 22, 1877	To Deadwood.
	Deadwood	July 2, 1877	
	Grand Forks	Act Jan. 21, 1880	
Florida	Newnansville	Act Aug. 30, 1842	To Gainesville, 1867.
	Tallahasse	Act Mar. 3, 1823	To Gainesville.
	Saint Augustine	Act Mar. 3, 1823	To Gainesville, 1867.
	Gainesville	July 11, 1873	
	Tampa	Act Aug. 5, 1854	October 20, 1858.
	Jacksonville	May 14, 1877	To Gainesville.
Indiana	Jeffersonville	Act Mar. 3, 1807	April 9, 1855.
	Vincennes	Act Mar. 26, 1804	Discontinued under act of June 12, 1840; reopened by order of April 20, 1853; finally closed December 20, 1861.
	Indianapolis	Act Mar. 3, 1819	March 3, 1877.
	Crawfordsville	Act Mar. 3, 1819	July 1, 1853.
	Fort Wayne	Act May 8, 1822	June 1, 1852.
	La Porte to Winamac	Act Mar. 2, 1833	April 3, 1855.
Idaho	Boisé City	Nov. 6, 1866	
	Lewiston	Sept. 23, 1867	
	Oxford	Act Feb. 4, 1879	

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List of local land offices from 1800 *to* 1880—Continued.

State.	Location.	When established.	Removed or discontinued.
Iowa	Dubuque	Act June 12, 1838	To Marion.
	Marion	Feb. 20, 1843	Closed June 21, 1859.
	Burlington	Act June 12, 1838	To Fairfield.
	Fairfield	Aug. 1, 1842	November 12, 1855.
	Iowa City	Act Aug. 8, 1846	July 8, 1856.
	Chariton	Act Aug 2, 1852	September 14, 1859.
	Fort Des Moines	Act Aug. 2, 1852	
	Kanesville	Act Aug. 2, 1852	To Council Bluffs.
	Council Bluffs		May 31, 1873.
	Decorah	Act Mar. 3, 1855	To Osage.
	Osage		July 6, 1859.
	Fort Dodge	Act Mar. 3, 1855	May 31, 1873.
	Sioux City	Act Mar. 3, 1855	May 31, 1873.
Illinois	Kaskaskia	Act Mar. 26, 1804	February 25, 1856.
	Shawneetown	Act Feb. 21, 1812	May 2, 1856.
	Edwardsville	Act Apr. 29, 1816	August 8, 1855.
	Vandalia	Act May 11, 1820	May 1, 1856.
	Palestine	Act May 11, 1820	August 14, 1855.
	Springfield	Act May 8, 1822	March 3, 1877.
	Danville	Act Feb. 19, 1831	December 16, 1856.
	Quincy	Act Feb. 19, 1831	August 30, 1855.
	Galena	Act June 26, 1834	To Dixon.
	Dixon	Act Nov. 2, 1840	September 3, 1855.
	Chicago	Act June 26, 1834	July 31, 1855.
Kansas	Lecompton	July 22, 1854	To Topeka.
	Topeka	Sept. 10, 1861	
	Doniphan	Mar. 3, 1857	To Kickapoo.
	Kickapoo	Dec. 3, 1857	To Atchison.
	Atchison	Sept. 6, 1861	December 26, 1863.
	Ogden	Mar. 3, 1857	To Junction City.
	Junction City,	Oct. 6, 1859	To Salina.
	Salina	May 1, 1871	
	Fort Scott	Mar. 3, 1857	To Humboldt.
	Humboldt	Sept. 16, 1861	To Mapleton.
	Mapleton	Nov. 1, 1861	To Humboldt.
	Humboldt	May 15, 1862	To Neodesha.
	Neodesha	Dec. 15, 1871	To Independence.
	Independence	Oct. 3, 1871	
	Augusta	Act May 11, 1870	To Wichita.
	Wichita	Feb. 20, 1872	
	Concordia	Act July 7, 1870	
	Cawker City	June, 1872	To Kirwin.
	Kirwin	Jan. 4, 1875	
	Larned	Act June 20, 1874	
	Hays City	Act June 20, 1874	To Wa-Keeney.
	Wa-Keeney	Oct. 20, 1879	
Louisiana	Opelousas	Act Mar. 3, 1811	February 16, 1861–'66.
	Ouachita	Act Mar. 3, 1811	To Monroe.
	Monroe	Dec. 23, 1867	To New Orleans, Jan. 21, 1879.
	New Orleans	Act Mar. 3, 1811	
	Saint Helena Court House	Act Apr. 25, 1812	To Greensburg.
	Greensburg	Feb. 24, 1837	To Baton Rouge.
	Baton Rouge	Jan 1, 1844	To New Orleans.
	Natchitoches	Act July 7, 1838	
Michigan	Detroit	Act Mar. 26, 1804	
	Monroe	Act Mar. 23, 1823	To White Pigeon Prairie.
	White Pigeon Prairie		To Bronson.
	Bronson		To Kalamazoo.
	Kalamazoo		August 16, 1859.
	New Monroe	Act Jan. 30, 1833	Act June 12, 1840.
	Genesee	Act June 15, 1836	To East Saginaw.
	East Saginaw		
	Sault Ste. Marie	Act Mar. 1, 1847	To Marquette.
	Marquette	July 13, 1857	
	Duncan	May 29, 1854	To Mackinac.
	Mackinac	Mar. 8, 1858	To Traverse City.
	Traverse City	Aug. 2, 1858	Consolidated with Reed City.
	Ionia	Act June 15, 1836	To Reed City.
	Reed City	Apr. 1, 1878	
Minnesota	Brownsville	Act Apr. 12, 1854	To Chatfield.
	Chatfield	June 12, 1856	To Winnebago City.
	Winnebago City	Nov. 4, 1861	To Jackson.
	Jackson	Sept. 1, 1869	To Worthington.
	Worthington	Apr. 20, 1874	
	Minneapolis	Act Apr. 12, 1854	To Forest City.
	Forest City	Mar. 22, 1858	To Minneapolis.
	Minneapolis	Nov. 1, 1862	To Greenleaf,
	Greenleaf	July 3, 1866	To Litchfield.
	Litchfield	Jan. 27, 1870	To Benson.
	Benson	June 19, 1876	
	Faribault	Act Apr. 12, 1854	To Saint Peter.
	Saint Peter	Dec. 2, 1854	To New Ulm.

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List of local land offices from 1800 *to* 1880—Continued.

State.	Location.	When established.	Removed or discontinued.
Minnesota	New Ulm	Mar. 17, 1870	To Tracy.
	Tracy	May 18, 1880	
	Alexandria	Sept., 1868	To Fergus Falls.
	Fergus Falls	Dec. 11, 1876	
	Oak Lake	Act Mar. 12, 1872	To Detroit.
	Detroit		To Crookston.
	Crookston	July 15, 1878	
	Stillwater	May 1, 1853	To Cambridge.
	Cambridge	Dec. 15, 1858	To Sunrise City.
	Sunrise City	July 2, 1860	To Taylor's Falls.
	Taylor's Falls	Oct. 1, 1861	
	Sauk Rapids	Act Aug. 30, 1852	To Saint Cloud.
	Saint Cloud	Apr. 19, 1858	
	Henderson	Act Apr. 12, 1854	May 9, 1863.
	Buchanan	July 8, 1856	To Portland.
	Portland	June 7, 1859	Name changed to Duluth.
	Duluth		
	Ojibway	July 8, 1856	To Otter Tail City.
	Otter Tail City	May 2, 1859	March 31, 1863.
	Redwood Falls	Act May 21, 1872	
Mississippi	Augusta	Act Apr. 25, 1812 and Mar. 3, 1819	To Paulding.
	Paulding	Jan. 2, 1860	January 12, 1867.
	Washington	Act Mar. 3, 1803	To Jackson, 1866.
	Columbus	Act Mar. 2, 1833	November 1, 1866.
	Mount Salus	Act May 6, 1822	To Jackson.
	Jackson	Aug. 10, 1836	
	Chocchuma	Act Mar. 2, 1833	To Grenada.
	Grenada	July 4, 1840	December 1. 1860.
	Pontotoc	Oct. 20, 1822	September 20, 1854.
Missouri	Saint Louis	Act Mar. 3, 1811	To Boonville, September 1, 1861.
	Franklin	Act Feb. 17, 1818	To Fayette.
	Fayette	July 5, 1832	To Boonville.
	Boonville		
	Jackson	Act Feb. 17, 1818	To Ironton.
	Ironton	July 8, 1861	
	Lexington	Act Mar. 23, 1823	To Clinton.
	Clinton	July 3, 1843	To Warsaw.
	Warsaw	July 18, 1855	To Calhoun.
	Calhoun		February 12, 1863.
	Palmyra	Act May 26, 1824	March 2, 1859.
	Springfield	Act June 26, 1834	Order of March 25, 1863.
	Plattsburg	Act Aug. 29, 1842	April 10, 1859.
	Milan	Act Feb. 25, 1849	April 8, 1859.
Montana	Helena	June, 1867	
Nebraska	Omaha City	July 22, 1854	To West Point.
	West Point	May 1, 1869	To Norfolk.
	Norfolk	Sept. 9, 1873	
	Brownsville	Mar. 3, 1857	To Beatrice.
	Beatrice	July 7, 1868	
	Nebraska City	July 3, 1868	To Lincoln.
	Lincoln	Sept. 3, 1868	
	Dakota City	July 3, 1868	To Niobrara.
	Niobrara	Oct. 1, 1875	
	Grand Island	Act July 27, 1868	
	North Platte	Sept. 21, 1872	
	Lowell	Aug. 2, 1872	To Bloomington.
	Bloomington		
Nevada	Carson City	Act July 2, 1862	
	Austin	Oct. 15, 1867	To Eureka.
	Eureka	May 26, 1873	
	Belmont	Dec., 1869	To Pioche.
	Pioche	Apr. 30, 1874	September 14, 1877.
	Aurora	Aug., 1878	To Independence, Cal., May 31, 1873.
	Elko	May, 1873	September 14, 1877.
New Mexico	Santa Fé	Act May 24, 1858	
	La Mesilla	Act Mar. 3, 1874	
Ohio	Marietta	Act May 10, 1800	Act June 12, 1840.
	Zanesville	Act Mar. 3, 1803	Act June 12, 1840.
	Steubenville	Act May 10, 1800	Act June 12, 1840.
	Cincinnati	Act May 10, 1800	Act June 12. 1840.
	Chillicothe	Act May 10, 1800	March 3, 1877.
	Wooster	Act Mar. 3, 1807	Act June 12, 1840.
	Piqua	Act Mar. 3, 1819	June 25, 1855.
	Wappakonnetta	Act Mar. 3, 1819	June 25, 1855.
	Lima	Act Mar. 3, 1819	June 25, 1855.
	Upper Sandusky	Act Mar. 3, 1819	June 25, 1855.
	Defiance	Act Mar. 3, 1819	June 25, 1855.
	Delaware	Act Mar. 3, 1819	Act June 12, 1840.
	Bucyrus	Act Mar. 3, 1819	Act June 12, 1840.
	Tiffin	Act Mar. 3, 1819	Act June 12, 1840.
	Marion	Apr. 23, 1836	February 27, 1845.

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List of local land offices from 1800 *to* 1880—Continued.

State.	Location.	When established.	Removed or discontinued.
Oregon	Oregon City	July 17, 1854	
	Winchester	Mar. 3, 1855	To Roseburg.
	Roseburg	Jan. 3, 1860	
	Le Grand	Dec. 11, 1867	
	Linkville	Jan. 16, 1873	To Lakeview.
	Lakeview	Sept. 1, 1877	
	Dalles	Act Jan. 11, 1875	
Wisconsin	Green Bay	Act June 26, 1834	To Menasha.
	Menasha		
	Muskoday	June 26, 1834	To Mineral Point.
	Mineral Point	May 8, 1843	November 25, 1853.
	Milwaukee	Act June 15, 1836	February 14, 1856.
	Hudson	Act Mar. 2, 1849	To Falls Saint Croix.
	Falls of Saint Croix	Aug. 6, 1860	
	Stevens Point	Act July 30, 1852	To Wausaw.
	Wausaw	Aug. 19, 1872	
	La Crosse	Act Aug. 2, 1852	
	Superior City	Act Feb. 24, 1855	To Bayfield, October 5, 1860.
	Bayfield		
	Eau Claire	Act Mar. 3, 1857	
Washington	Olympia	July 17, 1854	
	Vancouver	Act May 16, 1860	
	Walla Walla	Act Mar. 3, 1871	
	Colfax	Act Aug. 15, 1876	
	Yakima	Act June 16, 1880	
Utah	Salt Lake City	Act Mar. 9, 1869	
	Beaver City	Act Apr. 25, 1876	Consolidated with Salt Lake City Aug. 1, 1877.
Wyoming	Cheyenne	Act Feb. 5, 1870	
	Evanston	Act Aug. 9, 1876	

List of existing local land offices (96 *in number*) *and names of officers, November* 10, 1880.

[See page 555.]

State or Territory.	Land district.	Register.	Receiver.
Alabama	Huntsville	John M. Cross	W. H. Tancre.
	Montgomery	Pelham J. Anderson	Paul J. Strobach.
Arkansas	Little Rock	Mifflin W. Gibbs	Charles E. Kelsey.
	Camden	Samuel W. Mallory	Alfred A. Tuffts.
	Harrison	John Murphy	Robert S. Armitage.
	Dardanelle	Thomas M. Gibson	Thomas Boles.
Arizona	Prescott	William N. Kelly	George Lount.
	Florence	C. M. K. Paulison	Charles E. Dailey.
California	Marysville	John C Bradley	Lemuel T. Crane.
	Humboldt	Charles F. Roberts	Solomon Cooper.
	San Francisco	William R. Wheaton	Charles H. Chamberlain.
	Sacramento	Edw. F. Taylor	Henry O. Beatty.
	Stockton	George A. McKenzie	Otis Perrin.
	Visalia	Jeremiah D. Hyde	Tipton Lindsey.
	Los Angeles	Alfred James	J. W. Haverstick.
	Shasta	William E. Hopping	Adolph Dobrowsky.
	Susanville	William H. Crane	Andrew Miller.
	Bodie	James E. Goodall	Henry Z. Osborn.
Colorado	Central City	Richard Harvey	E. W. Henderson.
	Denver City	Louis Dugal	Samuel T. Thomson.
	Leadville	John J. Henry	William K. Burchinell.
	Pueblo	Ferdinand Barndollar	Michael H. Fitch.
	Del Norte	John Cleghorn	Charles A. Brastow.
	Lake City	Henry C. Olney	Corelon B. Hickman.
Dakota	Mitchell	B. F. Campbell	John M. Washburn.
	Watertown	Arthur C. Mellette	L. D. F. Poore.
	Bismarck	John A. Rea	Edw. M. Brown.
	Fargo	Horace Austin	Thomas M. Pugh.
	Deadwood	A. S. Stewart	John F. McKenna.
	Yankton	Gustavus A. Wetter	Lott S. Bayless.
	Grand Forks	Byram C. Tiffany	William J. Anderson.
Florida	Gainesville	Lewis A. Barnes	John F. Rollins.
Idaho	Boisé City	John B. Miller	James Stout.
	Lewiston	Jonathan M. Howe	Richard J. Monroe.
	Oxford	Augustus Dudenhausen	A. W. Eaton.
Iowa	Des Moines	Felix G. Clarke	H. H. Griffiths.
Kansas	Topeka	William H. Fitzpatrick	George W. Watson.
	Concordia	Boyd H. McEckson	Evan J. Jenkins.
	Wa-Keeney	Benjamin J. F. Hanna	William H. Pilkenton.
	Independence	Melville J. Salter	Henry M. Waters.
	Kirwin	Thomas M. Helm	Lewis J. Best.
	Larned	Charles A. Morris	Henry Booth.
	Salina	John M. Hodge	Lewis Hanback.
	Wichita	Richard L. Walker	James L. Dyer.

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List of existing local land offices and names of officers—Continued.

State or Territory.	Land district.	Register.	Receiver.
Louisiana	New Orleans	George Baldy	William M. Burwell.
	Natchitoches	Louis Dupleix	Alexis E. Lemee.
Michigan	Detroit	J. B. Bloss	John M. Farland.
	East Saginaw	Charles Doughty	Fred. J. Burton.
	Marquette	Henry M. Stafford	James M. Wilkinson.
	Reed City	Edward Stevenson	William H. C. Mitchell.
Minnesota	Benson	Darwin S. Hall	Heman W. Stone.
	Crookston	Thomas C. Shapleigh	Paul C. Sletten.
	Du Luth	Morris C. Russell	Thomas H. Pressnell.
	Fergus Falls	Soren Listol	John H. Allen.
	Tracy	Charles B. Tyler	Charles C. Goodnow.
	Redwood Falls	W. P. Dunnington	W. B. Herriott.
	Saint Cloud	Daniel H. Freeman	William B. Mitchell.
	Taylor's Falls	John B. Owens	George B. Folsom.
	Worthington	Mons Grinager	Justin P. Moulton.
Mississippi	Jackson	Richard C. Kerr	A. N. Kimball.
Missouri	Boonville	Gustave Reiche	George Ritchey.
	Ironton	George A. Moser	Llewellyn Davis.
	Springfield	George A. C. Wooley	James Dumars.
Montana	Bozeman	Davis Willson	J. V. Bogert.
	Helena	James H. Moe	Frank P. Sterling.
	Miles City	Edward A. Kriedler	T. P. McElrath.
Nebraska	Beatrice	Hiram W. Parker	Robert B. Harrington.
	Bloomington	Simon W. Switzer	George W. Dorsey.
	Grand Island	Melville B. Hoxie	William Anyan.
	Lincoln	Joseph B. McDowell	C. N. Baird.
	Niobrara	Benjamin F. Chambers	James Stott.
	Norfolk	Edward S. Butler	William B. Lambert.
	North Platte	Alex. D. Buckworth	John Taffe.
Nevada	Carson City	C. A. Witherell	Samuel C. Wright.
	Eureka	F. H. Hinckley	Harvey Carpenter.
New Mexico	La Mesilla	George D. Bowman	Samuel W. Sherfey.
	Santa Fé	John C. Davis	Elias Brevoort.
Oregon	Le Grand	Henry W. Dwight	Daniel Chaplin.
	Lake View	James H. Evans	George Conn.
	Oregon City	Louis T. Barin	John W. Watts.
	Roseburg	William F. Benjamin	James C. Fullerton.
	The Dalles	Laban Coffin	Caleb N. Thornbury.
Washington	Colfax	James M. Armstrong	Edgar N. Sweet.
	Olympia	Josiah T. Brown	Robert G. Stuart.
	Vancouver	Walter W. Newlin	Samuel W. Brown.
	Walla Walla	Edw. H. Morrison	Alex. Reed.
	Yakima	R. B. Kinne	James M. Adams.
Wisconsin	Bayfield	John H. Knight	Isaac H. Wing.
	Eau Claire	J. Gardner Callahan	Vincent W. Bayless.
	Falls of Saint Croix	Michael Field	Joel F. Nason.
	La Crosse	Ferdinand A. Husher	John Ulrich.
	Menasha	George W. Fay	Norman Thatcher.
	Wausaw	Stephen H. Alban	William Callon.
Wyoming	Cheyenne	Edgar W. Mann	William M. Garvey.
	Evanston	William G. Tonn	Henry R. Crosby.
Utah	Salt Lake City	H. McMaster	Moses M. Bane.

Registers and receivers are paid an annual salary of $500 each, and are allowed fees up to and including $3,000 per annum each.

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CHAPTER VII.

TO JUNE 30, 1882.

[See pages 567-676.]

TO JUNE 30, 1883, AND DECEMBER 1, 1883.

[See pages 1239-1247.]

SURVEYS OF THE PUBLIC LANDS.

TO JUNE 30, 1880.

The cessions of the several States were organized from time to time into geographical divisions by the laws creating them and the lands were ordered to be surveyed, including lands to which the Indian title had been or would be extinguished. The same proceeding took place with purchased territory in 1803, 1819, 1848, 1850, and 1853.

The extension of the surveys being authorized by Congress over a district of country, the Commissioner of the General Land Office directs the surveyor-general of the district, whose office is created by the law prior to extending the surveys, to begin the same.

THE RECTANGULAR SYSTEM.

The land surveys under the United States are uniform and done under what is known as the "rectangular system." This system of surveys was reported from a committee of Congress May 7, 1784. The committee consisted of Thomas Jefferson, chairman; Messrs. Williamson, Howell, Gerry, and Reas.

This ordinance required the public lands to be divided into "*kundreds*" of ten geographical miles square, and those again to be subdivided into lots of one mile square each, to be numbered from 1 to 100, commencing in the northwestern corner and counting from west to east and from east to west continuously; and also that the lands thus subdivided should be first offered at public sale. This ordinance was considered, debated, and amended; and on the 3d of May, 1785, on motion of Mr. Grayson, of Virginia, seconded by Mr. Monroe, the size of the townships was reduced to six miles square. It was further discussed until the 20th of May, 1785, when it was finally passed.

The origin of this system is not known beyond the committee's report. There had been land surveys in the different colonies for more than a hundred years; still the method of granting land for settlements in vogue in all the colonies was in irregular tracts, except in the colony of Georgia, where, after 1733, eleven townships of 20,000 square acres each were divided into lots of 50 acres each.

The act of cession of the State of Virginia of her western territory provided for the formation of States from the same not less than one hundred nor more than one hundred and fifty miles square.

This square form of States may have influenced Mr. Jefferson in favor of a square form of survey, and besides the even surface of the country was known, the lack of mountains and the prevalence of trees for marking it also favoring a latitudinal and longitudinal system. Certain east and west lines run with the parallels of latitude, and the north and south township lines with the meridians.

The system as adopted provided for sale in sections of 640 acres, one mile square. In 1820 a quarter-section, or 160 acres, could be purchased. In 1832 subdivisions were ordered by law into 40-acre tracts or quarter-quarter-sections to settlers, and in 1846 to all purchasers. On May 18, 1796, the ordinance of May 20, 1785, was amended; also on May 10, 1800, on the introduction of land offices and credit sales, and on February 11, 1805; April 24, 1820; April 5, 1832; and May 30, 1862. (For existing laws on surveys

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see chapter IX, United States Revised Statutes, "Survey of the public lands," sections 2395 to 2413.)

Since the inauguration of the system it has undergone modification in regard to the establishment of standard lines and initial points, the system of parallels or correction lines, as also of guide meridians, having been instituted, contributing largely toward its completeness.

SURVEYS OF BOUNDARY LINES BETWEEN STATES.

Surveys of boundary lines between States are done by special contract under special laws authorizing the same, the Secretary of the Interior awarding the contracts thereunder.

Since 1862 the following boundary lines have been run at rates per mile as stated:

	Total.
Oregon and Washington, at $46 per mile	$4,500
Oregon and Idaho, $60 per mile, about	9,600
North boundary of New Mexico, $60 per mile	19,000
California and Oregon, $60 per mile	13,847
North boundary of Utah, $42 per mile	40,750
East boundary of Nevada, $40 per mile	17,000
West boundary of Kansas, $40 per mile	8,400
North boundary of Nevada, $50 per mile	15,400
South boundary of Wyoming, $60 per mile	22,056
West boundary of Wyoming, $50 per mile	13,850
North boundary of Nebraska, $36 per mile	8,069
Idaho and Washington line, $60 per mile	10,590
North part of east boundary of New Mexico and part of east part of south boundary of Colorado, $40 per mile	3,662
Arizona and New Mexico, $70 per mile	27,342
South part of the west boundary of Dakota, $50 per mile	7,000
Colorado and Utah boundary, $53 per mile	15,000
Arkansas and Indian Territory boundary	11,880
Aggregate	254,427

The boundary surveys were made by authority of various acts of Congress appropriating money for that purpose from year to year.

SURVEYS OF ISLANDS.

Surveys of islands and keys on the sea-coast are made by the Coast Survey, under special laws.

All other lands of the United States and classes of surveying are done by the surveyors-general and their contract or mineral deputies under direction of the Commissioner of the General Land Office.

SURVEYS OF INDIAN RESERVATIONS.

Surveys of Indian reservations by the act of April 8, 1864, now devolve upon the General Land Office. Prior to that act the surveys of Indian lands under treaty stipulation were made by direction of the Indian Office.

METHODS AND SYSTEM OF LAND PARCELING SURVEYS.

Preliminary to surveying a district, a surveying meridian and base line must be established.

GEOGRAPHICAL POSITIONS OF THE PRINCIPAL SURVEYING MERIDIANS AND BASE-LINES.

Since the adoption of the rectangular system of public surveys, May 20, 1785, twenty-four initial points, or the intersection of the principal bases with surveying meridians, have been brought into requisition to secure the certainty and brevity of description in the transfer of public lands to individual ownership. From the principal

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bases townships of six miles square are run out and established, with regular series of numbers counting north and south thereof, and from the surveying meridians a like series of ranges are numbered both east and west of the principal meridians.

During the period of ninety years since the organization of the system the following numerical and independent principal meridians and bases have been initiated, to wit:

The first principal meridian divides the States of Ohio and Indiana, having for its base the Ohio River, the meridian being coincident with 84° 51′ of longitude west from Greenwich. The meridian governs the surveys of public lands in the State of Ohio.

The second principal meridian coincides with 86° 28′ of longitude west from Greenwich, starts from the confluence of the Little Blue River with the Ohio, runs north to the northern boundary of Indiana, and governs the surveys in Indiana and a portion of those in Illinois.

The third principal meridian starts from the mouth of the Ohio River and extends to the northern boundary of the State of Illinois, and governs the surveys in said State *east* of the meridian, with the exception of those projected from the second meridian, and the surveys on the *west* to the Illinois River. This meridian coincides with 89° 10′ 30″ of longitude west from Greenwich.

The fourth principal meridian begins in the middle of the channel of the mouth of the Illinois River, in latitude 38° 58′ 12″ north and longitude 90° 29′ 56″ west from Greenwich, and governs the surveys in Illinois west of the Illinois River and west of the third principle meridian lying north of the river. It also extends due north through Wisconsin and Northeastern Minnesota, governing all the surveys in the former and those in the latter State lying east of the Mississippi and the third guide meridian (west of the fifth principal meridian) north of the river.

The fifth principal meridian starts from the mouth of the Arkansas River, and, with a common base-line running due west from the mouth of the Saint Francis River, in Arkansas, governs the surveys in Arkansas, Missouri, Iowa, Minnesota west of the Mississippi, and the third guide meridian north of the river, and in Dakota Territory east of the Missouri River. This meridian is coincident with 90° 58′ longitude west from Greenwich.

The sixth principal meridian coincides with longitude 97° 22′ west from Greenwich, and, with the principal base line intersecting it on the 40th degree of north latitude, extends north to the intersection of the Missouri River and south to the 37th degree of north latitude, controlling the surveys in Kansas, Nebraska, that part of Dakota lying south and west of the Missouri River, Wyoming, and Colorada, excepting the valley of the Rio Grande del Norte, in Southwestern Colorado, where the surveys are projected from the New Mexico meridian.

In addition to the foregoing six principal meridians and bases governing public surveys, there have been established the following meridians and bases, viz:

The Michigan meridian, in longitude 84° 19′ 09″ west from Greenwich, with a base-line on a parallel seven miles north of Detroit, governing the surveys in Michigan.

The Tallahassee meridian, in longitude 84° 18′ west from Greenwich, runs due north and south from the point of intersection with the base line at Tallahassee, and governs the surveys in Florida.

The Saint Stephen's meridian, longitude 88° 02′ west from Greenwich, starts from Mobile, passes through Saint Stephen's, intersects the base line on the 31st degree of north latitude, and controls the surveys of the southern district in Alabama and of the Pearl River district lying east of the river and south of township 10 north in the State of Mississippi.

The Huntsville meridian, longitude 86° 31′ west from Greenwich, extends from the northern boundary of Alabama as a base, passes through the town of Huntsville, and governs the surveys of the northern district in Alabama.

The Choctaw meridian, longitude 89° 10′ 30″ west from Greenwich, passes two miles west of the town of Jackson, in the State of Mississippi, starting from the base line twenty-nine miles south of Jackson, and terminating on the south boundary of the

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Chickasaw cession, controlling the surveys east and west of the meridian and north of the base.

The Washington meridian, longitude 91° 05′ west from Greenwich, seven miles east of the town of Washington, in the State of Mississippi, with the base line corresponding with the 31st degree of north latitude, governs the surveys in the southwestern angle of the State.

The Saint Helena meridian, 91° 11′ longitude west from Greenwich, extends from the 31st degree of north latitude, as a base, due south, and passing one mile east of Baton Rouge, controls the surveys in the Greensburgh and the southeastern districts of Louisiana, both lying east of the Mississippi.

The Louisiana meridian, longitude 92° 20′ west from Greenwich, intersects the 31st degree north latitude at a distance of forty-eight miles west of the eastern bank of the Mississippi River, and, with the base line coincident with the said parallel of north latitude, governs the surveys in Louisiana west of the Mississippi.

The New Mexico meridian, longitude 106° 52′ 09″ west from Greenwich, intersects the principal base line on the Rio Grande del Norte about ten miles below the mouth of the Puerco River, on the parallel of 34° 19′ north latitude, and controls the surveys in New Mexico, and in the valley of the Rio Grande del Norte, in Colorado.

The Great Salt Lake meridian, longitude 111° 53′ 47″ west from Greenwich, intersects the base line at the corner of Temple Block, in Salt Lake City, Utah, on the parallel of 40° 46′ 04″ north latitude, and governs the surveys in the Territory of Utah.

The Boisé meridian, longitude 116° 20′ west from Greenwich, intersects the principal base between the Snake and Boisé Rivers, in latitude 43° 26′ north. The initial monument, at the intersection of the base and meridian, is nineteen miles distant from Boisé City, on a course of south 29° 30′ west. This meridian governs the surveys in the Territory of Idaho.

The Mount Diablo meridian, California, coincides with longitude 121° 54′ west from Greenwich, intersects the base line on the summit of the mountain from which it takes its name, in latitude 37° 53′ north, and governs the surveys of all Central and Northeastern California and the entire State of Nevada.

The San Bernardino meridian, California, longitude 116° 56′ west from Greenwich, intersects the base line at Mount San Bernardino, latitude 34° 06′ north, and governs the surveys in Southern California lying east of the meridian and that part of the surveys situated west of it which are south of the eighth standard parallel south of the Mount Diablo base line.

The Humboldt meridian, longitude 124° 11′ west from Greenwich, intersects the principal base line on the summit of Mount Pierce, in latitude 40° 25′ 30″ north, and controls the surveys in the northwestern corner of California lying west of the Coast range of mountains and north of township 5 south of the Humboldt base.

The Willamette meridian is coincident with longitude 122° 44′ west from Greenwich, its intersection with the base line is on the parallel of 45° 30′ north latitude, and it controls the public surveys in Oregon and Washington Territory.

The Montana meridian extends north and south from the initial monument established on the summit of a limestone hill, eight hundred feet high, longitude 111° 40′ 54″ west from Greenwich. The base line runs east and west from the monument on the parallel of 45° 46′ 27″ north latitude. The surveys for the entire Territory of Montana are governed by this meridian.

The Gila and Salt River meridian intersects the base line on the south side of the Gila River, opposite the mouth of Salt River, in longitude 112° 15′ 46″ west from Greenwich, and latitude 33° 22′ 57″ north, and governs the public surveys in the Territory of Arizona.

The Indian meridian intersects the base line at Fort Arbuckle, Indian Territory, in longitude 97° 15′ 56″ west from Greenwich, latitude 34° 31′ north, and governs the surveys in that Territory.

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[For instructions as to surveys in effect December 1, 1883, see pages 575–676.]

ADMINISTRATION AND METHOD OF THE SURVEYS.

The public surveys are conducted under the direction of the principal clerk of surveys, controlled by the Commissioner of the General Land Office, and under the immediate superintendence of sixteen surveyors-general in their respective surveying districts into which, at present, the public lands are divided.

The surveyors-general, whose offices are conveniently located in their districts and well appointed with personal and other facilities for the business, enter into contracts with professional surveyors, whom they commission as their deputies, and who are thoroughly acquainted with the system and the official requirements in regard to field operations. Surveying contracts describe the particular field-work to be executed, time within which it is to be completed, consideration stipulated at so much per lineal mile of surveying, including all expenses of the surveyor, his party and instruments, together with the proper returns of survey to the office of the surveyor-general, to be accompanied by an affidavit of the surveyor to the effect that the work was performed by him, in his own proper person, in accordance with his contract and the manual of surveying instructions, and in strict conformity to the laws governing the survey.

The party of the deputy surveyor generally consists of two chainmen, flagman, axeman, and two moundmen, whose duties are to assist him in running, measuring, and marking the lines, and constructing and setting corner boundaries. They are sworn to perform their respective duties with fidelity before they enter on the same, and on completing the work they make affidavits to the effect that the deputy surveyor was assisted by them in the survey which they describe, and that it has been executed in all respects well and faithfully.

To guard the Government from any loss that might be occasioned by erroneous or fraudulent surveys on the part of the surveyor, he is required to give bond, with approved securities, in double the amount of his contract; and when his unfaithfulness is detected the delinquent deputy and his bondsmen are punishable by law, and the surveyor debarred from future employment in like capacity.

Upon the return of surveys to the surveyor-general, consisting of original field-notes and a topographical sketch of the country surveyed, the work is examined, and if, on applying the usual tests, it is found to be correctly executed, the surveyor-general approves the field-notes; whereupon the draughtsman protracts the same on township plats in triplicate, and, after approving the plats, the surveyor-general files the original in his office, to be ultimately delivered to State authorities upon closing of United States surveys in the States; the duplicate is sent to the local land office to enable the register and receiver of public lands to dispose of the lands embraced in the several townships, and the triplicate is transmitted to the Commissioner of the General Land Office for the information of the Government.

The manual of instructions for surveyors-general to regulate the field operations of deputy surveyors, prepared by the Commissioner of the General Land Office, 1855, was, by the second section of the act of May 30, 1862, legalized. This manual was prepared February 22, 1855, by the principal clerk of surveys. It describes the method in the field and is illustrated by diagrams. Special instructions are sometimes issued.

EXECUTION OF SURVEYS.

The United States surveyor-general for the district enters into contract with a deputy surveyor, after being commissioned, for the survey of either standards, townships, or subdivisions. The contract specifies the localities where surveys are to be made, duration of the time within which the work is to be returned, the price of survey per lineal mile, including all contingent expenses to be borne by the deputy surveyor, who is required to execute the work in his own proper person, sub-contracting being illegal, and the contract must be approved by the Commissioner of the General Land Office.

The lines of public surveys over level ground are measured with a four-pole chain,

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sixty-six feet in length, 80 chains constituting one lineal mile, but with a two-pole chain where the features of the country are broken and hilly. The lines thus chained are marked through timber land by chops on line-trees on each side, and in the absence of such trees those standing nearest the survey on both sides are blazed diagonally toward the line run. Trees standing at the precise spot where legal corners are required are made available. If no such trees are there, then the corners are perpetuated by posts or stones, with inscriptions, and the positions of the same are indicated by witness trees or mounds, the angular bearin gs and distances from the corner being ascertained and described in the field-notes. The lines intersecting navigable streams, the area of which are excluded from sale, require the establishment of meander corner-posts, the courses and distances on meandered navigable streams governing the calculations from which the true contents of fractional lots are computed and expressed on township plats. Township corner-posts, or stones common to four town ships, are set diagonally, properly marked with six notches on each of the four angles set to the cardinal points of the compass; and mile posts on township lines are marked with as many notches on them as they are miles distant from the township corners respectively; the four sides of the township and section posts, which are common to four townships or sections, are marked with the correspon ding number of sections. See accompanying diagrams.

The principal meridian, base, standard and, guides having been first measured and marked, and the corner boundaries thereon established, the process of surveying and marking the exterior lines of townships, north and south of the base, and east and west of the meridian, within those standard lines, is shown on accompanying diagrams.

The public lands are first surveyed into rectangular tracts, according to the true meridian, noting the variation of the magnetic needle. These tracts are called townships, each six miles square, having reference to an established principal base line on a true parallel of latitude, and to longitude styled principal meridian. Any series of contiguous townships, north or south of each other, constitutes a range; the townships counting from the base, either north or south, and the ranges from the principal meridian, either east or west. Each township is subdivided into 36 sections of one mile square, or 640 acres, in all, 23,040 acres.

In establishing and surveying a base-line from the initial point east and west, quarter-section, section, and township corners are established at every 40, 80, and 480 chains, respectively, which are for sections and townships lying north of the base, and not for those situated south.

In surveying the principal meridian north and south of the initial point, similar corners are established, which are common for townships lying immediately east or west. Standard parallel or correction lines are run east and west from the principal meridian with similar character of corners, as on the principal base and meridian, and constitute special bases for township lines lying north thereof, the correction lines being run and marked at every four townships, or 24 miles north of the base, and at every five townships, or 30 miles south of the same.

Guide meridians are surveyed at distances of every eight ranges of townships, or 48 miles east and west of the principal meridian; the guides north of the principal base starting either from it or from standard parallels. They are closed by meridional lines on other standard parallels immediately north, while those lying south of the principal bases start in the first instance from the first standard parallel south, and are closed by meridional lines on the principal base. Then the guides begin on the second standard parallel south, and close on the first standard parallel south, again starting from the third standard parallel south, and closing on the second standard parallel south, and so on. The closing corners on the principal base and standard parallel are established at points of convergency of the meridians, which occasion a double set of corners on the principal base and correction, or standard parallels, styled "standard corners" and "closing corners." This process requires offsetting of the guide meridians to the extent of the convergency of the meridians on each of the standard parallels and bases.

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The principal base, principal meridian, standard parallels, and guide meridians, constitute a framework of the rectangular system of public surveys. Within these limits any errors are avoided which otherwise would result from adhering to the surveys made as the law directs, to the true meridian, in consequence of the convergency of meridians and of measurement over uneven surfaces.

The surveys of the standard lines are made with instruments operating independently of the magnetic needle, the magnetic being noted solely to show the true variation. These lines divide the sphere of field operations into parallelograms of 48 by 24 miles north of the principal base, and 48 by 30 miles south, the convergency of the meridians in the former instance being greater than in the latter.

The parallelograms formed by meridians and parallels are in their turn subdivided into townships, and the latter ultimately into sections with an ordinary but perfectly adjusted compass. These parallelograms also serve to connect distant surveys from those progressing regularly from the initial point, if first required, for the convenience of remote settlements or other considerations.

The township lines start from the standard corners, pre-established on the principal base and standard or correction parallels, and are surveyed to the extent required within each parallelogram. On those lines quarter-section, section, and township corners are fixed to govern the subdivisional work of the townships into 36 sections.

The sections of one mile square are the smallest tracts, the out-boundaries of which the law requires to be actually surveyed. Their minor subdivisions, represented in dotted lines on the accompanying diagram, are not surveyed and marked in the field. They are defined by law, and the surveyors-general, in protracting township plats from the field-notes of sections, merely designate them in red ink, the lines being imaginary, connecting opposite quarter-section corners in each section from south to north, and from east to west, thereby dividing sections into four quarter-sections of 160 acres each, and these, in their turn, into quarter-quarter-sections of 40-acre tracts, by imaginary lines, starting from the equidistant points between the section and quarter-section corners to similar points on the opposite sides of the section.

Each section containing 640 acres, subdivided into legal subdivisions, affords forty different descriptions, susceptible of being disposed of to purchasers, from 640-acre tracts to 40-acre parcels.

This convenient mode of subdividing sections with a view to economy and to facilitate sales of small tracts, although not actually marked on the ground by metes and bounds, yet under laws of Congress are susceptible of demarkation by any surveyor in the different States and Territories in accordance with the field-notes of the original survey made by United States officers.

The instruments employed in the field-work by United States surveyors consist of solar compasses, transits, and common compasses of approved construction; four-pole chains and two-pole chains, of 100 and 50 links, respectively, each link of the chain being equal to 7.92 inches. The surveyors' chains are compared with standard chains and standard yard measures furnished surveyors-general by the government. The measurement of the lines of public surveys is horizontal, requiring shortening of the chain over abrupt and undulating surface; the navigable lakes and water-courses are segregated from the land, the same being declared by law public highways and not subject to sale.

SPECIAL SURVEYS MADE ON PRIVATE APPLICATION.

Under sections 2401 to 2403, Revised Statutes United States, settlers in any township on the public domain, not mineral or reserved and unsurveyed, can make application to a surveyor-general for a survey of the same—which is done in the manner above set out—accompanied by a certificate of deposit from a United States depositary, covering the amount estimated as necessary to pay for the same. The lands are then surveyed and duly returned. The triplicate certificate of deposit retained by the settlers is received at the various district land offices in payment for lands under the

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pre-emption and homestead laws. (See circular of March 5, 1880, General Land Office.)

This system is in fact a temporary loan of money by individuals to the United States to pay for surveys, which the United States repays to the lenders by receiving for lands the evidences of deposit, which are assignable at their full value.

This law gives ample and frequent opportunities for gross and serious abuses. (See annual reports of Commissioner of General Land Office for area and amount of these special surveys.)

SPECIAL EXAMINATIONS OF SURVEYS.

[See page 1238.]

It is to be supposed that surveyors-general, acting in accordance with instructions, exercise due care in the selection of deputies with whom they contract for the execution of surveys. The returns of the surveys are examined by them and forwarded to the General Land Office for final examination, approval, or rejection. The deputy surveyors are provided with the general instructions authorized by law, embraced in the volume well known as "The Manual," and special instructions adapted to the locality or peculiar circumstances which may attend the operations they propose to execute. When necessary, special instructions are accompanied by diagrams, illustrating the determinations of principal lines of public surveys with all the accuracy attainable upon the uneven surface of a spheroidal body like the earth, where computations based upon a given elevation above sea-level cannot apply with accuracy to all points of an ever-changing surface upon the same degree of latitude. In all cases the instructions set forth in detail the manner in which legal corners should be established, marked, and witnessed for subsequent identification.

Notwithstanding these precautions, it is often found necessary, in response to charges or complaints filed by residents, to institute special examinations, testing the fidelity of adherence by sworn deputies to the letter of their obligations.

For these examinations, see annual reports of the Commissioner of the General Land Office.

WHAT LANDS ARE SURVEYED.

Under date August 23, 1876, instructions, modified in accordance with the requirements of the act of appropriation, were issued by the Commissioner of the General Land Office to the several surveyors-general, substantially as follows:

By an act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1877, and for other purposes, approved July 31, 1876, there was appropriated:

1st. "For survey of the public lands and private land claims, three hundred thousand dollars: *Provided*, That the sum hereby appropriated shall be expended in such surveys as the public interest may require, under the direction of the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, and at such rates as the Secretary of the Interior shall prescribe, not exceeding the rate herein authorized: *Provided*, That no lands shall be surveyed under this appropriation except—

"First. Those adapted to agriculture without artificial irrigation.

"Second. Irrigable lands, or such as can be redeemed, and for which there is sufficient accessible water for the reclamation and cultivation of the same, not otherwise utilized or claimed.

"Third. Timber lands bearing timber of commercial value.

"Fourth. Coal lands containing coal of commercial value.

"Fifth. Exterior boundary of town sites.

"Sixth. Private land claims.

"The cost of such surveys shall not exceed ten dollars per mile for standard lines, and the starting-point for said surveys may be established by triangulation; seven dollars for township and six dollars for section lines, except that tne Commissioner of the General Land Office may allow for the survey of standard lines in heavily timbered land a sum not exceeding thirteen dollars per mile." "*And provided further*, That before any land granted to any railroad company by the United States shall be conveyed to such company, or any person entitled thereto under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost

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of surveying, collecting, and conveying the same by the said company or persons in interest."

In conformity to law the Secretary of the Interior, under date of the 22d instant (August, 1876), out of said appropriation of $300,000, apportioned the sum of $13,500 for the surveys in your surveying district at the rates prescribed by law, which must not be exceeded in letting contracts for the field-work, *specifically authorized under the six heads hereinbefore enumerated*, and you are hereby directed not to expend any portion of the apportionment in the survey of any other quality of lands than such as are prescribed.

This system still continues.

CLASSIFICATION OR DEFINITION.*

Under existing laws, the deputy surveyors note the character of the lands in their field-notes, as agricultural, timber, mineral, &c., and the natural and artificial objects. These are entered upon the township plats in detail, showing the topography of the surveyed township. This description is subject to correction or amendment by proof, in the manner indicated by the "Instructions from the General Land Office;" also, "Instructions in cases of contest and charges of fraud." See accompanying map for illustration of classification by a deputy surveyor, being copy of a township plat on file in the district land office at Salt Lake City, Utah, and from which the lands are sold by the district officers.

GEOLOGICAL SURVEYS UNDER GENERAL LAND OFFICE.

The lead, copper, and other mineral lands in Iowa, Michigan, Minnesota, Wisconsin, and Missouri were first the subject of a geological survey under the General Land Office, and after this were surveyed under the rectangular or usual system, and sold in legal sub-divisions, the soil carrying with it the mineral.

The following table shows the geological surveys of the public domain under the General Land Office:

Geological surveys of public domain under the General Land Office.

State and Territory.	Names of geologists.	Acts of Congress.	United States statutes.	Date of instructions.
Southern Peninsula of Michigan.	Douglas Houghton.	June 17, 1844	Vol. 5, p. 691..	June 25, 1844.
Chippewa land district, Wisconsin and Iowa.	David Dale Owen.	March 3, 1847	Vol. 9, p. 165..	April 16, 1847.
Lake Superior land district, Michgan.	Charles T. Jackson.	March 1, 1847	Vol. 9, p. 146..	April 16, 1847.
Do.	Whitney & Foster.	March 1, 1847	Vol. 9, p. 146..	May 16, 1849.
Oregon and Washington.....	John Evans.....	March 3, 1853 March 3, 1855	Vol. 10, p. 650	April 14, 1853. March 20, 1855.
Nebraska, Wyoming, and Colorado.	Ferd. V. Hayden..	March 2, 1867	Vol. 14, p. 470..	April 29, 1867.
Wyoming and Colorado.	....do.....	July 20, 1868	Vol. 15, p. 119..	July 28, 1868.

The geological survey of the Territories of the United States by F. V. Hayden was continued under authority of act of Congress approved March 3, 1869 (15 Stats., p. 306), under the direction of the Secretary of the Interior exclusively, and discontinued on the 30th day of June, 1879. (See 20 Stats., p. 394.)

METHOD OF SURVEYING MINERAL CLAIMS.

Under the provisions of the mining act of July 26, 1866, the surveyors-general of the several districts divided their jurisdictions into mineral surveying districts, by group-

* Section 2409, Revised Statutes, authorizes the Secretary of the Interior to introduce the geodetic method of surveys of public lands in Oregon and California, if he deems it advisable, and section 2410 provides for a departure from the rectangular method of survey in California, if he deems proper. He may also vary the lines of survey from a rectangular form—to suit the circumstances of the country—in Nevada.

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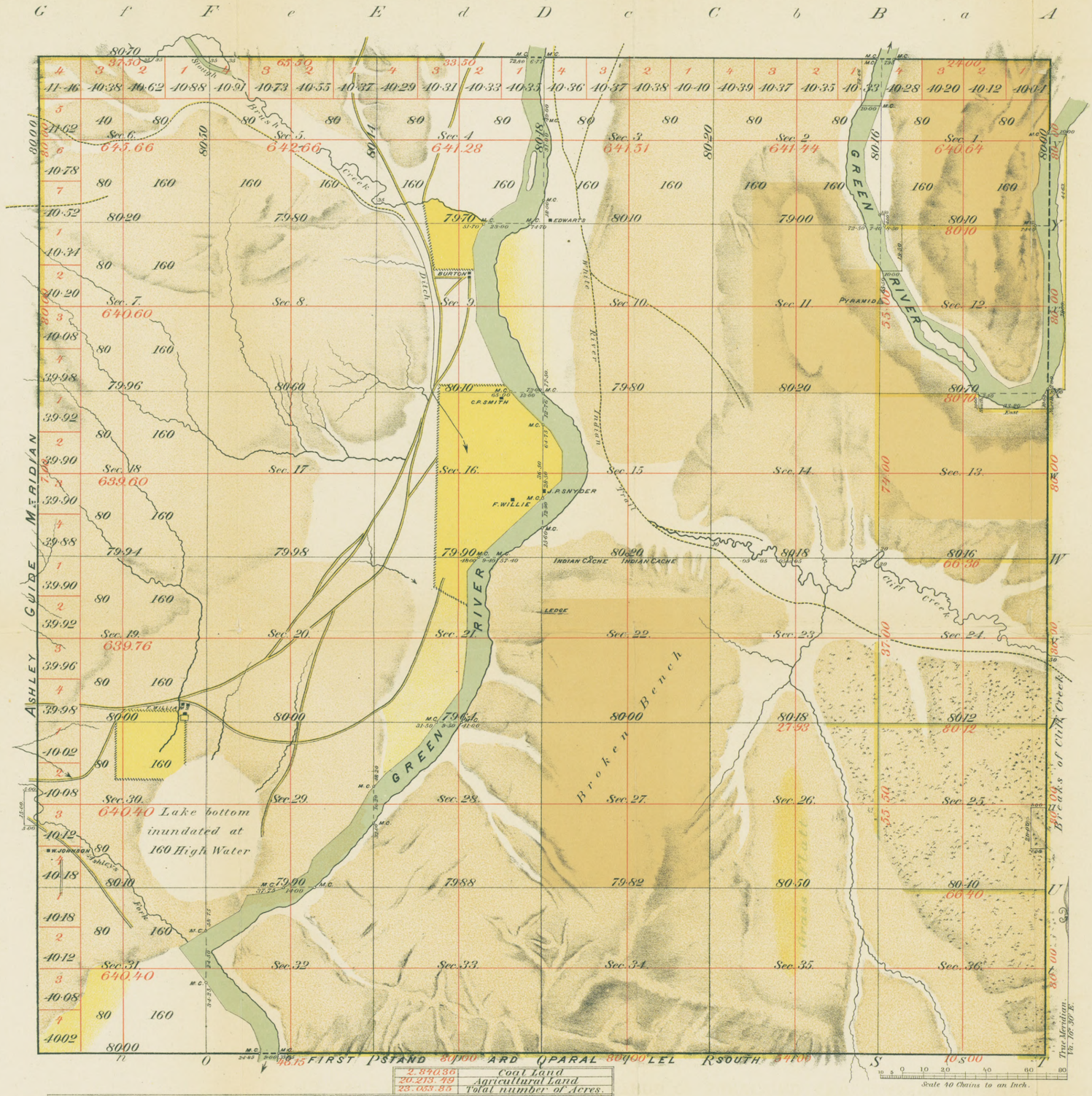
UTAH

TOWNSHIP No. 5 SOUTH RANGE No. 23 EAST OF THE SALT LAKE MERIDIAN.



Meanders of									
Section	Courses	Ch.s Lk.s	Posts	Courses	Ch.s Lk.s	Posts	Courses	Ch.s Lk.s
32	North	3.00						
	N. 16° W.	4.00						
	N. 18¼ W.	4.70						
	N. 28¾ W.	3.00						
	N. 56½ W.	13.50						
	N. 36½ W.	16.00						
31	N. 26½ W.	20.60						
	N. 60¼ E.	12.00						
32	N. 60¼ E.	17.50						
	N. 27½ E.	9.00						
	N. 79¾ E.	14.00						
	N. 67° E.	5.30						
29	N. 44½ E.	13.50						
	N. 27° E.	5.80						
	N. 42° E.	5.00						
	N. 48¾ E.	17.50						
	East	0.50						
	N. 31° E.	20.00						
	N. 55° E.	2.40						
28	N. 35° E.	4.75						
	N. 50¾ E.	24.00						
	N. 37¾ E.	16.00						
21	N. 32¼ E.	20.00						
	N. 8¾ E.	16.00						
	N. 7° E.	7.00						
	North	34.00						
	N. 27¾ E.	6.77						
16	N. 48¼ E.	43.00						
15	East	0.20						
	N. 37¼ E.	14.50						
	N. 2¼ W.	12.50						
	N. 29¼ W.	11.00						
	N. 44¼ W.	4.20						
16	N. 45° W.	21.30						
9	N. 40¼ W.	7.87						
	N. 23¼ W.	29.00						
	N. 2½° W.	33.50						
	N. 15¼ E.	7.50						
	N. 31° E.	8.00						
	West	0.40						
4	N. 36½ E.	6.50						
	N. 51¾ E.	5.00						
	N. 65° E.	9.00						
	N. 12¾ E.	33.50						
	N. 16¼ W.	15.00						
	N. 6° E.	21.00						
1	S. 15° W.	23.60						
2	S. 20° 30' W.	22.00						
	S. 3¼° E.	16.00						
	S. 20¼ E.	18.00						
1	S. 18¼ E.	4.15						
	S. 89° E.	0.20						
12	S. 15¼ E.	13.00						
	S. 28¼ E.	16.50						
	S. 30¼ E.	17.50						
	S. 60¾ E.	21.50						
	S. 37° E.	20.00						
	S. 53½ E.	11.80						
	N. 73½ E.	11.00						
	N. 31° E.	7.20						
	N. 16½ E.	12.00						
	North	41.00						
	N. 18° W.	14.00						
1	North	17.50						
	N. 20½ E.	4.50						
	N. 9¾ E.	7.65						
	North	5.40						
	N. 18½ E.	6.40						
	N. 25° E.	2.54						
	North	1.60						

Total, 11 miles, 33 chains, 83 links.

2,840.36	Coal Land
20,213.49	Agricultural Land
23,053.85	Total number of Acres.

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
Meridian lines.	A. D. Ferron	Aug. 15th 1878	M. 3 Ch.s 73 Lk.s 00	October 19th
do: mountainous	"	"	2 07 00	1878
Standard lines.	"	"	2 49 85	October 21st
do: mountainous	"	"	3 30 15	1878
North & East Township lines.	"	"	4 00 20	December 16th
do: mountainous	"	"	8 00 50	1878
Meanders Subdivision &	"	"	63 54 16	December 11th & 24th
do: mountainous	"	"	7 63 11	1878

John H. Campe.

The above Map of Township No. 5 South of Range No. 23 East of the Salt Lake Meridian Utah Territory is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

Surveyor Generals Office
Salt Lake City, Utah.

Fred Salomon,
Sur.r Gen.l

TOWNSHIP PLAT OR MAP SHOWING METHOD OF SURVEYING AND CLASSIFYING THE PUBLIC DOMAIN.

This Map is filed in the District Land Office and from it the Public lands are disposed of under Settlement or other Laws of the United States.

T. Sinclair & Son, Lith. Phila.

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ing counties or parts of counties, and gave each district a numerical designation from one upward. Deputy mineral surveyors were appointed for each of these districts by the surveyors-general. Lode claims were limited in length to not exceeding 200 feet for each individual, with one additional claim for discovery; no location by an association of individuals to exceed 3,000 feet. The width of locations was regulated by the local rules of miners in each district.

The method of application for survey and return of survey of a mining claim, in compliance with the act above stated, can be found in the act and in the instructions from the General Land Office on this subject, of date January 14, 1867. This system of establishing mineral surveying districts for mineral surveys was discontinued by the act of May 10, 1872.

The act of May 10, 1872, was to cure the defects in the act of July 26, 1866, and to complete a system of survey and disposition of mineral lands, containing gold, silver, cinnabar, and other valuable minerals.

Under this act the surveyors-general appoint a sufficient number of surveyors of mineral claims, called deputy mineral surveyors. The maximum rates of charges for such surveys may be fixed by the Commissioner of the General Land Office. (See R. S., sec. 2334.)

Claimants pay all expenses of survey, and make deposits for platting and other expenses up to the issuing of patents. The statute provides the method of posting and other incidents pertaining to the procedure for obtaining patent. Mineral districts can be formed from the public domain, whether surveyed or not. (See chapter on "Mines on the Public Domain.")

CLASSIFICATION OF MINERAL LAND.

The method of classification of mineral lands on the public domain, when the lines of the public surveys are being extended over them, is as follows:

At the time of survey in the field the deputy surveyor notes on his field-notes (which remain permanently in the surveyor-general's office, a copy being sent to the Commissioner of the General Land Office) the character of the country, both from observation and information from persons, if any there be, having knowledge of the same. This makes up the general topography. He describes the country by sections one mile square. When the deputy makes up his plats he enters upon them the topography noted in his field-notes and returns the same to the surveyor-general, who prepares three copies thereof. One of the township plats, with a copy of the field-notes, is sent to the General Land Office, to be used in checking all entries or changes of entries made in the district land office. If the land surveyed is returned as mineral, the Commissioner at once issues notice to the land office of the district in which the lands lie of the withdrawal of the same from agricultural or entry other than as mineral. Claimants of mining claims may make application for survey to the surveyor-general, as provided by law, and the surveys of their claims will be made by a mineral deputy, with or without reference to the lines of the rectangular system. Still they can and may be used for points of determination and reference. Proof is admissible, upon contest in the district land offices between claimants, as to its mineral or non-mineral character. The register and receiver render an opinion on the case, which is forwarded to and approved or disapproved by the Commissioner of the General Land Office, and after his action is subject to appeal to the Secretary of the Interior. In case the rectangular surveys are not extended over the lands containing mineral, the claimant, whether a mining district has been formed by the miners or not, applies to the surveyor-general, who orders a survey by a deputy mineral surveyor, and the law is followed. Mining claims are surveyed whether public land surveys have been made or not. The survey of a mining claim—lode, vein, or placer—has no reference necessarily to any other surveys or system of surveys. (Sections 2330, 2331, R. S.; see accompanying maps.)

Placer claims, not exceeding 160 acres, located in conformity with law, may be surveyed independent of the land-parceling surveys; but when they are within the limits

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of surveyed lands and conform to legal subdivisions, no further survey is necessary. All placer claims after May 10, 1872, must conform as nearly as possible to the land-parceling or rectangular system of surveys. Ten-acre claims are recognized; forty-acre lots being subdivided into ten-acre lots.

THE BENEFITS OF THE PRESENT SYSTEM OF LAND PARCELING.

The rectangular system came in at the birth of the public domain. It started prior to the opening of the lands for sale in the territory northwest of the river Ohio, in the survey of the first seven ranges of townships therein adjoining Pennsylvania. It afterward covered the territory south of the river Ohio, and thence was applied to the old Natchez settlement, in the present State of Mississippi. It now extends over portions, if not all, of every land State and Territory in the Union. It has been in operation for about ninety years, and has been a faithful friend to the settlers on the public domain.

In the extensive sphere over which the surveys have progressed from Florida, on the Atlantic, and westward to the Pacific, including all the public land States and Territories of the Union, with the exception of Alaska, formerly Russian America, the system has worked satisfactorily, furnishing facilities for the aquisition of public lands in any region of the country, and methods for the restoration of landmarks which may be lost or destroyed by time or accident. Adequate means exist in the surrounding landmarks of the adjacent public surveys, whereby missing metes and bounds can be restored in accordance with the original field-notes thereof, and the designations placed on township plats. Its recommendations to the public lie in its economy, simplicity, and brevity of description in deeding the premises by patent and for future conveyancing, and in the convenience of reference from the most minute legal subdivision to the corners and lines of sections, and of townships of given principal base and meridians. Its greatest convenience is its extreme simplicity of description. Any person, by its monuments and markings, can readily find the tract sought for. It was originated for land-parceling for sale, and it has answered the purpose. The system now extends over the whole surface of the States of Ohio, Indiana, Illinois, Michigan, Arkansas, Mississippi, Alabama, Missouri, Wisconsin, Iowa, Kansas, and portions of the States of Florida, Louisiana, Nevada, Minnesota, Nebraska, California, Oregon, and Colorado; also in the Territories of Washington, Utah, Montana, Idaho, Wyoming, Arizona, New Mexico, and Dakota, and the Indian Territory.

AREA OF SURVEYED LANDS.

TO JUNE 30, 1880.

[See pages 574–1241.]

The total area surveyed under this system is 752,557,195 acres in the various land States and Territories, as is shown by the following tabular statement:

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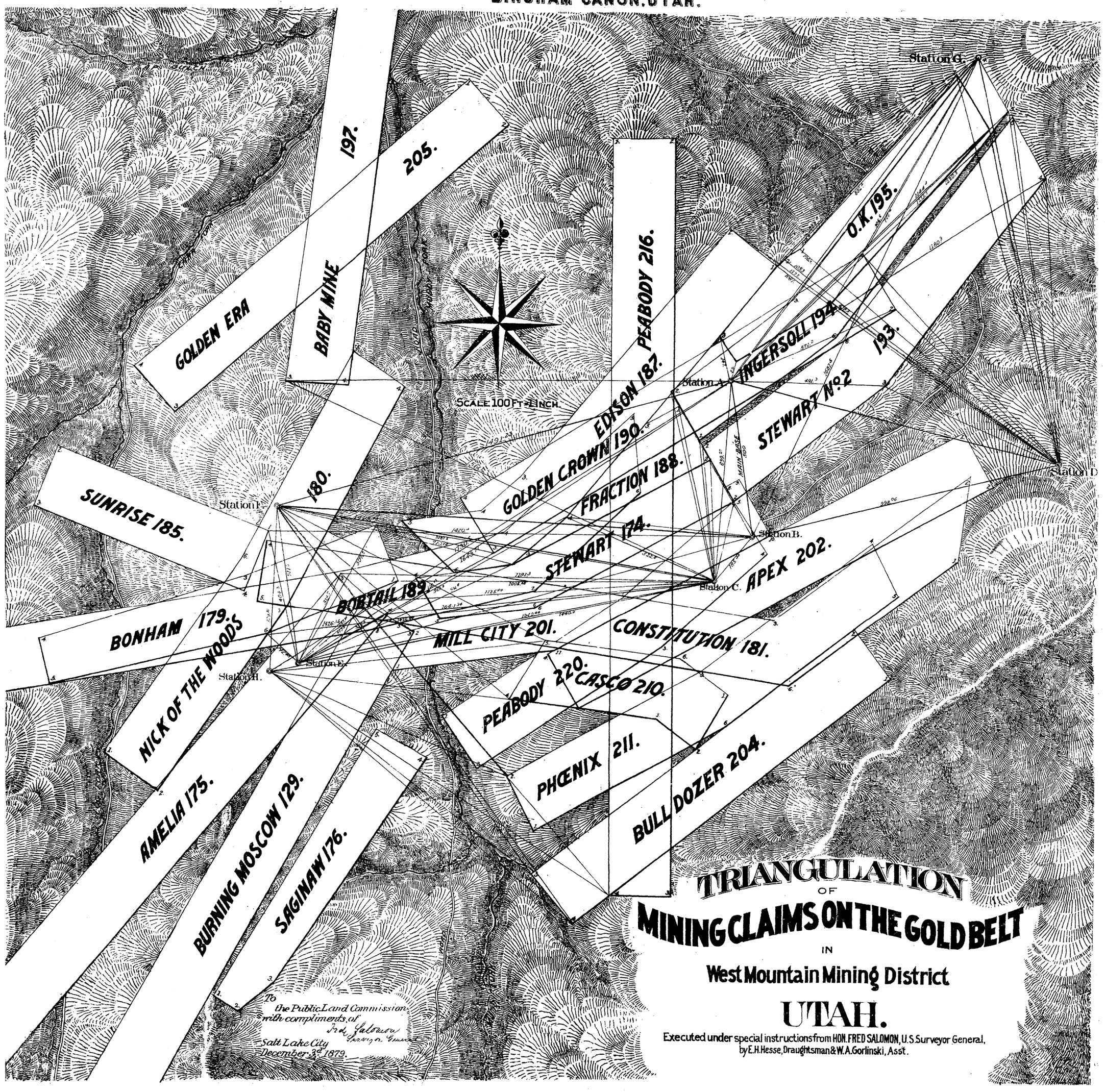
WEST MOUNTAIN MINING DISTRICT,

BINGHAM CANON, UTAH.



MAP showing method of locating and Surveying Mining Claims in a Mineral District where the lines of the Rectangular system of surveying have not been run.

TO ACCOMPANY THE "PUBLIC DOMAIN," BY THOS. DONALDSON.

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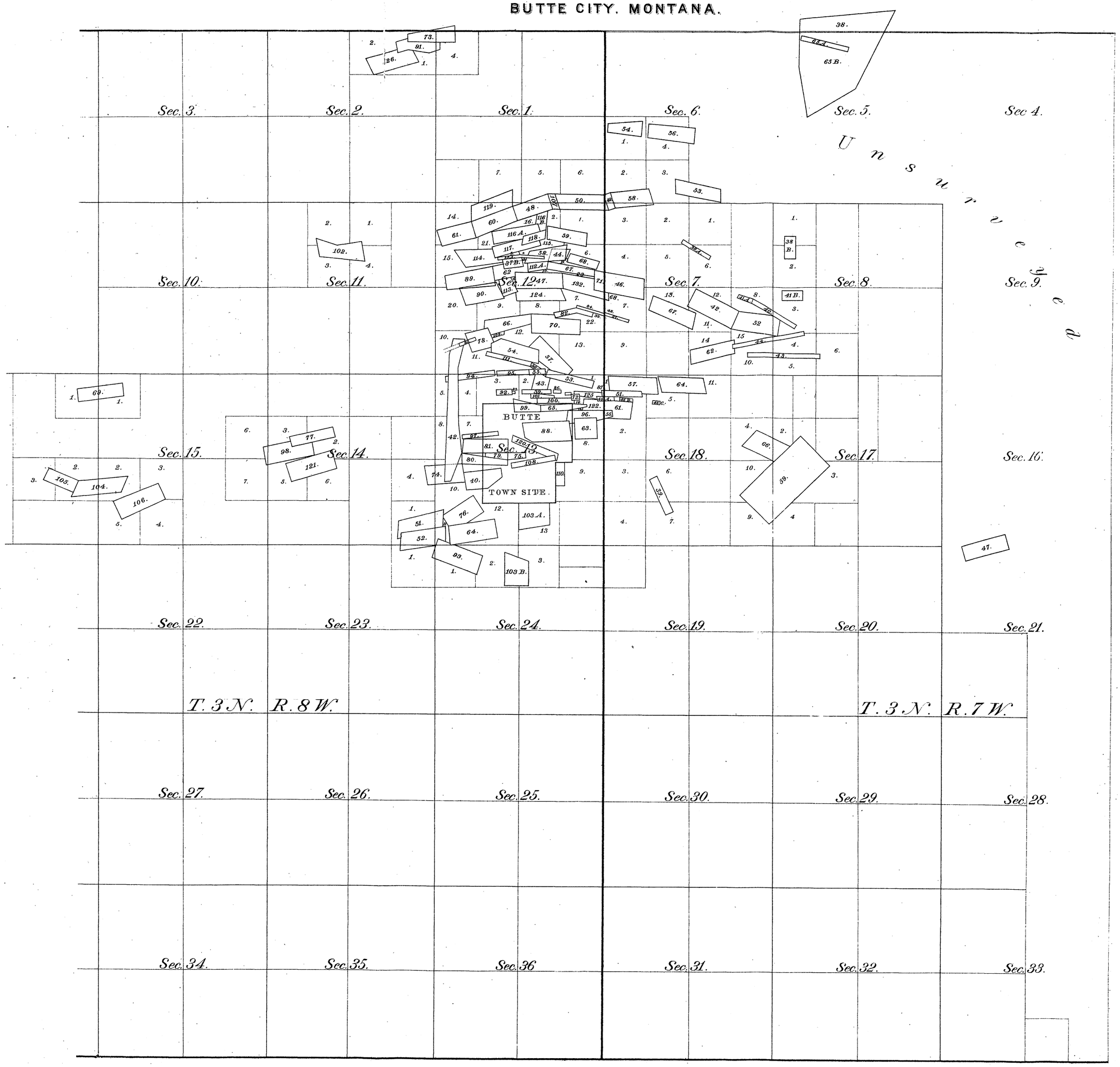
SUMMIT VALLEY MINING DISTRICT DEER LODGE COUNTY.

BUTTE CITY, MONTANA.



MAP

showing rectangular survey of public land (usual method) with the survey of a Mineral District therein, showing method of Quartz or Lode claim locations.

I certify that this plat is corectly copied from the originals on file in this office, and shows the exact locus of all mineral claims in Township 3 North Ranges 7 and 8 West, which have been approved up to date.
U.S. Surveyors General's Office,
Helena, M.T. September 26th 1879.

Roswell H. Mason
U.S. Surveyor General for Montana.

TO ACCOMPANY THE "PUBLIC DOMAIN," BY THOS. DONALDSON.

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Tabular statement showing the number of acres of public lands surveyed in the following land States and Territories up to June 30, 1879, during the present fiscal year, and the total of the public lands surveyed up to June 30, 1880; also, the total area of the public domain remaining unsurveyed within the same.

Land States and Territories.	Area of public lands in States and Territories.		Number of acres of public lands surveyed.				Total area of public and Indian lands remaining unsurveyed, inclusive of the area of private land claims, estimated at 80,000,000 acres, surveyed up to June 30, 1880.
	In acres.	In square miles.	Up to June 30, 1879.	Prior to June 30, 1879, not heretofore reported.	Within the fiscal year ending June 30, 1880.	Total up to June 30, 1880.	
Wisconsin	34, 511, 360	53, 924	34, 511, 360	.....	.....	34, 511, 360	.....
Iowa	35, 228, 800	55, 045	35, 228, 800	.....	.....	35, 228, 800	.....
Minnesota	53, 459, 840	83, 531	39, 536, 940	116, 224. 14	296, 253. 46	39, 949, 417	13, 510, 423
Kansas	51, 770, 240	80, 891	51, 770, 240	.....	.....	51, 770, 240	.....
Nebraska	48, 636, 800	75, 995	40, 715, 571	159, 842. 68	709, 179. 33	41, 584, 593	7, 052, 207
California	100, 992, 640	157, 801	47, 979, 543	576, 875. 65	3, 792, 630. 10	52, 349, 048	48, 643, 592
Nevada	71, 737, 600	112, 090	12, 372, 308	.....	928, 694. 07	13, 301, 002	58, 436, 598
Oregon	60, 975, 360	95, 274	21, 913, 612	101, 186. 85	1, 052, 221. 85	23, 067, 020	37, 908, 340
Washington	44, 796, 160	69, 994	14, 736, 403	375, 176. 67	847, 595. 29	15, 959, 175	28, 836, 985
Colorado	66, 880, 000	104, 500	23, 354, 523	92, 196. 10	2, 775, 601. 81	26, 222, 321	40, 657, 679
Utah	54, 064, 640	84, 476	9, 341, 375	.....	440, 585. 79	9, 781, 960	44, 282, 680
Arizona	72, 906, 240	113, 916	5, 499, 353	.....	308, 521. 21	5, 807, 874	67, 098, 366
New Mexico	77, 568, 640	121, 201	8, 843, 890	75, 603. 97	1, 624, 156. 41	10, 543, 650	67, 024, 990
Dakota	96, 596, 480	150, 932	22, 626, 770	*416, 798. 84	†2, 130, 808. 59	25, 174, 377	71, 422, 103
Idaho	55, 228, 160	86, 294	6, 933, 429	329, 726. 08	225, 637. 24	7, 488. 792	47, 739, 368
Montana	92, 016, 640	143, 776	11, 062, 551	.....	302, 413. 55	11, 364, 964	80, 651, 676
Wyoming	62, 645, 120	97, 883	9, 079, 186	.....	184, 449. 68	9, 263, 635	53, 381, 485
Missouri	41, 836, 931	65, 370	41, 836, 931	.....	.....	41, 836, 931	.....
Alabama	32, 462, 115	50, 722	32, 462, 115	.....	.....	32, 462, 115	.....
Mississippi	30, 179, 840	47, 156	30, 179, 840	.....	.....	30, 179, 840	.....
Louisiana	26, 461, 440	41, 346	25, 232, 044	.....	80, 504. 58	25. 312, 548	1, 148, 892
Arkansas	33, 410, 063	52 202	33, 410, 063	.....	.....	33, 410, 063	.....
Florida	37, 931, 520	59, 268	30, 151, 946	23, 081. 51	.....	30, 175, 027	7, 756, 493
Ohio	25, 576, 960	39, 964	25, 576, 960	.....	.....	25, 576, 960	.....
Indiana	21, 637, 760	33, 809	21, 637, 760	.....	.....	21, 637, 760	.....
Michigan	36, 128, 640	56, 451	36, 128, 640	.....	.....	36, 128, 640	.....
Illinois	35, 465, 093	55, 414	35, 465, 093	.....	.....	35, 465, 093	.....
Indian Territory	44, 154, 240	68, 991	27, 003, 990	.....	.....	27, 003, 990	17, 150, 250
Alaska	369, 529, 600	577, 390	.....	.....	.....	.....	369, 529, 600
Public land strip	6, 912, 000	10, 800	.....	.....	.....	.....	6, 912, 000
Total	1, 814, 788, 922	2, 835, 606	734, 591, 236	2, 266, 712. 49	15, 699, 252. 96	752, 557, 195	1. 069, 143, 727

* 208,299.30 acres are embraced in Red Cloud and Spotted Tail Indian reservations.
† 67,063.90 acres are embraced in Red Cloud and Spotted Tail Indian reservations.

COSTS OF SURVEYING UNDER RECTANGULAR SYSTEM.

The price per mile for surveying has varied with the several acts. Under the ordinance of May 20, 1785, the surveyor was allowed at the rate of $2 per mile for every mile in length he should run, including the wages of chain carriers, markers, and every other expense attending the same.

Under the powers to the Board of Treasury to sell western territory, July 23, 1787, the Ohio Company were to survey the lands of their purchase into townships and other subdivisions, as provided in the survey ordinance above set out, at their own expense, and return the plat to the Board of Treasury. Under the ordinance of July 9, 1788, supplemental to the one of May 20, 1785, the surveyors to be appointed by the geographer to lay off lands and locate warrants thereon were to receive for their compensation an allowance to be fixed by the governor and judges of the western territory.

Under the act of 1796, May 18, the President of the United States was to fix the compensation of the assistant surveyors, chain carriers, and axe men, provided the whole

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expense should not exceed $3 per mile. This price was continued in the act of May, 10, 1800.

The price has varied, owing to topographical features, as in wooded or swamp country, for which from $3 to $20 have been paid in Missouri and other land States. The several acts of Congress up to 1860 will give the prices paid per mile.

TABLES SHOWING COST OF SURVEYS FROM 1860 TO 1881.

The following table will give the variations in prices of surveys from 1860 to 1881:

Statement of rates paid per linear mile, from 1860 *to* 1881, *inclusive.*

States and Territories.	1860.			1861.			1862.			1863.			1864.			1865.			1866.			1867.		
	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.
Arizona	...	...	...	...	...	...	...	...	...	$15	12	10	$15	12	10	$15	12	10	$15	12	10	$15	12	10
California	$16	12	12	$16	12	12	$16	12	12	16	12	12	16	12	12	16	12	12	15	12	10	15	12	10
Colorado	...	...	...	...	...	...	10	8	7	10	8	7	10	8	7	10	8	7	10	8	7	10	8	7
Dakota	10	6	5	10	6	5	10	6	5	10	6	5	10	6	5	10	6	5	10	7	6	10	7	6
Florida	7	6	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Idaho	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	15	12	10	15	12	10	15	12	10
Louisiana	8	7	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Minnesota	10	6	5	10	6	5	10	6	5	10	6	5	10	9	6	10	7	6	10	7	6	10	7	6
Montana	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	15	10	8
Nebraska	10	6	5	10	6	5	10	6	5	10	6	5	10	6	5	10	6	5	10	6	5	10	6	5
Nevada	...	...	...	...	...	...	20	12	12	15	12	12	...	...	...	...	...	...	15	12	10	15	12	10
New Mexico	10	8	7	10	8	7	10	8	7	10	8	7	10	8	7	10	8	7	10	8	7	10	8	7
Oregon	8	8	8	8	8	8	8	8	8	8	8	6	8	8	6	8	8	6	15	12	10	15	12	10
Utah	20	12	12	20	12	12	20	12	12	20	12	12	...	...	...	...	...	...	...	...	...	...	...	...
Washington	8	8	8	8	8	8	8	8	8	8	8	6	8	8	6	15	12	10	15	12	10	15	12	10

States and Territories.	1868.			1869.			1870.			1871.			1872.			1873.			1874.		
	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.
Arizona	$15	12	10	$15	12	10	$15	12	10	$15	12	10	$15	12	10	$15	12	10	$15	12	10
California	15	12	10	15	12	10	15	12	10	15 18	12 15	10 12	15 18	12 15	10 12	15 18	14 16	12 14	15	14	12
Colorado	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10
Dakota	10	7	6	10	7	6	10	7	6	10	7	6	10	7	6	10	7	6	12	9	8
Florida	...	...	...	...	...	...	...	...	...	10	7	6	10	7	6	10	7	6	10	7	6
Idaho	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10
Louisiana	...	...	...	...	...	...	...	...	...	25	12	8	...	10	8	...	10	8	...	10	8
Minnesota	10	7	6	10	7	6	10	7	6	15	12	10	15	12	10	14	12	10	14	12	10
Montana	...	...	...	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10
Nebraska	10	6	5	10	7	6	10	7	6	10	7	6	10	6	5	12	9	6	12	9	8
Nevada	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10
New Mexico	10	8	7	10	8	7	15	12	10	...	...	...	15 15 10	16 12 15	... 10 12	15	14 16	12 16	15	14 16	12 16
Oregon	15	12	10	15	12	10	15 18	12 15	10 12	15 18	12 15	10 12	15	12	10	15	12	10	15	12	10
Utah	...	...	...	15	12	10	15	12	10	15	12	10	15 18	12 15	10 12	15 18	14 16	12 14	15	14 16	12 14
Washington	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10
Wyoming	...	...	...	...	...	...	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10

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Statement of rates paid per linear mile, &c.—(Continued.)

States and Territories.	1875.			1876.			1877.			1878.			1879.			1880.			1881.		
	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.
Arizona	$15	12	10	$15	12	10	$10 13	7	6	$10 16	7 14	6 10	$10 16	7 14	6 10	$10 16	7 14	6 10	$12 16	10 14	8 10
California	15 18	14 16	12 14	15 18	14 16	12 14	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Colorado	15 18	12 16	10 14	15 18	12 16	10 14	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Dakota	12	9	8	12	9	8	10	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Florida	12	12	10	12	12	10	10	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Idaho	15 18	12 16	10 14	15 18	12 16	10 14	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Louisiana	....	12	10	...	12	10	10	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Minnesota	15	12	10	15	12	10	10	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Montana	15	12	10	15	12	10	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Nebraska	15	12	10	15	12	10	10	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Nevada	15	12	10	15	12	10	10	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
New Mexico	15	12	10	15 18	14 16	12 14	10	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Oregon	15 18	14 16	12 14	15	12	10	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Utah	15	12	10	15 18	12 16	10 14	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Washington	15 18	14 16	12 14	15 18	12 16	10 14	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Wyoming	15 18	12 16	10 14	15	12	10	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10

HIGHEST PRICES FOR SURVEYS AT VARIOUS PERIODS.

The highest prices for surveying were as follows:

For State and Territorial boundary surveys, astronomically determined, $75 per linear mile. For surveys of out-boundaries of Indian reservations, $25 per lineal mile. For surveys of public lands, for principal bases and meridians, standard parallels, $20 per linear mile, and for township lines $18, and section lines $12.

The surveying rates prescribed by law for the survey of the public land has ranged from $3 to $20 per linear mile at various times.

APPROPRIATIONS FOR SURVEYS.

It was the custom prior to July 31, 1876, for Congress to make appropriations annually for each surveying district by separate item.

July 31, 1876 (19 Stats., p. 120), Congress changed the method of appropriation by giving a gross sum for annual surveys, without specifying surveying districts, States, or Territories; which system now exists. The Secretary of the Interior, under this law, annually apportions the same to the several surveying districts as in his judgment is deemed best.

PRESENT COST OF SURVEYING A TOWNSHIP.

DECEMBER 1, 1883.

It now costs to survey the exterior and subdivision lines of a township of land the following sums:

A township of land contains 12 miles of exterior and about 60 miles of section lines. The prices allowed by existing law are $12 for standard and meridian lines, $10 for exterior township lines, and $8 for section lines, per mile, except where the lands are heavily timbered, mountainous, or covered with dense undergrowth, when $16 per mile are allowed for standard, $14 for township, and $10 for section lines.

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The cost of survey of the lines of one township at the ordinary rates is $600, and at the augmented rates is $768, not including anything for meander lines, or for the standard and meridian lines run in reaching and controlling the township surveys.

At the ordinary rates it costs for the field-work alone about 2½ cents, and at the augmented rates about 3½ cents, per acre. Add one cent to each of the above sums for the cost of disposing of the land, including expenses of the General Land Office, and it gives 3½ cents as the cost of survey and sale of ordinary lands, and 4½ cents as cost of survey and sale of timbered and mountainous lands, per acre.

COMPARATIVE PROGRESS OF SURVEYS DURING SIX YEARS LAST PAST.

The following table exhibits the comparative progress of the surveys and disposal of public lands during the period of six years beginning with the 1st day of July, 1874, and ending on the 30th June, 1880. It also shows the cost of the surveys in the field, including compensation to surveyors-general, their clerks and draughtsmen, and the incidental expenses of their offices, together with the number of the surveying and land districts.

Progress of surveys and disposal of public lands during a period of six years, &c.

Fiscal year ending June 30.	Surveying districts.	Land offices.	Cost of surveys, including salaries and contingent expenses.	Number of acres—	
				Surveyed.	Disposed of.
1875	17	97	$1,030,180 24	26,077,351	7,070,271 29
1876	17	97	1,269,321 94	20,271,506	6,524,326 26
1877	17	99	550,054 03	10,847,082	4,849,767 70
1878	16	98	523,786 76	8,041,012	8,686,178 88
1879	16	93	525,707 00	8,455,781	9,333,383 29
1880	16	97	673,763 69	15,632,189	9,152,356 62

COST OF SURVEYS AND DISPOSITION FROM 1785 TO 1880.

The cost of the surveys of the public land and private land claims from the beginning of the system to June 30, 1880, including maintenance of offices of surveyors-general, is estimated at $24,468,691, covering the survey of 752,557,195 acres, or at the rate of 3¼ cents per acre. The cost of disposition has been $22,094,611.07, or 2.9 cent. per acre, a total cost of 6.2 cents per acre for survey and sale.

RE-ESTABLISHING THE LINES OF PUBLIC SURVEYS.

[See page 669.]

The original corners, when they can be found, must stand under the statute as the true corners they were intended to represent, even though not exactly where strict professional care might have placed them in the first instance. Missing corners must be re-established in the identical localities they originally occupied. When the spot cannot be determined by the existing landmarks in the field, resort must be had to the field-notes of the original survey. The law provides that the length of the lines, as stated in the original field-notes, shall be considered as the true lengths, and the distances between corners set down in those notes constitute proper data from which to determine the true locality of a missing corner; hence the rule that all such should be restored at distances proportionate to the original measurements between existing original landmarks.

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LAWS AND RULES GOVERNING THE SUBDIVISION OF SECTIONS OF PUBLIC LANDS.

Information is frequently called for in reference to the rules prevailing in the surveys and subdivisions. The acts of Congress approved May 10, 1800, section 3 (2 Stats., p. 73), and February 11, 1805 (2 Stats., pp. 313, 314), regulate the mode of proceeding.

Although the statute of 1805 does not require actual running and marking the interior lines of a section by the Government surveyors, it prescribes certain principles upon which the division lines may be ascertained and the lands sold by legal subdivisions, as laid down on township plats by surveyors-general.

The subdivision of a quarter-section, provided for by section 1, act of Congress approved April 24, 1820 (3 Stats., p. 566), is as follows:

And in every case of the division of a quarter-section, the line for the division thereof shall run north and south, and corners and contents of half-quarter-sections which may thereafter be sold shall be ascertained in the manner and on the principles directed and prescribed by the second section of an act entitled "An act concerning the mode of surveying the public lands of the United Stated," passed on the eleventh day of February, eighteen hundred and five; and fractional sections containing one hundred and sixty acres or upwards shall in like manner, as nearly as practicable, be subdivided into half-quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

In pursuance of the foregoing act of Congress, the Secretary of the Treasury, then having jurisdiction, directed the subdivision of fractional sections into half-quarters by north and south or east and west lines, so as to preserve the most compact and convenient forms, together with the quantity contained in each subdivision.

The act of Congress approved April 5 1832 (4 Stats., p. 503), provides for the subdivision of a half-quarter-sections thus:

And in every case of a division of a half-quarter-section, the line for the division thereof shall run east and west, and the corners and contents of quarter-quarter-sections which may thereafter be sold shall be ascertained as nearly as may be in the manner and on the principles directed and prescribed by the second section of an act entitled "An act concerning the mode of surveying the public lands of the United States," passed on the eleventh day of February, eighteen hundred and five, and fractional sections containing fewer or more than one hundred and sixty acres shall in like manner, as nearly as may be practicable, be subdivided into quarter-quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

In accordance with these legal provisions, the Secretary of the Treasury, in 1834, directed the subdivision of sections into quarter-quarter-sections as follows:

In all cases where the quantity of the fractional section, or the portion thereof remaining unsold and liable to be subdivided under the act of the 5th April 1832, admits of the sale of one or more quarter-sections, you will subdivide such quarter-sections into quarter-quarter-sections, and they will be described by the registers as quarter-quarter-sections.

Fractional sections containing less than 160 acres, after the subdivision into as many quarter-quarter-sections as it is susceptible of, may be subdivided into lots, each containing the quantity of a quarter-quarter, by so laying down the line of subdivision that they shall be 20 chains wide; the distances are to be marked on the plat of subdivision, which must show the areas of the quarter-quarters and residuary fractions.

The aforesaid legal provisions govern the methods employed for the survey and calculation of areas of the fractional sections on the north and west of townships, such surveys representing the proper boundaries, contents, and subdivisions of the several sections, half-sections, quarter-sections, half-quarter sections, quarter-quarter-sections, and fractions designated by special numbers.

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CLOSING UP THE SURVEYS IN A SURVEYING DISTRICT.

A surveying district, in charge of a surveyor-general, is closed upon recommendation of the Commissioner of the General Land Office, by special act of Congress when the public domain therein is all surveyed, when the archives, plats, field-notes, &c., are transferred to the authorities of the State in which the lands lie, and are kept at the capital thereof, always subject, however, to the inspection of the United States.

The United States, under its system of surveys of public lands, has given to the land States in which it has closed its surveys and disposed of its lands, and will give to the States and Territories in which it is now closing surveys, a record of the same, which for clearness and fidelity is unparalleled in the history of land surveys and tenures. It is a complete transcript of the definition of metes and bounds of the surface of the States over which it is laid. It prevents litigation, makes holdings certain, and the original derivation of title will never be obscured by musty vellum and uncertain records.

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SURVEYING DISTRICTS AND OFFCES OF SURVEYORS-GENERAL.

Statement showing dates of organization of the several surveying districts since the beginning of the service, dates of closing the offices of surveyors-general in States where the surveys have been completed, and dates when the original surveying archives were delivered to the State authorities.

Name of district.	Act creating office of surveyor-general.	Statutes at Large.			Office closed.	Archives delivered to State authorities.	Remarks.
		Vol.	*Page.*	*Sec.*			
Alabama	Apr. 20, 1818	3	466	1	1850	1850	Originally part of district south of Tennessee, subsequently part of district of northern part of Mississippi Territory.
Arizona	Feb. 24, 1863	12	664	2			Attached to New Mexico by act of July 2, 1864. Attached to California district by act of March 2, 1867. Made separate district, act July 11, 1870.
Arkansas	June 15, 1832	4	531	....	March 8, 1859	1861	Archives delivered to state auditor by the register of land office at Little Rock during the war.
California	Mar. 3, 1851	9	617	....			See remarks for Arizona and Nevada.
Colorado	Feb. 28, 1861	12	172	17			See remarks for Utah, Idaho, and Nevada.
Dakota	Mar. 2, 1861	12	239	17			See remarks for Montana.
Florida	May 8, 1822	3	718	....			
Idaho	June 29, 1866	14	77	....			By the act of July 2, 1864, Idaho was attached to the Colorado surveying district.
Illinois and Missouri	Apr. 29, 1816	3	325	....	October 31, 1863	Illinois, June 16, 1869; Missouri, Oct. 10, 1866	
Iowa and Wisconsin	June 12, 1838	5	243	....	June 30, 1866	Iowa, March 23, 1868; Wisconsin, Aug. 1, 1866	
Kansas and Nebraska	July 22, 1854	10	309	10	Kansas, June 30, 1876	Kansas, June 30, 1876	By act of July 28, 1866, the surveying district of Nebraska and Iowa was created.
Louisiana	Mar. 3, 1831	4	492	....			
Minnesota	Mar. 3, 1857	11	212	....			
Mississippi	Mar. 3, 1817	3	375	....	October 31, 1849	October 31, 1849	Originally part of district south of Tennessee.
Montana	Mar. 2, 1867	14	542	....			By act of July 2, 1864, Montana was attached to Dakota surveying district. No surveys made until 1867.
Nebraska and Iowa	July 28, 1866	14	344	....			See Kansas and Nebraska.
Nevada	Mar. 2, 1861	12	209	17			By act March 14, 1862, Nevada attached to California. Act July 2, 1864, Nevada attached to Colorado. Act July 4, 1866, Nevada separate district.
New Mexico	July 22, 1854	10	308	....			See remarks for Arizona.
Northwest of Ohio	May 18, 1796	1	464	....	May 11, 1857	Ohio, July 29, 1846; Indiana, Dec. 11, 1849; Michigan, May 12, 1857	This district embraced Ohio, Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota. See Illinois and Missouri, also Iowa and Wisconsin.
Oregon	Sept. 27, 1850	9	496	....			This district embraced Washington Territory, which was made a separate district by act of July 17, 1854.
Utah	Feb. 21, 1855	10	611	....			Attached to Colorado by act of March 14, 1862. Made separate district by act of July 16, 1868.
South of Tennessee	Mar. 3, 1803	2	229	10			Act of March 2, 1805, extended powers of surveyor south of Tennessee to Territory of Orleans. See Ala. and Miss. sissippi.
Washington	July 17, 1854	10	305	7			
Wyoming	Feb. 5, 1870	16	64	....			See Oregon.

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CHAPTER VIII.

TO JUNE 30 AND DECEMBER 1, 1883.

[See Page 676.]

METHOD OF SALE, PRICE, AND DISPOSITION OF THE PUBLIC DOMAIN, FROM 1784 TO 1880.

TO JUNE 30, 1880.

The following several chapters (VIII to XXI inclusive) give details as to practical results under the various laws or systems for the sale or disposition of the public domain, heretofore passed, and either obsolete by execution, limitation, or repeal, or still in full force and effect.

EARLY CONGRESSIONAL ACTION.

Soon after the cessions to the United States of western lands, or claims to them, by the States of New York and Virginia, Congress began to consider the subject of their disposition. The territory northwest of the river Ohio contained some grants made by French and English authority, but the State of Virginia had never opened a land office for the sale of lands in the region north of the river Ohio, the act of her legislature of 1779 forbidding location or pre-emption there. The resolutions for its government were passed in April, 1784, followed by the ordinance of 1787. October 30, 1779, Congress passed a resolution requesting States having claims to the western territory not to open land offices, and to forbear selling or issuing warrants for unappropriated lands, or granting them during the continuance of the (Revolutionary) war. By their resolution of October 10, 1780, it was ordered that lands ceded to the United States should be disposed of for the common benefit of the United States, and "shall be granted or settled at such time and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them."

On April 29, 1784, Congress, by resolution, called the attention of the States still holding western lands to the fact of former resolutions of Congress asking for cessions; and, "in presenting another request for further cessions," stated (speaking of persons who had furnished supplies to carry on the war): "These several creditors have a right to expect that funds shall be provided on which they may rely for their indemnification; that Congress still considers vacant territory as an important resource, and that, therefore, the said States be earnestly pressed, by immediate and liberal cessions, to forward these necessary ends, and to promote the harmony of the Union."

These western lands were looked upon by all the financiers of this period as an asset to be cashed at once for payment of current expenses of Government and extinguishment of the national debt. Congress at this time (1785) issued a proclamation forbidding settlement on the public domain. The act of 1804 was of like import, and the law of 1807 gave the President power of removal of settlers from the public lands pending sale. On the 20th of May, 1785, Congress passed an ordinance for ascertaining the mode of disposing of lands within the western territory. It not only included disposition, but it gave the first plan of survey of the lands prior to disposition. Under this ordinance the Board of Treasury (the Treasury Department prior to and under the

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Confederation; see ordinances of Congress of February, 17, 1776, of July 30, 1779, and of May 28, 1784), consisting of three commissioners, were to receive the plats of surveys from the geographer (now surveyor-general) in charge of surveys. The Secretary of War was to then draw by lot certain townships for land bounties for the use of the Continental army, and the Board of Treasury was to draw the remainder by lot in the name of the Western States, who were to advertise and sell them at public sale for not less than "$1 per acre, specie, or loan office certificate reduced to specie value by scale of depreciation, or certificates of liquidated debts of the United States, including interest, besides the expenses of the survey and other charges thereon, which are hereby rated at $36 the township," &c. The "expense of survey and other charges thereon" were fixed at $36 per township, to be paid by the purchaser. The act of July 23, 1787, reduced the price per acre not more than one-third of a dollar, leaving 66⅔ cents per acre the price.

The system contemplated under this act was, as far as disposition was concerned, a failure. The clause requiring the drawing for the thirteen States was repealed July 9, 1788, and additional regulations as to surveys were made. The clause relating to drawing by the Secretary of War for land bounties was also repealed. This ordinance gave the Board of Treasury power to move about the United States and sell certain lands at pleasure.

The ordinance of May 20, 1785, gave the commissioners of the loan office (a United States office within the several States, and under the Board of Treasury) authority to make deeds in the name of the United States for the lands.

The Board of Treasury were to give deeds for the lands drawn by and allotted to the Secretary of War for bounties. Lands unsold for eighteen months were to be returned to the Board of Treasury and sold as Congress should afterward direct.

This system of sale was for cash, or equivalent, in unlimited quantities above a minimum limit, at public sale after advertisement, by loan commissioners, who were agents of the Board of Treasury (the same as district land officers are now the agents of the General Land Office), at a price not less than $1 per acre. The lots to be sold were, first, a township No. 1 entire; second, township No. 2, by lots of six hundred and forty acres; third, an entire township and lots. By a resolution of date June 15, 1785, squatters were warned and unauthorized settlements on public lands prohibited, and the commissioners were to issue proclamation to that effect.

By resolution of April 24, 1785, the Secretary of War was authorized to remove unlawful settlers at Post Saint Vincent, in the Northwest Territory, and to use the Army for the same. Settlements at this time upon unsurveyed lands were not desired. April 21, 1787, Congress ordered, after advertisement and five months from the date of the ordinance, that the remainder of the surveyed lands be sold in the place where Congress shall sit, from day to day, at not less than $1 per acre. It was a credit sale, one-third cash in hand, or in the public securities of the United States, to be paid to the Treasurer of said United States, and the remaining two-thirds in three months from the sale—failing in this, the first payment to be forfeited and the lands to be resold, the Board of Treasury to give title.

July 23, 1787, Congress agreed, after amendment, to a report by a committee consisting of Messrs. King, Dane, Madison, and Benson, instructing the Board of Treasury to contract for the sale of western territory. This was the order for sale to The Ohio Company of lands in the present State of Ohio. It was to sell to Winthrop Sargent and Manasseh Cutler, on behalf of themselves and associates, a trust estimated at two million acres. This sale was at $1 per acre, with a rebate to two-thirds of a dollar under conditions, and the reservations in the ordinance of the 20th of May, 1785, were to be respected; $500,000 were to be paid down and the remainder after completion of the survey; the Board of Treasury to receive the plats from the geographer. The land was on the Scioto and Ohio Rivers, and included the present city of Marietta, Ohio. This trust was reduced to 822,900 acres, and the order was confirmed by Congress July 27, 1787. Thereafter Congress, upon petition for purchase by individuals

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or companies, authorized the Board of Treasury to make sale under the said orders of Congress and to execute the transfer, &c.

The next sale was to John Cleves Symmes, of New Jersey, for a tract of land, supposed at the time to contain one million acres, on the Ohio River, between the Great and Little Miami rivers, in Ohio, near the present city of Cincinnati. On the 2d of October, 1787, Congress directed the Board of Treasury to take action thereon. This tract was patented by the President of the United States, George Washington, September 30, 1794, and countersigned by Edmund Randolph, Secretary of State. It was for 248,540 acres of land, for which he and his associates paid $165,963.42. This was done in pursuance of the act of Congress of May 5, 1792.

To the State of Pennsylvania was sold, by order of Congress, the tract now in Erie County in that State, containing 202,187 acres. Thus but three tracts of land had been sold by contract prior to the adoption of the present form of government. All of these were sold at the rate of two-thirds of a dollar an acre, payable in evidences of the public debt of the United States, and a part of the two last tracts was paid for in military land warrants, each acre in such warrant being received in payment for one acre and a half of land. A right of pre-emption, at the rate of two dollars an acre, was allowed to persons who had made purchases from J. C. Symmes within the boundaries of his first contract. All other public lands sold by the United States were sold under general laws.

January 20, 1790, the House of Representatives called upon Alexander Hamilton, Secretary of the Treasury, for the form of a plan of disposition of the public lands of the United States. July 20, 1790, Mr. Hamilton transmitted the following report:

PLAN FOR THE DISPOSITION OF THE PUBLIC LANDS.

[Communicated to the House of Representatives July 22, 1790.]

TREASURY DEPARTMENT, *July* 20, 1790.

In obedience to the order of the House of Representatives of the 20th of January last the Secretary of the Treasury respectfully reports:

That in the formation of a plan for the disposition of the vacant lands of the United States there appear to be two leading objects of consideration: one, the facility of advantageous sales, according to the probable course of purchases; the other the accommodation of individuals now inhabiting the western country, or who may hereafter emigrate thither. The former, as an operation of finance, claims primary attention; the latter is important as it relates to the satisfaction of the inhabitants of the western country. It is desirable, and does not appear impracticable, to conciliate both. Purchasers may be contemplated in three classes: moneyed individuals and companies who will buy to sell again; associations of persons who intend to make settlements themselves; single persons or families, now resident in the western country, or who may emigrate thither hereafter. The two first will be frequently blended, and will always want considerable tracts. The last will generally purchase small quantities. Hence a plan for the sale of the western lands, while it may have due regard for the last, should be calculated to obtain all the advantages which may be derived from the two first classes. For this reason it seems requisite that the General Land Office should be established at the seat of Government. It is there that the principal purchasers, whether citizens or foreigners, can most easily find proper agents and that contracts for large purchases can be best adjusted. But the accommodation of the present inhabitants of the western territory and of unassociated persons and families who may emigrate thither seems to require that one office, subordinate to that at the seat of Congress, should be opened in the Northwestern and another in the Southwestern government.

Each of these officers, as well the general one as the subordinate ones, it is conceived, may be placed with convenience under the superintendence of three commissioners, who may be either pre-established officers of the Government, to whom the duty may be assigned by law, or persons specially appointed for the purpose. The former is recommended by considerations of economy, and it is probable would embrace every advantage which could be derived from a special appointment. To obviate those inconveniences and to facilitate and insure the attainment of those advantages which may arise from new and casual circumstances springing up from foreign and domestic causes appear to be an object for which adequate provision should be made in any plan that may be adopted. For this reason and from the intrinsic difficulty of regulating the details of a specific provision for the various objects which

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require to be consulted, so as neither to do too much nor too little for either, it is respectfully submitted whether it would not be advisable to vest a considerable latitude of discretion in the Commissioners of the General Land Office, subject to some such regulations and limitations, as follows, viz:

That no land shall be sold except such in respect to which the titles of the Indian tribes shall have been previously extinguished.

That a sufficient tract or tracts shall be reserved and set apart for satisfying the subscribers to the proposed loan in the public debt, but that no location shall be for less than five hundred acres.

That convenient tracts shall from time to time be set apart for the purpose of locations by actual settlers, in quantities not exceeding, to one person, 100 acres.

That other tracts shall from time to time be set apart for sales in townships of ten miles square, except where they shall adjoin upon a boundary of some prior grant or of a tract so set apart, in which cases there shall be no greater departure from such form of location than may be absolutely necessary.

That any quantities may, nevertheless, be sold by special contract, comprehended either within natural boundaries or lines, or both.

That the price shall be thirty cents per acre, to be paid either in gold or silver or in public securities, computing those which shall bear an immediate interest of 6 per cent. as at par with gold and silver, and those which bear a future or less interest, if any, they shall be at a proportional value.

That certificates issued for land upon the proposed loan shall operate as warrants within the tract or tracts which shall be specially set apart for satisfying the subscribers thereto, and shall also be receivable in all payments whatsoever for lands by way of discount, acre for acre.

That no credit shall be given for any quantity less than a township of ten miles square, nor more than two years' credit for any greater quantity.

That in every instance of credit at least one-quarter part of the consideration shall be paid down, and security, other than the land itself, shall be required for the residue; and that no title shall be given for any tract or part of a purchase beyond the quantity for which the consideration shall be actually paid. That the residue of the tract or tracts set apart for subscribers to the proposed loan, which shall not have been located within two years after the same shall have been set apart, may then be sold on the same terms as any other land.

That the commissioners of each subordinate office shall have the management of all sales and the issuing of warrants for all locations in the tracts to be set apart for the accommodation of individual settlers, subject to the superintendency of the Commissioners of the General Land Office, who may also commit to them the management of any other sales or locations which it may be found expedient to place under their direction.

That there shall be a surveyor-general, who shall have power to appoint a deputy-surveyor-general in each of the Western governments, and a competent number of deputy surveyors to execute in person all warrants to them directed by the surveyor-general or the deputy surveyors-general within certain districts to be assigned to them respectively. That the surveyor-general shall also have in charge all the duties committed to the geographer-general by the several resolutions and ordinances of Congress. That all warrants issued at the General Land Office shall be signed by the commissioners, or such one of them as they may nominate for that purpose, and shall be directed to the surveyor-general. That all warrants, issued at a subordinate office, shall be signed by the commissioners of such office, or by such one of them as they may nominate for that purpose, and shall be directed to the deputy surveyor-general within the government. That the priority of locations upon warrants shall be determined by the times of applications to the deputy surveyors; and in case of two applications for the same land at one time, the priority may be determined by lot.

That the Treasurer of the United States shall be the receiver of all payments for sales made at the General Land Office, and may also receive deposits of money or securites for purchases intended to be made at the subordinate offices, his receipts or certificates for which shall be received in payment at those offices.

That the secretary of each of the western governments shall be the receiver of all payments arising from sales at the office of such government. That controversies concerning rights to patents or grants of land shall be determined by the commissioners of that office under whose immediate direction or jurisdiction the locations in respect to which they may arise shall have been made. That the completion of all contracts and sales heretofore made shall be under the direction of the Commissioners of the General Land Office. That the Commissioners of the General Land Office, surveyor-general, deputy surveyors-general, and the commissioners of the land office in each of the Western governments shall not purchase, nor shall others purchase for them in trust, any public lands.

That the secretaries of the western governments shall give security for the faithful discharge of their duty as receivers of the land office. That all patents shall be

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signed by the President of the United States or by the Vice-President or officer of the government acting as President, and shall be recorded in the office either of the surveyor-general or of the clerk of the Supreme Court of the United States. That all officers acting under the laws establishing a land office shall make oath faithfully to discharge their respective duties previously to their entering upon the execution thereof. That all surveys of land shall be at the expense of the purchasers or grantees.

That the fees shall not exceed certain rates to be specified in the law, affording equitable compensations for the services of the surveyors, and establishing reasoanble and customary charges for patents and other office papers for the benefit of the United States. That the Commissioners of the General Land Office shall, as soon as may be, from time to time, cause all the rules and regulations which they may establish to be published in one gazette at least in each State and in each of the Western governments where there is a gazette, for the information of the citizens of the United States. Regulations like these will define and fix the most essential particulars which can regard the disposal of the western lands, and where they leave anything to discretion will indicate the general principles or policy intended by the legislature to be observed, for a conformity to which the commissioners will, of course, be responsible. They will at the same time leave room for accommodating to circumstances which cannot beforehand be accurately appreciated, and for varying the course of proceeding as experience shall suggest to be proper, and will avoid the danger of those obstructions and embarrassments in the execution which would be apprehended from an endeavor at greater precision and more exact detail.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

The extraordinary character of the above plan can now be fully seen. It forms in its several leading features the basis of the prior and existing methods of administration for the sale and disposition of the public domain. Mr. Hamilton's views upon this subject, as well as upon every question he touched relating to the organization of the Nation, displayed his matchless practical ability.

ACT FOR SALE OF LANDS IN NORTHWEST TERRITORY.

March 3, 1795, Congress by law provided that "the nett proceeds of the sales of lands belonging, or which shall hereafter belong, to the United States, in the Western territory thereof," should constitute a portion of the sinking fund of the United States for the redemption of the public debt.

May 18, 1796, Congress passed the act for the sale of the lands of the United States in the territory northwest of the river of Ohio and above the mouth of the Kentucky River (in the present State of Ohio). This act provided for a surveyor-general of the district and for the parceling of the lands therein for sale. It gave the substance of the present rectangular system of surveys for the public domain. It provided for the sale of the surveyed lands in sections of 640 acres (a mile square) at public sale, under the direction of the governor or secretary of the Territory and the surveyor-general, and they were to be sold at Cincinnati and Pittsburgh, and the price to be not less than $2 per acre. Two months' notice of sale was to be given by advertisement, and sale to take place one month thereafter. The remainder of the seven ranges of townships surveyed under the act of May 20, 1785, were to be sold at public sale at Philadelphia, under the direction of the Secretary of the Treasury, in quarter townships, eight sections of 640 acres each, taking out the four sections in the center, which were reserved.

The townships directed to be sold in sections under the ordinance were to be sold at Pittsburgh, under the direction of the governor or secretary of the Northwest Territory and such person as the President should appoint. They were to be sold to the highest bidder, one-twentieth part of the purchase-money to be deposited, a moiety of the sum bid to be paid in thirty days to the Treasurer of the United States, and one year's credit for the residue; the President thereafter to issue patents, countersigned by the Secretary of State, and recorded in his office. If the purchaser made entire payment at the time of sale, he was to have a deduction of 10 per cent. from the credit part, and patent should issue immediately.

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The price, $2 per acre, was fixed so as to include all costs of surveying and disposition, which were to be paid by the purchasers.

The money received at these sales was transmitted direct to the Treasury Department. No more than 121,540 acres had thus been sold prior to the act of 10th May, 1800, viz: 72,974 acres at public sale at New York, in the year 1787, for $87,325, in evidences of the public debt; 43,446 acres at public sale at Pittsburgh, in the year 1796, for $100,427; and 5,120 acres at Philadelphia, in the same year, at $2 an acre. Payments to be made in specie or in evidences of the publict debt, under act of March 3, 1797. In an act passed March 2, 1799, for the relief of persons who had made contracts in writing with John Cleves Symmes for the purchase of lands not comprehended in his patent, it was provided that such persons were to have a preference in purchasing from the United States at $2 per acre, to be paid to the Treasurer of the United States; one-third paid before September 1, 1799; one-third in a year from that date, and the remaining third part one year thereafter. The second section of this act contains the following:

> That each and every person claiming the benefit of this act shall on or before the 1st day of September next give notice in writing to the Secretary of the Treasury or to the surveyor-general that they claim the right of pre-emption by this act offered, and that failure to give said notice shall forfeit the right of pre-emption.

All lands sold for the benefit of the United States prior to the opening of the land offices under the act of May 10, 1800, were sold from the public domain in the present State of Ohio, and amounted to 1,484,047 acres, and realized $1,201,725.68.

REGISTERS AND RECEIVERS ESTABLISHED.

The act of May 10, 1800, introduced the present system of disposition of lands through officers called registers, whose offices were situated within defined districts. It established four land offices within the Northwest Territory, with an officer for each called a register, bonded for $10,000; one office at Cincinnati, one at Chillicothe, one at Marietta, and the other at Steubenville. These were the first district land offices established in the United States.

The surveyor-general was to transmit to the register (as now) a copy of plats of tracts to be sold, and another copy to the Secretary of the Treasury (now to the Commissioner of the General Land Office).

Lands west of the Muskingum were to be subdivided into half-sections of 320 acres each, and held as such; west of that river to be subdivided and sold as usual, in sections of 640 acres. These lands were to be offered for sale at public vendue, after notice at the offices, respectively, under the direction of the register and the governor or secretary of the Territory. All such sales to close in three weeks, and the lands remaining unsold to be disposed of at private sale; none to be sold at less than $2 per acre; payment to be made in specie or evidences of the public debt at the time of purchase, the person or persons to pay, exclusive of fees, $6 for every section and $3 for every half-section, for surveying expenses, and deposit one-twentieth part of the amount of the purchase-money, forfeited in forty days if an addition of one-fourth part of the amount of purchase-money was not paid; another fourth part to be paid within two years; another fourth part within three years, and the remaining fourth part within four years after the date of sale. Interest at 6 per cent. per annum from the day of sale to be charged on the last three payments as they become due. A discount of 8 per cent. per year to be allowed for prepayment of any of the last three payments.

If the first payment was not made, the lands became forfeited and might again be sold, but not for less at private sale than the sum offered at public sale.

Lands not paid for at end of one year after last payment became due were to be advertised for thirty days and sold during court; the surplus, if any, after payment of United States and expenses of sale, was to be returned to original owners. Lands not sold were to revert to the United States and be disposed of as other lands.

This act also created the office of receiver of public moneys (a bonded officer) at

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each land office. He was to receive all moneys on account of public lands and account to the Secretary of the Treasury for the same, as at present. Fees were to be received by the receivers of 1 per cent. of all money paid them; by the registers of ½ per cent. on moneys shown in receipts entered by them, and the following fees in addition from applicants, for their own use and benefit, viz: For an application and a copy of the same for a section of land, $3; for a half section, $2. For the first certificate of payment, 25 cents, and for each following one, 25 cents. For final certificate, $1. For a copy of any paper relating to entry, 25 cents, or for permission to look at plats (in their presence) 25 cents.

The duties of register and receiver of land offices, as defined by this creating act, continue in a large measure to this day. The passage of additional laws of sale and settlement, adding to or taking from them certain duties and authorizing certain fees, details as to office duties, papers and notes, or maps, or plats, are defined, and remain to this day with but little change. Patents were issued by the President upon presentation through the Secretary of the Treasury of the final certificate issued by the receiver. Patents were to be countersigned by the Secretary of State, and recorded in his office. Superintendents of public sales (officials named) were to receive $5 per day for superintending such sales. Patent fees were, for a half section, $4; for a whole section, $5; to be paid by the purchasers. This was afterward abolished by act of March 26, 1804.

LEASING OF RESERVED LANDS BY SURVEYOR-GENERAL.

Section 16 of the act provided that persons who had erected or had begun to erect grist or saw mills might purchase at $2 per acre. Section 15 provided "that the lands of the United States reserved for future disposition may be let upon leases by the surveyor-general in sections or half sections, for terms not exceeding seven years, on condition of making such improvements as he shall deem reasonable."

The surveyor-general (there was but one at this time) by this act stood toward the registers and receivers in the matter of sales and reports as does the Commissioner of the General Land Office at present. The receivers disbursed under order of the Treasury Department and made returns thereto as now. There were no sub-treasuries then in the western country, nor authorized depositaries or banks. There were no express companies, so that the specie was generally transported to the seat of Government, Washington, in stage-coaches.

CREDIT SYSTEM.

The act of 1796 was framed for the territory northwest of the river Ohio under the ordinance of 1787. As soon as the territory was subdivided a change took place. The spirit of the act, like all early legislation on the subject of the disposition of the public lands, was to hurry their sale and get the cash into the Treasury. They were sold in blocks, townships, eight sections, sections, and finally half sections, and in unlimited quantities. This act was afterward amended from year to year, until in 1820 it was repealed as to its credit features. (See acts of March 3, 1803; March 26, 1804; April 15, 1806; February 24, 1810; April 25, 1812.)

The price was fixed at not less than $2 per acre. (Under contract the first sales of lands by the Government were 66⅔ and 75 cents.) The United States at this time was, and had been for ten years, in competition with several States who were disposing of western lands—Connecticut selling her "Western Reserve" lands at 40 cents an acre in Northeastern Ohio; Virginia with her rich lands in Kentucky in the market; North Carolina selling in Tennessee; Pennsylvania with her charter lands offered through her State office; and Georgia with her lands in the territory now part of Alabama and Mississippi. Massachusetts, before this, had reduced the price of her Maine lands to 50 cents an acre to check western emigration. There began to be a serious exodus to the western country. The roads were filled with moving families and almost entire

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neighborhoods moved west. Fertile lands, at low prices, were abundant, and speculators were numerous. Under this credit system men became loaded with large land purchases, expecting to make sale of a portion at an early date to incoming immigrants at an advance, and to hold the remainder for themselves.

The sales under this system, from the opening of the land offices in the territory northwest of the river Ohio by the above act to June 30, 1820, were as follows:

Gross quantity sold under the credit system.

Location.	Acres.	Amount.
In Ohio	8,848,152.31	$17,226,186 95
In Indiana	2,490,736.17	5,137,350 20
In Illinois	1,593,247.53	3,227,805 20
In Missouri	1,249,113.91	3,349,465 70
In Alabama	3,957,281.00	16,182,147 67
In Mississippi	1,147,988.10	2,297,652 91
In Louisiana	45,277.00	90,554 00
In Michigan	67,362.02	178,400 46
Total	19,399,158.04	47,689,563 09

This was afterward scaled down by acts of Congress, by reversions and relinquishment, so that the government parted title, under the credit system, to 13,642,536 acres, and received therefor $27,900,379.29.

A GENERAL SYSTEM OF DISPOSITION PROPOSED.

The act of May 10, 1800, was the first serious attempt at the creation of a general system of disposition of the public lands. The usual method of Congress was, in the organization of a section of the public domain into a Territory, to enact some special features in relation to the public lands therein, as well as adopting the old laws, such as in the public-land act for Indiana Territory, March 26, 1804, making for each new geographical division a new law, containing much of the old land laws, but constantly improving. This act also provided for the sale of tracts of quarter-section in size, 160 acres, and put in the market all unsold offered land at $2 per acre.

The law creating Mississippi Territory, April 7, 1798, extended the laws of the Northwest Territory over it, with exceptions, but reserved the question of land disposition for future laws. The surveyor-general of the Northwest Territory was the surveyor-general of the Indiana Territory under that act. He was known as "the surveyor-general," with no definition as to his district, as afterward became the law. The Indiana act also created additional district land offices. In all these acts the first condition, prior to survey, was extinguishment of Indian title; next, survey and return of the plats to the district offices and Secretary of the Treasury (now General Land Office), advertisement of sale, and public vendue for a period. Then the land remaining unsold, having been offered at public sale and not sold, became "offered land," and was sold at the district land office at private sale to applicants at the fixed price of $2 per acre.

To December 28, 1814, the settled procedure has been described by Albert Gallatin, as follows:

1. All the lands are surveyed before they are offered for sale; being actually divided into townships six miles square, and those subdivided into thirty-six sections one mile square, and containing each 640 acres. All the dividing lines, running according to the cardinal points, cut one another at right angles, except where fractional sections are formed by the navigable rivers, or by an Indian boundary-line. The subdividing lines of quarter-sections are not actually surveyed, but the corners, boundaries, and contents of these are designated and ascertained by fixed rules prescribed by law. This branch of the business is conducted under the superintendence of two principal surveyors, who appoint their own deputies. The powers and duties of the first, who is called surveyor-general, extend over all the public lands north of the river Ohio, and over the Territory of Louisiana. The other, known by the name of surveyor of the public lands south of the State of Tennessee, superintends the surveys in the Mississippi and Orleans

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Territories. Both make returns of the surveys to the proper land office and to the Treasury.

2. The following tracts are excepted from the sales, viz: 1. One thirty-sixth part of the lands, or a section of 640 acres in each township, is uniformly reserved, and given in perpetuity, for the support of schools in the township. 2. Seven entire townships, containing each 23,040 acres, viz: two in the State of Ohio, and one in each of the Territories of Michigan, Indiana, Illinois, Mississippi, and Orleans, have been also reserved, and given in perpetuity, for the support of seminaries of learning. 3. All salt springs and lead mines are also reserved, but may be leased by the President of the United States. Three other sections were formerly reserved in each township for the future disposition of Congress; but this reservation has, since the act of 26th March, 1804, been discontinued. One section was also reserved in each township within the boundaries of the tracts respectively sold to the Ohio Company and to John Cleves Symmes, and this given in perpetuity for religious purposes; but this reservation has not been extended to any other part of the public lands.

The Mississippi, the Ohio, and all the navigable rivers and waters leading into either, or into the river Saint Lawrence, remain common highways, and forever free to all the citizens of the United States, without any tax, impost, or duty therefor.

3. All the other public lands, not thus excepted, are, after the rightful private claims have been ascertained and confirmed, offered for sale at public sale in quarter-sections of 160 acres each, but cannot be sold for less than $2 an acre. The lands not purchased at public sale may, at any time after, be purchased in quarter-sections at private sale, and at the rate of $2 an acre, and without paying any fees whatever. The purchase-money, whether the land be bought at public or private sale, is payable in four equal installments, the first within forty days, and the three others within two years, three years, and four years, after the date of the purchase. No interest is charged if the payments be punctually made; but it must be paid fr m the date of the purchase, at the rate of 6 per cent. a year, on each installment not paid on the day on which it is due. A discount, at the rate of 8 per cent. a year, is allowed for prompt payment; which, if the whole purchase-money be paid at the time of purchasing the land, reduces its price to $1.64 per acre. Tracts not completely paid for within five years after the date of purchase are offered for sale at public sale, for a price not less than the arrears of principal and interest due thereon; if the land cannot be sold for that sum, it reverts to the United States, and the partial payments made therefor are forfeited; if it sells for more, the surplus is returned to the original purchaser.

4. All the lands to which the Indian title has been extinguished are, for the convenience of purchasers, divided into districts, in each of which a land office is established. Ten of these districts are in full operation, viz: those of Steubenville, Canton, Zanesville, Marietta, Chillicothe, and Cincinnati, in the State of Ohio; those of Vincennes and Jeffersonville in the Indiana Territory; and those of Nashville (for Madison County in the great bend of the river Tennessee) and Washington (near Natches) in the Mississippi Territory. The sales have not yet commenced, the surveys not being yet completed, or the private claims not being yet decided upon, in the four districts of Detroit in the Michigan, of Kaskaskia in the Illinois, of Mobile in the Mississippi, and of Opelousas in the Orleans Territory. None have been authorized in the Territory of Louisiana and in the eastern part of the Territory of Orleans. Each land office is under the direction of two officers, a register who receives the applications and sells the land, and a receiver of public moneys who receives the purchase-money, unless the purchaser prefers paying it into the Treasury. Those two officers operate as a check one on the other. Transcripts of the sales and of the payments, together with the original receipts and assignments, are transmitted to the Treasury; and no patent issues till after the calculations have been examined, and it has been ascertained that the party has paid the whole purchase-money and interest. The system, as it relates to the accountability of the receivers, is better checked than that of any other branch of the public revenue; but the various and contingent provisions respecting the credits, interest, discount, forfeitures, and other conditions of sale, render it rather complex, and for that reason liable to delays in the final settlement of the accounts of the receivers.

The total quantity of land sold under that system at the several land offices from 1st July, 1800, to 1st July 1810, and including pre-emption rights in Symmes's purchase and the Mississippi Territory, amounts to 3,386,000 acres, which have produced $7,032,000. Of this sum, $4,888,000 have been paid, in specie or evidences of public debt, into the Treasury or into the hands of the receivers of public moneys; the balance is due by the purchasers.

Intrusions on the public lands are equally forbidden, under various penalties, whether the lands still continue in the possession of the Indians or have been purchased from them. Intrusions subsequent to the 3d March, 1807, work a forfeiture of title or claim, if the intruder had any such, not previously recognized and confirmed by the United States; and the President is authorized to remove such intruders, and to employ, if necessary, military force for that purpose.

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CASH PAYMENTS FOR LANDS ORDERED.

In 1806, April 18, Congress, by law, refused to receive in payment for purchases of public lands any more certificates or receipts of evidence of public debt after April 30, 1806, saving all rights under the old act. This required all payments to be made in cash.

Petitions, resolutions, legislative enactments, and personal applications for relief from the pressure of land purchases from the government under the credit system resulted in various acts of relief.

March 2, 1809, Congress passed an act to extend time of payment two years for residue of purchase-money due.

April 30, 1810, and December 12, 1811, Congress further extended the time for purchases made prior to January 1, 1806, and enacted conditions for re-entry of lands by applicants where time of payment had expired and the lands had reverted to the United States. June 30, 1812, Congress ordered that Treasury notes be taken at all land offices for public lands and payments thereon, and that credit should be given for principal and interest thereof. Acts for relief were further passed on April 23, 1812; July 6, 1812; March 3, 1813; February 19, 1814; February 4, 1815; April 24, 1816; April 18, 1818; March 3, 1819; March 30, 1820; March 2, 1821; April 20, 1822; March 3, 1823; May 18, 1824; May 26, 1824. These acts were all operative for the benefit of persons holding not over 640 acres. The Congress of the United States, April 24, 1820, provided for the sale of half quarter-sections, or 80-acre lots of land, and that credit should not be allowed for the purchase-money of any lands after July 1, 1820, but that complete payment must be made by the purchaser or applicant at the time of purchase; and by section 3 of this act, it was provided that the public lands offered should be sold at the "minimum" price of $1.25 per acre at either public or private sale, and provided for the entry or purchase by persons at the several district land offices of all lands which, prior to July 1, had been offered at public sale and remained unsold. It further provided for the sale of reverted lands, which were forfeited for non-fulfillment of purchase terms under the credit system. Previous to this time Congress had, by special acts, directed land sales to be made, but by this act it became the duty of the President, and has so continued to this day, to issue proclamations of sale of public lands through the Commissioner of the General Land Office. This act was a great innovation. It reduced the price of all public lands which should be offered to the minimum of $1.25 per acre, and after they were offered (*i. e.*, offered at public sale after due advertising and notice) such as remained unsold were to be held for sale at the district land office at $1.25 per acre, in unlimited quantities of not less than 80 acres (half quarter-sections) at private sale.

Thus, in the period from 1786 to 1820, the price had fallen from $2 to $1.25 per acre cash, and the quantity which might be sold was reduced from whole townships and eight sections to sections (640 acres), half-sections (320 acres), quarter-sections (160 acres), and half quarter-sections (80 acres), thus fostering small holdings at a low price, with deed in fee from the Government.

The disastrous credit system spread over Ohio, Indiana, Illinois, Missouri, Alabama, Mississippi, Louisiana, and Michigan. The general policy of land legislation by Congress was, for the first thirty years, to meet exigencies by temporary enactments from time to time. This policy was continued down to the period of the passage of the pre-emption act of 1841.

The stages developed to that period were: the sale by the Board of Treasury prior to May, 1800, under and by order of Congress direct, purchasers of tracts going to Congress by petitions, which were acted on and referred to the Board of Treasury; public sale at $2 per acre in tracts from townships, sections, and quarter-sections, until after 1805, when half quarter-sections were sold; all lands to be offered; then, if not sold at public vendue, to be open to purchase at $2 per acre at private sale.

The act of 1800, May 18, instituted the offices of registers and receivers, who sold land at definite points under orders of the Secretary of the Treasury; afterward, April

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25, 1812, under orders of the Commissioner of the General Land Office, then a bureau in the Treasury Department, to whom they were and are now subordinate.

The act of April 24, 1820, the general provisions of which have been carried into the Revised Statutes, fixed the minimum price of the public lands at $1.25 per acre Thereunder the lands were sold to the highest bidder at public sales for not less than the minimum rate per acre, and at private sale, after the offering, at the minimum rate. The general pre-emption law of September 4, 1841, required payment at the minimum rate for lands entered thereunder; that is, the minimum rate fixed by the act of 1820. This is the price required of pre-emptors and parties who commute their homestead entries under section 2301 of the Revised Statutes, except where the lands have been enhanced to the double minimum price of $2.50 per acre, in which case the pre-emptor or homesteader is required by law to pay for the same at the increased rate. Congress, upon making grants of alternate sections of land for railroad purposes within certain limits, provided that the sections within such limits reserved to the government should be enhanced to the price of $2.50 per acre. This rate is double that of the minimum rate established by the act of 1820, and is, therefore, termed the "double-minimum" rate. These are the existing rates of disposal under the general provisions of law for the sale of the public lands upon bringing them into market, or under the pre-emption statutes and section 2301, Revised Statutes, above mentioned. Lands subject to entry, which had been enhanced to the double minimum price and put in market prior to January, 1860, by reason of railroad grants, were reduced to the minimum price by the act of June 15, 1880.

DISPOSAL OF PUBLIC LANDS BY PUBLIC OFFERING AND SALE.

In some of the early acts of Congress providing for bringing lands into market dates were fixed for the sales, and the superintendence of the sales was placed under the register of the land office, or the governor or secretary of the Territory. In the act of March 3, 1803, which, among other things, provided for the disposition of lands belonging to the United States south of the State of Tennessee, it was provided that the President of the United States should make public proclamation of the sales, fixing therein a day or days for the same to take place. By this act it was provided that the sales should be made under the direction of the governor of the Mississippi Territory, the surveyor of the lands, and the register of the land office, the sales to take place where the land offices were "kept." The act directing the survey and sale of the public lands in the Territories of Orleans and Louisiana, approved March 3, 1811, provided for proclamation of the sales of lands in the Territory of Louisiana by the President, and that the same should be under the direction of the register and receiver of the land office and the principal deputy surveyor. In the acts of 1803 and 1811 it was directed that the sales remain open for three weeks, and no longer.

The statutes and rules at present in force in respect to offerings are briefly stated below.

The act of April 24, 1820 (see sections 2360, 2353, eighth subdivision, and 2238, R. S.), provided that the public sales authorized thereby should be kept open two weeks, and no longer; it also provided that the tracts to be sold be offered for sale in half-quarter-sections; and thereby registers and receivers were allowed a fee of $5 each per diem for superintending the sales.

The act of June 28, 1834 (section 2359, R. S.), provided that lands exposed to public sale by order of the President shall be advertised for a period of not less than three nor more than six months prior to the day of sale, unless otherwise specially provided.

The act of August 3, 1846 (section 2455, R. S.), authorized the Commissioner of the General Land Office to order into market after due notice, without the formality and expense of a proclamation of the President, such isolated or disconnected tracts or parcels of unoffered lands which, in his judgment, it would be proper to expose to sale, and required that public notice of the offering for a period of at least thirty days should be given by the district officers pursuant to directions of the Commissioner. It is the rule to resort to published notice in such cases.

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By a regulation of the General Land Office, district officers are allowed a crier and a clerk during the progress of the sales, at a stated per diem compensation.

Lands are offered for sale by public outcry, at not less than the minimum or double minimum price per acre, as the case may be, and are sold to the highest bidder in case bids are received.

Technical quarter-sections are sold in half-quarter-sections. Where practicable the north half of the section should be sold first, the order of offering being as follows: East half of northeast quarter; west half of northeast quarter; east half of northwest quarter; west half of northwest quarter; east half of southeast quarter; west half of southeast quarter; east half of southwest quarter; west half of southwest quarter. Such portions of sections as are designated by numbers on the plats are sold in the order of the numbers, as follows: Lot 1, lot 2, lot 3, lot 4.

The regulations require the district officers to keep a complete record in abstract form, day by day, as the sales progress, of each subdivision offered, and to note the sales made in the margin thereof, such notings as the following being desirable: Name of purchaser, date of sale, and the number of the certificate of purchase issued as the basis of a patent (which is also the number of the receipt for the purchase-money accompanying the certificate, a duplicate of which is given to the purchaser); and opposite the description of tracts offered, but not sold, the facts are required to be noted as follows: "Offered; no bids." When the sale is closed, it is required that the abstract of offerings be sent as a part of the official report of the district officers to the General Land Office, after making a copy of the same to be retained as a record in the district office. The practice in regard to making up the official reports of offerings has varied to some extent, but the above is substantially the present method.

The authority to proclaim lands for sale is not limited by law to a stated period of time after survey thereof. Of course it is not deemed safe or advisable to proclaim lands for sale prior to survey, even if contracts for survey thereof have been entered into.

The President is not empowered to proclaim lands for sale not authorized to be exposed to public sale by law of Congress; the laws authorizing such sales have reference to particular localities therein mentioned. There is no general provision of law authorizing public sales of all the vacant lands of the government, and a portion of the lands in the far west, the Territory of Utah, for instance, is not subject to be proclaimed for sale. The vacant lands generally in the Louisiana purchase are subject to be proclaimed for sale under the act of 1811, referred to above. The lands in Arkansas, Louisiana, Mississippi, Alabama, and Florida, which were restricted to homestead entry by the act of June 21, 1866, were authorized to be brought into market by proclamation for sale at public offerings by the act of June 22, 1876. Lands within the limits of the Pacific Railroad and branches, belonging to the government, in the even-numbered sections, were restricted to homestead and pre-emption entry by the act of March 6, 1868.

In view of a resolution of the House of Representatives, which passed some time after the recent war of the rebellion, and the general drift of public sentiment expressed in various ways, it is the present policy to hold lands outside of the Southern States above mentioned, not yet proclaimed for sale, for actual settlers.

The following is a printed form for proclamation of sales by the President:

Proclamation by the President of the United States.

In pursuance of an act of Congress of June 22, 1876, I, Rutherford B. Hayes, President of the United States of America, do hereby declare and make known that a public sale of valuable Government land will be held at the land office at Natchitoches, in the State of Louisiana, on Tuesday, April 13, 1880, at which time will be offered all lands not previously disposed of in the undermentioned townships and parts of townships, viz:

North of base-line and west of the ——— meridian:

[Here is given lists of townships to be sold.]

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Lands appropriated by law for the use of schools, military, or other purposes, or reserved for railroad purposes, will be excluded from the sale.

The offering of the above lands will be commenced on the day appointed, and will proceed in the order in which they are tabulated in the lists of sectional subdivisions until the whole have been offered and the sales thus closed; but the sale shall not be kept open longer than two weeks, and no private entry of any of the lands will be admitted until the day after the close of the public offering. All lands held at double minimum price will be disposed of at not less than two dollars and fifty cents ($2.50) per acre, and all the lands held at minimum price will be disposed of at not less than one dollar and twenty-five cents ($1.25) per acre. Lists of sectional subdivisions are in the hands of the district officers, and will be open for the examination of those desiring to purchase.

Given under my hand, at the city of Washington, this —— day of ———, A. D. 18—.

R. B. HAYES,
President of the United States.

By the President:
J. A. WILLIAMSON,
Commissioner of the General Land Office.

Notice to pre-emption claimants.

Every person entitled to the right of pre-emption to any of the lands within the townships and parts of townships above enumerated is required to establish the same to the satisfaction of the register and receiver of the Natchitoches land office, and make payment therefor as soon as practicable after seeing this notice, and before the day appointed for the commencement of the public sale of the lands embracing the tract claimed; otherwise such claim will be forfeited.

No pre-emption claim based on a settlement subsequent to the date of this proclamation, and prior to the offering, will be recognized by the Government.

J. A. WILLIAMSON,
Commissioner of the General Land Office.

SEVERAL PRICES OF THE PUBLIC LANDS AT VARIOUS PERIODS.

The United States from 1785 to 1880 has sold land at various prices, as follows:

Agricultural lands at the rates of 12½, 25, 50, 66⅔, and 75 cents, and $1.00, $1.25, and $2.50 per acre. Under the cash sales and pre-emption acts a vast area containing coal, and millions of acres of timber land, have been sold at the foregoing rates.

Mineral lands. In Michigan, Wisconsin, and other States lands containing copper and lead were formerly offered at public sale at not less than $5 per acre, and if not then disposed of they were to be held for private sale at that rate. Persons in possession under leases from the War Department, however, were to have preference right of purchase, at the rate of $2.50 per acre. Under present laws, except in the States of Michigan, Wisconsin, Minnesota, Missouri, and Kansas, lands valuable for minerals contained in veins or lodes, or "rock in place," including lead, copper, gold, silver, cinnabar, iron, &c., are sold at the rate of $5 per acre. Lands containing "placer" deposits of minerals are sold at the rate of $2.50 per acre. In the States above excepted all lands are sold as agricultural.

Coal lands are sold at $20 per acre where situated within fifteen miles of a completed railroad; otherwise at $10 per acre.

Desert lands are sold at $1.25 per acre;

Saline lands at $1.25 per acre; and

Timber and stone lands at $2.50 per acre.

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CHAPTER IX.

To June 30, 1882.

[See page 676.]

DONATIONS OF LAND AND SPECIAL GRANTS.

To June 30, 1880.

MISCELLANEOUS DONATIONS.

Running through the statutes of the United States for a period of ninety years is a series of laws for the disposition of the public domain other than by the cash, pre-emption, or homestead methods, perhaps a thousand in number, most of them obsolete because of execution, others still in force waiting confirmations under them or entire execution.

Congress for many years after the organization of the Government took up special and meritorious cases, and made grants of land in satisfaction of conceded cases of equity or merit.

LAND BOUNTIES TO BRITISH DESERTERS.

The first act of the Congress of the United States as to the disposition of public land was an act of the Continental Congress of August 14, 1776—an act offering to receive and make citizens of deserters from the British army (Hessians and British), and tendering each deserter, and to him or his heirs, to be held by him or them in absolute property, fifty acres of unappropriated land in some one of the States. By another act, of August 27, 1776, Congress proffered a quantity of unappropriated land in absolute dominion to such officers as should leave the armies of his Britannic majesty in America.

GRANT FOR RELIGIOUS PURPOSES.

Congress, July 23, 1787, in the ordinance defining the "powers to the Board of Treasury to contract for the sale of western territory," called attention to the reservation by the ordinance of May 20, 1785, of four sections in each township, viz: sections Nos. 8, 11, 26, and 29, to the use of the United States and for future disposition by Congress, and ordered the Board of Treasury to give lot (section) No. 29 in each township or fractional part of a township perpetually for the purposes of religion. This grant was made for this purpose only in the Ohio Company's (Putnam and Cutler's) purchase and in the John Cleves Symmes tract, now in the State of Ohio. The patents to both the Ohio Company and John Cleves Symmes, issued by President Washington, set up this reservation of the twenty-ninth section in each township in the several tracts for the purpose of religion. This is the only direct and specific grant of land for religion to be found upon the United States statute books, although some grants have been made for mission purposes.

THE DORHMAN GRANT.

Arnold Henry Dorhman was agent for the United States at the court of Lisbon during the Revolutionary War. His house was an asylum for American sailors who had been captured by British cruisers. He fed, clothed, and nursed these unfortunates.

Congress, October 1, 1787, after stating an amount, for which he produced vouchers, recited that there was a still larger amount due him for such expenditures and for

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which he could not produce vouchers satisfactory to the Treasury Department, in consideration of which they granted him, free of cost of survey or other charges, with legal reservations therein, a township of land in the now State of Ohio. The act of February 27, 1801, directed the President to issue patent for the thirteenth township in the seventh range to Arnold Henry Dorhman, or his legal representatives. This tract is known as the "Dorhman grant" or "tract."

GRANTS TO REFUGEES FROM CANADA AND NOVA SCOTIA.

During the War of the Revolution there was a force of Canadian officers and men in the Army of the United States, who were known as "refugees from Canada." Jonathan Eddy and others were also refugees from the province of Nova Scotia at the same time. They became refugees on account of their attachment to the cause and interests of the United States. Congress, April 23, 1783, in considering the Canadian and Nova Scotian refugees, ordered "that they (the Canadian refugees) for their virtuous sufferings in the cause of liberty be further informed that whenever Congress can consistently make grants of land they will reward, in this way, as far as may be consistent, the officers, men, and other refugees from Canada." Like action was had in the case of the refugees from Nova Scotia. With the addition of recommending them to "the humanity and particular attention of the several States in which they respectively reside." A long series of acts of Congress followed. The ordinance of May 20, 1785, reserved three townships on Lake Erie—now in Ohio—for the satisfaction of the grants to these refugees. This was never fully carried into effect, as other lands were appropriated in lieu thereof by the act of July 18, 1801.

GRANTS TO EBENEZER AND ISAAC ZANE.

May 17, 1796, Congress granted to Ebenezer Zane three tracts of land one mile square, one on the Muskingum, one on the Scioto, and one on the Hockhocking River, in the State of Ohio, for the purpose of building ferries on the road from Wheeling, Va., to Limestone, which road he was to open under the direction of the President of the United States. These grants were confirmed to Zane and patented February 14, 1800. The rates of ferriage at said ferries were to be "ascertained [fixed] by any two of the judges of the territory northwest of the river Ohio, or such authority as shall be appointed for that purpose."

April 3, 1802, Congress ordered the same allowance to Isaac Zane, his heirs or assigns, locatable within the Northwest Territory, now in the State of Ohio.

GRANT TO THE FRENCH OF GALLIOPOLIS.

The French grant to the French inhabitants of Galliopolis (now in Ohio) was made by Congress March 3, 1795.

October 27, 1787, the Board of Treasury contracted with the Ohio Company for the sale to them of certain lands in (now Ohio) the western territory—Cutler, Sargent, and others. Cutler and Sargent, October 29, 1787, assigned a moiety of the land described in the (second) contract with the Board of Treasury to William Duer and associates. This portion of the land Joel Barlow was sent to Europe to dispose of. Duer and associates became the Scioto Company, to whom the lands purchased of the Ohio Company by Duer were conveyed. The agent of this company in conjunction with Barlow disposed of the lands to companies and individuals in France. These purchasers came to America, and were met by Duer as agent for the Scioto Company and sent to Galliopolis, on the Ohio River. Here each settler was presented with a deed for two lots in town and a four-acre out-lot. The place of these locations was discovered to be outside of the lands embraced in the first contract between the United States and the Ohio Company, and also the land confirmed to that company by Congress April 21, 1792. So, to quiet their title and give their holdings a legal status, Congress passed the several relief bills, beginning March 3, 1795, and followed by two several acts thereafter.

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GRANTS TO THE MARQUIS LAFAYETTE.

March 3, 1803, Congress directed the Secretary of War to issue land warrants to Major-General La Fayette for 11,520 acres. The land was to be located, surveyed, or patented at his option, or the warrants could be received in payment for lands within the present State of Ohio. March 27, 1804, Congress ordered that the warrants above granted might be located by General La Fayette in Orleans Territory.

Congress, December 28, 1824, ordered that $200,000 be paid to General La Fayette, and granted him or his heirs a township of land, which was afterward located in Florida.

THE LEWIS AND CLARKE GRANT.

March 3, 1807, Congress granted Lewis and Clarke and their subordinates lands for services in exploring the Louisiana purchase.

THE NEW MADRID GRANT.

February 17, 1815, Congress ordered that persons owning lands in the county of New Madrid, in Missouri Territory (now State), November 10, 1812, and whose lands had been materially injured by earthquake, should be permitted to locate the like quantity of land on any of the public lands of the said Territory, the sale of which was authorized by law. This act was frequently amended, and scrip issued.

THE LEVEE GRANTS.

May 26, 1824, Congress granted tracts of land in their limits to the parish of Point Coupee and the parish of West Baton Rouge on condition that they should keep a good and sufficient levee on said land, in front and on the river Mississippi.

MORAVIAN INDIAN GRANTS.

John Etwein, president of the Moravian Brethren's Society, at Bethlehem, for Propagating the Gospel among the Heathen, petitioned Congress for a grant of land in the western country for the use of certain Indians formerly residing thereon. The ordinance of May 20, 1785, provided "that the towns of Gnadenhutten, Schoenbrun, and Salem, on the Muskingum, and so much of the lands adjoining to the said towns, with the buildings and improvements thereon, shall be reserved for the sole use of the Christian Indians who were formerly settled there, or the remains of that society." Congress, September 3, 1788, ordered that the reservations be made (which was done) of 4,000 acres for each of the three towns named, all being in Tuscarawas County, Ohio.

August 4, 1823, Lewis D. de Schweinitz, on behalf of the Society of the United Brethren for Promulgating the Gospel among the Heathen, and Lewis Cass, on the part of the United States, at Gnadenhutten made an agreement whereby the Moravians retroceded the grants of land above set out to the United States. After deducting leaseholds and grants made by the society, $43,356 was expended by the society under this trust up and to August 21, 1822, and their receipts from the lands were $9,998.58¼, leaving a deficit of $32,587.50¾. The United States reimbursed the society for surveys and locations.

The agreement set out that the revocation of the trust and transfer to the United States was conditioned upon the consent of the persons for whom the trust was created being first obtained—"the persons" meaning the Christian Indians, who were formerly settled there, or the remains of that society, including Killbuck and his descendants, and the nephews and descendants of the late Captain White-Eyes, Delaware chiefs—or such persons as are now entitled to the benefits of the trust: "the motives of the society being to divest themselves of a trust burdensome to them and useless to the Indians, that their funds devoted to charitable purposes may be applied where there is a prospect that they will produce some permanent advantage." This agreement was affirmed by the society September 26, 1823.

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November 8, 1823, Lewis Cass, for the United States, made an agreement with the Indians above named, or their heirs or descendants, known as the Society of Christian Indians, affirming and consenting to the act of retrocession to the United States of date August 4, 1823, with certain conditions as to reservation of land. This agreement granted them annuities, which were realized by the sale of the lands in the tracts named and placing the principal at interest. The deed of retrocession was executed April 24, 1824, President Monroe having approved the agreement November 8, 1823.

GRANT TO POLISH EXILES.

June 30, 1834, Congress granted a quantity of land for certain Polish exiles—two hundred and thirty-five in number—embracing thirty-six sections, which agents located for them. Two townships were surveyed for them near Rock River, in Illinois. These exiles from Poland were sent to the United States under order of the Emperor of Austria.

LANDS GRANTED TO THE DEAF AND DUMB ASYLUM OF KENTUCKY.

By the act of April 5, 1826 (6 Stats., p. 339), there was granted to the Deaf and Dumb Asylum of Kentucky one township of land, excepting the sixteenth section, for the education of indigent deaf and dumb persons, with authority to sell said lands within five years, to be located in one of the Territories on lands to which the Indian title had been extinguished.

By the act of January 29, 1827 (4 Stats., p. 202), the location of so much of the grant as had been located on lands previously taken by claims of pre-emptors in the Territory of Florida was extended to unappropriated and unreserved lands in either of the Territories of Florida or Arkansas.

By the act of March 3, 1843, the trustees of the Centre College of Kentucky were invested with all the rights of the Deaf and Dumb Asylum of Kentucky in the grant, provided that the proceeds of the sale of the lands were not diverted from the purposes and intention of the original grant.

By the acts of April 11, 1836, July 20, 1840, April 14, 1842 (6 Stats., pp. 629, 810, 828), February 18, 1847 (9 Stats., p. 684), March 11, 1852 (10 Stats., p. 726), and February 7, 1857 (11 Stats., p. 496), the time within which the lands were to be sold by the original grant, was extended to 1862, excepting that portion located in Arkansas, which was limited to two years from the 5th day of April, 1842.

The lands located and patented under the grant amounted to 22,508.65 acres, of which 20,411.22 were situated in Florida, and 2,097.43 in Arkansas.

GRANT TO JEFFERSON COLLEGE, IN MISSISSIPPI.

The grant to Jefferson College, Mississippi, is concisely stated in the order of the Secretary of the Treasury dated October 5, 1812, as follows:

TREASURY DEPARTMENT.

Whereas by an act of Congress passed on the third day of March, one thousand eight hundred and three, entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee," thirty-six sections of land to be located in one body, by the Secretary of the Treasury, for the use of Jefferson College were excepted from the sales of public lands in the Mississippi Territory;

And whereas by another act of Congress passed on the twentieth day of February, one thousand eight hundred and twelve, entitled "An act authorizing the Secretary of the Treasury to locate the lands reserved for the use of Jefferson College in the Mississippi Territory," the Secretary of the Treasury is specially authorized and empowered to make the said location on any lands within the said Territory not sold or otherwise disposed of, and to which the Indian title has been extinguished.

Now therefore be it known that I, Albert Gallatin, Secretary of the Treasury, in pursuance of the authority vested in me as aforesaid, do hereby locate for the use of Jefferson College the sections numbered one, two, three, four, five, six, seven, e ight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-

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six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, and thirty-six, in township numbered ten in the second range west of the basis meridian, and the adjoining sections numbered thirty and thirty-one, in township numbered ten in the first range west of the basis meridian of the land district east of Pearl River, in the Mississippi Territory.

Given under my hand and seal of office this fifth day of October, in the year one thousand eight hundred and twelve.

[SEAL]

ALBERT GALLATIN,
Secretary of the Treasury.

SPECIAL GRANTS AND DONATIONS.

These special grants or donations, comprising almost all of any note, run through a period of more than fifty years. For a complete list thereof see Statutes at Large from 1789 to 1850. Considering the tens of thousand of schemes presented, asking for donations of lands, the past legislation would indicate a jealous care on the part of Congress of special legislation relating to donations from the public domain.

The enactment of general settlement laws and the organization of a pre-emption system prevented many more special grants from being made. The obtaining of grants in many instances depends upon the energy and ability of the persons interested in them.

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CHAPTER X.

TO JUNE 30, 1882.

[See pages 678-695.]

TO JUNE 30, 1883.

[See page 1247.]

THE PRE-EMPTION ACTS.

TO JUNE 30, 1880.

The first enactment relating to pre-emption was the act of March 3, 1801, giving a right of "pre-emption" to certain persons who had contracted with John Cleves Symmes, or his associates, for lands lying between the Miami rivers, in the Territory of the United States, northwest of the Ohio River. These persons were living upon the lands once within the Symmes tract, but were not included in the patent for the reduced area, which he finally obtained.

This pre-emption or preference right thus first established was a step toward abolishing the sale of unoffered land, and giving a settler the first right or preference as against a person desiring to purchase and hold for investment or speculation.

The essential conditions of a pre-emption are actual entry upon, residence in a dwelling, and improvement and cultivation of a tract of land. The several pre-emption acts give a preference to the settlers.

Pre-emption is a premium in favor of and condition for making permanent settlement and a home. It is a preference for actual tilling and residing upon a piece of land. The original act was followed through the period from 1801 to 1841—forty years—by sixteen acts; the most important being the act of 1830. Under the act of April 5, 1832, the Secretary of the Treasury, in 1834, ordered the subdivision of 80-acre tracts into 40-acre lots—quarter-quarter sections—and the minimum subdivision for sale or entry was a 40-acre parcel at $1.25 per acre.

EFFORTS TO CONFINE ITS BENEFITS TO CITIZENS.

During the consideration and prior to the passage of the pre-emption act of June 22, 1838, first session Twenty-fifth Congress, Mr. Merrick, of Maryland, in the Senate, moved as an amendment: "That the benefits of pre-emption be confined to citizens of the United States, excluding unnaturalized foreigners, or those who had declared their intentions to become citizens."

The vote upon Mr. Merrick's motion was—yeas: Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, Prentis, Preston, Rives, Robbins, Smith of Indiana, Southard, Spence, Tallmage, Tipton—15. Nays: Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Manton, Nicholas, Niles, Nowell, Pierce, Roane, Robinson, Sevier, Walker, Webster, White, Williams, Wright, Young of Illinois—28.

So the amendment was not adopted.

June 1, 1840, and the more complete act of September 4, 1841, gave a preference right only where the settlement was made subsequent to survey, which were amended and improved by acts of March 5, 1843, March 3, 1853, March 27, 1854. The two latter acts modified this rule as to settlement, so as to permit pre-emptions to extend to unsurveyed lands in California, Oregon, Minnesota, Kansas, Nebraska, and New Mexico. The act of May 30, 1862, and sundry bills for relief of settlers passed at different dates, extended the time of payment on account of drought, plague from grasshoppers, &c. The act of March 3, 1873, authorized joint entries, and the act of March 3, 1879, prescribed the manner of making "final proof."

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By the act of March 3, 1853, preference rights attached to alternate even-numbered sections along the lines of railroads where settled upon and improved prior to final allotment of the granted sections, and to lands once covered by French, Spanish, or other grants declared invalid by the Supreme Court of the United States.

By act of March 27, 1854, persons were secured in lands withheld for railroads where their settlements were made prior to the withdrawal from market.

The municipal town-site law of 1844, and the pre-emption provisions in the graduation act of 1854, gave way, the former to the town property and coal-land legislation of 1864 and 1865, the latter to the homestead statutes of 1862, 1864, 1866, the law of 30th May, 1862, intervening in regard to pre-emption and other important interests.

PRESENT LAW, JUNE 30, 1880.

The privilege of pre-emption now extends to settlement on unsurveyed as well as on surveyed lands, and a credit of from twelve to thirty-three months is given the pre-emptor by residence thereon.

By act of application at a district land office and the payment of a fee for the registration of his claim, a person gains the right to occupy thereunder a certain tract of land, offered or unoffered, now not more than 160 nor less than 40 acres (in the first act the quantity was 640 acres), for a limited period, with obligation at the end of that period to pay to the United States $1.25 per acre for the land in the tract claimed or entered, and receive a patent therefor.

Any person seeking the benefits of pre-emption under the laws now in force must be the head of family, a widow, or a single man over twenty-one years of age, a citizen of the United States, or must have filed a declaration of intention to become such, and that he is not the owner of 320 acres of land within the United States, and must be a person who has not quit or abandoned his or her own land in the same State or Territory to reside upon the public lands.

Actual settlement upon the tract claimed, for the exclusive use and benefit of the pre-emptor, and not for purposes of sale or speculation, must be shown, under the rules and regulations of the department, to the satisfaction of the register and receiver. Upon these simple requisites entry may be made to the extent of one quarter-section or other compact body, not exceeding 160 acres (unless the quarter-section subdivision exceeds this amount by a fractional number of acres) upon any of the public lands of the United States to which the Indian title has been extinguished, not reserved, nor included within the limits of any incorporated town or selected for town-site purposes, or actually settled and occupied for trade and business, or lands which contain any known salines or minerals, also in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, in which, by special act of Congress of June 2, 1866, the public lands were brought exclusively under the provisions of the homestead act, but by act July 4, 1876, they are subject to private entry, after first being offered, and are also subject to entry under the several settlement laws.

THE BENEFITS OF THE PRE-EMPTION SYSTEM.

The pre-emption system arose from the necessities of settlers, and through a series of more than 57 years of experience in attempts to sell or otherwise dispose of the public lands. The early idea of sales for revenue was abandoned, and a plan of disposition for homes was substituted. The pre-emption system was the result of law, experience, Executive orders, departmental rulings, and judicial construction. It has been many-phased, and was applied by special acts to special localities, with peculiar or additional features, but it has always and to this day contains the germ of actual settlement, under which thousands of homes have been made and lands made productive, yielding a profit in crops to the farmer and increasing the resources of the Nation. The necessity of protecting actual settlers on the public domain and giving a preference right to persons desiring to make homes thereon became more apparent in the years from 1830 to 1840. The receipts of the government from cash land sales, during that period, was $81,913,017.83; in the years 1835 and 1836 being, respectively,

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$15,999,804.14 and $25,167,833.06. The largest yearly receipts before or since, and representing about 32,800,000 of acres (approximating the area of the present State of Alabama, and more than the area of Ohio or Indiana), were as follows:

In 1837	$6,770,036 52
In 1838	3,081,939 47
In 1839	7,076,447 35
In 1840	3,242,285 58
In 1841	1,363,090 04

The number of entries thereunder, acreage, and locations cannot be given in detail, because the system of the General Land Office carries them into "cash entries." Entries under the pre-emption act as to acres therein and cash receipts therefor are embraced in the annual cash receipts from sales of lands.

The cash disposals of lands from the beginning of the land system to June 30, 1880, are estimated at 169,832,564.61 acres. This includes pre-emption, homestead commutation, and graduation act entries, together with perhaps 20,000,000 acres, originally entered under some special settlement or other law, and are accounted for under different titles as well as under this chapter.

FORM OF PATENT FOR CASH OR PRE-EMPTION ENTRY.

(4—407.)

Certificate No. —.

The United States of America, to all to whom these presents shall come, greeting:

Whereas ——— ——— ha deposited in the General Land Office of the United States a certificate of the register of the land office at ———, whereby it appears that full payment has been made by the said ——— ——— according to the provisions of the act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for ——— ———, according to the official plat of the survey of said lands, returned to the General Land Office by the Surveyor General, which said tract ha been purchased by the said —— ——,

Now know ye, that the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said ——— ——— and to —— heirs the said tract above described: to have and to hold the same together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereto belonging unto the said ——— ———, and to —— heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof, I, ——— ———, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the city of Washington, the —— day of ———, in the year of our Lord one thousand eight hundred and ——, and of the Independence of the United States the one hundred and ——.

By the President:

[SEAL.]

——— ———, *Recorder of the General Land Office.*

——— ———.

By ——— ———, *Secretary.*

Recorded, vol. —, page —.

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CHAPTER XI.

To June 30, 1882.

[See page 696.]

To June 30, 1883.

[See page 1247.]

SALINE LANDS.

To June 30, 1880.

RESERVATIONS AND GRANTS.

In the act of Congress of May 18, 1796, which provided for the sale of the public lands in a portion of the territory northwest of the river Ohio, was a proviso that salt springs were to be reserved for the use of the United States, together with a section of one mile square, which should include the spring. A whole township of land was to be reserved with one particular spring named in the act, situated on a creek emptying into the Scioto River. By the act of 1800 the surveyor-general had authority to lease these reserved lands. The acts for the admission of all the public-land States, up to Nevada, gave to them all the salines not exceeding twelve in number in the respective States, together with six sections of land with each spring for school purposes and public improvements.

NOT SUBJECT TO ENTRY UNDER PRE-EMPTION OR HOMESTEAD LAW.

In the pre-emption act of September 4, 1841, sec. 10, it was ordered that "no lands on which are situated any known salines, or mines, shall be liable to entry under and by virtue of the provisions of this act." The homestead act of May 20, 1862, reaffirmed the exceptions in the pre-emption act of 1841, and its amendments. Salines were disposed of by special acts of Congress—until after the admission of the State of Nebraska into the Union, March 1, 1867.

CHANGE IN SALINE LAWS.

The act of January 12, 1877 (see circular General Land Office April 10, 1877), provided a new mode of proceeding by which such lands are rendered subject to disposal as other public lands. Under its provisions a hearing is ordered and witnesses are examined as to the character of the land in question, and the testimony taken at the hearing is transmitted to the General Land Office for its decision. Should the tracts be adjudged agricultural, they will be subject to disposal as such. Should the tracts be adjudged saline in character, they would be offered at public sale to the highest bidder for cash, at a price of not less than $1.25 per acre. In case they are not sold, the same will be subject to private sale at a price of not less than $1.25 per acre, in the same manner as other public lands are sold. This law is not operative in the Territories nor in the States of Mississippi, Florida, Louisiana, California, and Nevada, because their former saline grants have not as yet been filled.

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AREA OF GRANTS TO THE SEVERAL STATES.

The following table shows the area and dates of grants, by Congress, of salines to the several States:

States.	Area.	Under what acts of Congress.
	Acres.	
Ohio	24, 216	May 18, 1796; April 30, 1802; March 26, 1804.
Indiana	23, 040	April 19, 1816.
Illinois	121, 029	April 18, 1818.
Missouri	46, 080	March 6, 1820.
Alabama	23, 040	December 14, 1819.
Michigan	46, 080	June 23, 1836.
Arkansas	46, 080	June 23, 1836.
Iowa	46, 080	March 3, 1845.
Minnesota	46, 080	February 26, 1857.
Oregon	46, 080	February 14, 1859.
Kansas	46, 080	January 29, 1861.
Nebraska	46, 080	April 19, 1864.
Total	559, 965	

NOTE.—With the exception of the States of Ohio, Indiana, and Alabama, each of which were granted 36 sections of land lying contiguous to the salt springs, 6 sections for each, for the use thereof; and of the State of Illinois which was granted all the springs in the State, and the same quantity of land for each, the remaining States in the above list were each granted 12 springs together with 6 sections of land for the use of each spring, lying contiguous thereto. They were patented by the United States to the several States, which disposed of them as they thought best.

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CHAPTER XII.

TO JUNE 30, 1882.

[See pages 696–709.]

TO JUNE 30, 1883.

[See pages 1248–1249.]

SWAMP AND OVERFLOWED LANDS.

TO JUNE 30, 1880.

LEGISLATION RELATING TO SWAMP LANDS.

The attention of the Congress of the United States was early called to the fact of vast areas of worthless public lands, lying as marshes, or subject to periodical overflow by adjacent water-courses.

Efforts to make these lands the subject of national legislation were first made in 1826 by a senator from Missouri, who then unsuccessfully endeavored to obtain a cession to Missouri and Illinois of the swamps within the limits of those States respectively.

Other efforts were made at intervals, but no definitive action was taken until the passage of the act of March 2, 1849, applicable exclusively to Louisiana, a large extent of the territory of which was annually overflowed. Along the Mississippi, the alluvial margin is from one to two miles wide; and to prevent the inundation of that river, an artificial embankment or levee system had been resorted to—extending, on the east side of the river, from forty miles below New Orleans to a distance up the river of one hundred and eighty miles, and on the west side generally to the Arkansas boundary.

To aid Louisiana "in constructing the necessary levees and drains to reclaim the swamps and overflowed lands therein," Congress, by the act of March 3, 1849, granted to that State "the whole of those swamps and overflowed lands which may be, or are, found unfit for cultivation."

The General Government, in the spirit of enlarged public policy, conceded this class of inundated lands to aid in the construction of permanent levees, with a view to secure private property, the theory being reclamation of the lands through the States, and also as a sanitary measure.

Then followed the law of September 28, 1850, extending the grant to enable the "State of Arkansas to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein," the fourth and last section of which enlarged the grant so as to embrace "each of the other States of the Union in which such swamp and overflowed lands, known and designated as aforesaid, may be situated." When this measure had its origin, and before it became general, the grant was estimated as taking some five millions of acres. This and subsequent enactments has taken from the public domain to June 30, 1880, by patent, 51,952,196.10 acres; and there are now in the General Land Office claims by States under these several acts (including patented lands) for 69,206,522.06 acres. Sec. 2480, R. S., gives the spirit and intent of the act act as far as disposition of the proceeds from the sale of said lands by the States: "The proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the reclaiming of said lands, by means of levees and drains."

The reasons assigned for this donation to the several States were:

1. The alleged worthless character of the premises in their natural condition, and the inexpediency of an attempt to reclaim them by direct national interposition.

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2. The great sanitary improvement to be derived from the reclamation of extensive districts notoriously malarial, and the probable occupancy and cultivation that would follow.

3. The enhancement in value, and readier sale, of adjoining Government property.

The measure as originally reported granted only such tracts as were designated on the plats of the Government surveys as swamp and unfit for cultivation. Subsequent amendments added to this the "overflowed lands," conveying to the States the swamp, or inundated, without reference to their description on the plats of survey.

At an early day (1851) in the administration of the act, a decision was rendered by the then Secretary of the Interior, that the law was a grant *in præsenti*. Whilst this class of lands was unsegregated, the laws for the public and private sales and location of the public lands were in active progress. The result was that multitudes of conflicts arose, growing out of entries and locations made by individuals of lands which *afterwards* were selected and claimed as swamp.

With a view to protect individual sales and locations in conflict with the swamp grant, which, under the said decision, took precedence, Congress deemed it proper to intervene by act, approved 3d March, 1855, conferring authority for the recognition and patenting of such sales, and at the same time stipulating indemnity in cash for sales which had been made by the United States of lands claimed as within the swamp grant of 1850, and in *other* land for tracts of that class taken by individual locations.

In extending, by the act of March 12, 1860, the swamp grant of 1850 to the States of Minnesota and Oregon, which had been admitted into the Union subsequent to the original grant, Congress have laid down two important and just principles, essential indeed to the successful and harmonious administration of the various laws under which the land system is in operation; and these are, first, that the grant shall not include any lands which the Government "may have reserved, sold, or disposed of (in pursuance of any law heretofore enacted) prior to the confirmation of title to be made under the authority of said act"; and provided a limitation for the time of selection.

By acts of March 4, 1849, September 28, 1850, March 2, 1855, March 3, 1857, Congress not only conceded swamp and overflowed lands "in place," but when lands of this class had been sold as arable, or located with bounty warrants, the statute authorized the Department in the one case to pay over in money to the State authorities the amount of such sales, and in the other to give to the State an equivalent in public lands.

This was a cash and land indemnity.

The total amount of indemnity adjusted and allowed since the passage of the indemnity acts to June 30, 1875, was $801,416.60 for cash entries of swamp lands, and 654,351.47 acres for swamp lands located with warrants or scrip. Special certificates were issued to States for acres to be taken on other public lands in lieu of tracts covered by bounty-land warrants or scrip. The various laws fixed the method of selection and patenting.

With the exception of California, Michigan, Minnesota, and Wisconsin, selections of swamp lands are made by agents of the State and proof of the swampy character of the land furnished.

In Michigan, Minnesota, and Wisconsin, selections are made by the surveyor general, or the General Land Office, from the field-notes of survey.

The tracts inuring to California are determined by three methods under the fourth section of the act of July 23, 1866 (14 Stats., p. 218).

The proof required by the General Land Office is set out in a series of circulars of instructions issued from that office, beginning in 1850. The annual reports since 1850 of the General Land Office contain the reports of the division (now K) in charge of such entries.

The swamp-land acts have been the subject of much complaint of fraud, actual fraud, and deceit. Their execution has been attended with great difficulty, and lists certified thereunder have required constant and most exact scrutiny. Millions of

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acres have been listed as swamp lands, which are now suspended for investigation. Special agents have been, and are now, employed to unearth frauds under this act against the Government. The Commissioners of the General Land Office for years have called the attention of Congress to the frauds and attempted frauds under these several acts by States and their agents.

The amounts realized by the different States and the prices paid to them by individuals and corporations for these lands (many as low as 10 cents per acre, and now the best agricultural land in some of these States), would be an interesting chapter. Such grants are always fertile fields for schemes. See legislative and political history of the several States for this.

The area thus far claimed, and in process of being claimed, by the several States under these various acts, about equals the whole surface of the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, Maine, New Jersey, Delaware, Maryland, and West Virginia.

A total of 69,206,522.06 acres of public lands have been claimed, to June 30, 1880, as swamp and overflowed lands, by States in which they lie, and patents have been issued for 51,952,196.10 acres.

FORM OF SWAMP LAND PATENT.

The following is the form used for swamp-land patents, except those for lands in Minnesota and Oregon, in which reference is made to the act of March 12, 1860:

No. —.

The United States of America, to all to whom these presents shall come, greeting:

Whereas, by the act of Congress approved September 28, 1850, entitled "An act to enable the State of Arkansas and other States to reclaim the 'swamp lands' within their limits," it is provided that all the "swamp and overflowed lands," made unfit thereby for cultivation, within the State of ——— which remained unsold at the passage of said act, shall be granted to said State:

And whereas, in pursuance of instructions from the General Land Office of the United States, the several tracts or parcels of land hereinafter described have been selected as "swamp and overflowed lands," inuring to the said State under the act aforesaid, situate in the district of lands subject to sale at ———, to wit: [Description of tracts, with the area in each township and the aggregate area embraced in the patent] according to the official plats of survey of said lands, returned to the General Land Office by the surveyor general, and for which the governor of the said State of ———, did, on the —— day of ———, one thousand eight hundred and ——, request a patent to be issued to the said State, as required in the aforesaid act:

Now, therefore, know ye, that the United States of America, in consideration of the premises, and in conformity with the act of Congress aforesaid, have given and granted, and by these presents do give and grant, unto the said State of ———, in fee-simple, subject to the disposal of the legislature thereof, the tracts of land above described; to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances thereto belonging, unto the said State of ———, in fee-simple, and to its assigns forever.

In testimony whereof I, ——— ———, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the city of Washington, the —— day of ———, in the year of our Lord one thousand eight hundred and ——, and of the Independence of the United States the one hundred and ——.

By the President:
[SEAL.]
———,
Recorder of the General Land Office.

———,
By ——— ———, *Secretary.*

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OPERATIONS UNDER THE SWAMP LAND ACTS TO JUNE 30, 1880.

States.	Number of acres claimed under the several acts granting swamp lands, reported to the General Land Office prior to June 30, 1880.	Number of acres approved to Louisiana under the grant of 1849 prior to June 30, 1880.	Number of acres patented under the grant of 1850 prior to June 30, 1880.	Number of acres patented pursuant to the indemnity provisions of the acts of 1855 and 1857 prior to June 30, 1880.
Alabama	479, 514. 44		395, 315. 09	
Arkansas	8, 652, 472. 93		7, 130, 114. 90	
California	1, 736, 432. 87		1, 413, 553. 71	
Florida	15, 656, 859. 23		14, 500, 851. 86	
Illinois	3, 267, 470. 65		1, 451, 974. 78	2, 309. 07
Indiana	1, 354, 732. 50		1, 252, 708. 21	4, 880. 20
Iowa	3, 449, 720. 18		852, 527. 51	321, 468. 23
Louisiana (act of 1849)	10, 817, 830. 88	8, 291, 311. 91		
Louisiana (act of 1850)	543, 339. 13		217, 973. 91	
Michigan	7, 373, 804. 72		5, 640, 313. 21	18, 903. 93
Minnesota	3, 755, 073. 33		1, 359, 886. 32	
Mississippi	3, 070, 645. 29		2, 681, 383. 16	
Missouri	4, 719, 256. 00		3, 278, 108. 01	37, 062. 23
Ohio	54, 458. 14		25, 640. 71	
Oregon	174, 205. 92		4, 449. 54	
Wisconsin	4, 200, 705. 85		3, 036, 548. 86	34, 910. 75
Total	69, 206, 522. 06	8, 291, 311. 91	43, 241, 349. 78	419, 534. 41

Total acres patented to June 30, 1880, under all acts, as above, 51,952,196.10.

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CHAPTER XIII.

To June 30, 1882.

[See pages 710, 711.]

To June 30, 1883.

[See pages 1249, 1250.]

EDUCATIONAL LAND GRANTS BY THE UNITED STATES TO PUBLIC-LAND AND OTHER STATES.

To June 30, 1880.

GRANTS AND RESERVATIONS.

The lands granted in the States and reserved in the Territories for educational purposes by acts of Congress from 1785 to June 30, 1880, were—

For public or common schools,

Every sixteenth section of public land in the States admitted prior to 1848, and every sixteenth and thirty-sixth section of such land in States and Territories since organized—estimated at 67,893,919 acres.

For seminaries or universities,

The quantity of two townships, or 46,080 acres, in each State or Territory containing public land, and, in some instances, a greater quantity, for the support of seminaries or schools of a higher grade—estimated at 1,165,520 acres.

For agricultural and mechanical colleges.

The grant to all the States for agricultural and mechanical colleges, by act of July 2, 1862, and its supplements, of 30,000 acres, for each Representative and Senator in Congress to which the State was entitled, of land "in place" where the State contained a sufficient quantity of public land subject to sale at ordinary private entry at the rate of $1.25 per acre, and of scrip representing an equal number of acres where the State did not contain such description of land, the scrip to be sold by the State and located by its assignees on any such land in other States and Territories, subject to certain restrictions. Land in place, 1,770,000 acres; land scrip, 7,830,000 acres; total, 9,600,000 acres.

In all, 78,659,439 acres for educational purposes under the heads above set out to June 30, 1880.

The lands thus ceded to the several States were disposed of or are held for disposition, and the proceeds used as permanent endowments for common school funds. (See Reports of the Commissioner of Education, Hon. John Eaton, to June 30, 1880; land and auditors' reports of the several land States; Kiddle & Schem's Dictionary of Education; and also ninth census, F. A. Walker, Superintendent, for details of endowments of the several States for common schools resulting from sales of United States land grants for education.) As an illustration, the State of Ohio has a permanent endowment for education called the "Irreducible State Debt," the result of sale of all granted lands for education, of $4,289,718.52.

EARLY EDUCATIONAL INTEREST.

The importance attached to education by the founders of the Republic is shown by the provisions they made for its permanent endowment. Indeed, in the earliest set-

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tlements on this continent of the Anglo-Americans, measures were adopted in the cause of education, not only as essential to morals, social order, and individual happiness, but as necessary to new and liberal institutions. Every immigrant ship had its school-master on board, each settlement erected its school-house, and the cultivation of the mind advanced with the culture of the soil from the landing of the Mayflower through our colonial history.

Prior to the revolution, in the different colonies the subject of popular education had attracted attention, and provision had been made for its practical realization. The theory of *general* education found no basis in the aristocratic social constitution of the mother country, while in the colonies themselves were to be found influences decidedly hostile to it. The injustice and persecution, however, which had caused the immigration to this country, especially to the northern colonies, wonderfully neutralized the religious and political prejudices of our forefathers, and prepared them to accept doctrines of very opposite tendency. The comparative feebleness of aristocratic *prestige* in the forests of the New World permitted the development of the sentiment of independent manhood. The establishment of democracy was followed by the natural development of its principles, especially in the direction of popular education.

After the erection of the States into an independent republic, and before the adoption of the Constitution, the Continental Congress, by the ordinance of 20th May, 1785, respecting the disposition of lands in the Western Territory, prepared the way for the advance of settlements and education as contemporaneous interests.

THE FIRST RESERVATION FOR SCHOOL PURPOSES—THE SIXTEENTH SECTION.

Mr. Jefferson, Mr. Dane, Mr. Madison, and other statesmen of that day assumed, without question, that a government, as the organ of society, enjoys the right, and is vested with the power, to meet the necessity of public education. So the question of the endowment of educational institutions by the Government in aid of the cause of education seems to have met no serious opposition in the Congress of the Confederation, and no member raised his voice against this vital and essential provision relating to it in the ordinance of May 20, 1785, "for ascertaining the mode of disposing of lands in the Western Territory." This provided: "There shall be reserved the lot No. 16 of every township for the maintenance of public schools within said township."

This was an endowment of 640 acres of land (one section of land, one mile square) in a township 6 miles square, for the support and maintenance of public schools "within said township." The manner of establishment of public schools thereunder, or by whom, was not mentioned. It was a reservation by the United States, and advanced and established a principle which finally dedicated one thirty-sixth part of all public lands of the United States, with certain exceptions as to mineral, &c., to the cause of education by public schools.

July 23, 1787, in the report from a committee consisting of Messrs. Carrington, King, Dane, Madison, and Benson, reporting an ordinance of "Powers to the Board of Treasury" to contract for the sale of western territory in the Continental Congress, it was ordered "That the lot No. 16 in each township, or fractional part of a township, to be given perpetually for the purpose contained in said ordinance" (the ordinance of May 20, 1785, above referred to). This additional legislation made the reservation of the sixteenth section perpetual.

In the Continental Congress, July 13, 1787, according to order, the ordinance for the government of the "Territory of the United States northwest of the river Ohio" came on, was read a third time, and passed. It contained the following:

ART. 3. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

The provision of the ordinance of May 20, 1785, relating to the reservation of the sixteenth section in every township of public land, was the inception of the present rule of reservation of certain sections of land for school purposes.

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The endowment was the subject of much legislation in the years following. The question was raised that there was no reason why the United States should not organize, control, and manage these public schools so endowed. The reservations of lands were made by surveyors and duly returned.

This policy at once met with enthusiastic approval from the public, and was tacitly incorporated into the American system as one of its fundamental organic ideas. Whether the public schools thus endowed by the United States were to be under national or State control remained a question, and the lands were held in reservation merely until after the admission of the State of Ohio in 1802.

The movement in the cause of education was not confined to the legislative department, for at an early period the public mind was aroused to the importance of the subject by elaborate papers emanating from eminent men, among whom stands conspicuous Dr. Benjamin Rush, one of the signers of the Declaration of Independence, who in 1786 memorialized the legislature of Pennsylvania in favor of a thorough system of popular instruction, maintaining that it was favorable to liberty, as freedom could only exist in the society of knowledge; that it favors just ideas of law and government; that learning in all countries promotes civilization and the pleasure of society; that it fosters agriculture, the basis of national wealth; that manufactures of all kinds owe their perfection chiefly to learning; that its beneficial influence is thus made coextensive with the entire scope of man's being, mortal and immortal, individual and social. At a later period, 1790, the same great man addressed a Congressional representative from Pennsylvania, declaring that "the attempts to perpetuate our existence as a free people by establishing the means of national credit and defense" are "feeble bulwarks against slavery compared with the habits of labor and virtue disseminated among our people"; adding, "Let us establish schools for that purpose in every township in the United States, and conform them to reason, humanity, and the state of society in America," and then will "the generations which are to follow us realize the precious ideas of the dignity and excellence of republican forms of government."

RESERVATION OF THE THIRTY-SIXTH SECTION IN ADDITION TO THE SIXTEENTH.

The reservation of a section, or one mile square, of 640 acres, in each township, for the support of public schools, was specially provided for in the organization of each new State and Territory up to the time of the organization of Oregon Territory.

April 30, 1802, Congress, in the act authorizing the formation of a State government in the eastern portion of the Northwestern Territory (Ohio), enacted the following three propositions, which were offered for the acceptance or rejection of the convention to form the constitution of Ohio. (Up to this time no transfers by the United States of title or control of the sixteenth section of reserved school lands had taken place.)

By section 7:

First. That the section number sixteen in every township, and where such section has been sold, granted, or disposed of, other lands equivalent thereto and most contiguous to the same, shall be granted to the inhabitants of such townships for the use of schools.

The second was a saline reservation, and the third related to a moiety of the net proceeds of the sales of public lands, for the laying out of roads, &c.

The three conditions above set out were in consideration of the non-taxation of the public domain, for a period after sale, about which there was serious discussion as to who should tax, or whether it should be taxed at all, prior to or after purchase. The non-taxation compensation was that no tax on the land sold by the United States should be laid by the authority of the State, county, or townships therein for the term of five years after the date of sale. The object of this stipulation was to prevent any person from obtaining a tax title under the authority of the State before the United States had received the full amount of the purchase money. Lands were then sold on credit by the United States of one, two, three, four, and five years, at two dollars per acre.

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The people of Ohio complied with the above stipulations, November 29, 1802, and were admitted into the Union.

The act of Congress of March 3, 1803, in addition to the above act of April 30, 1802, provided—

That the following several tracts of land in the State of Ohio be, and the same are hereby, appropriated for the use of schools in that State, and shall, together with all the tracts of land heretofore appropriated for that purpose, be vested in the legislature of that State, in trust for the use aforesaid, and for no other use, intent, or purpose whatever.

Thus Congress transferred the reserved school lands, section 16 in each township, and provided an indemnity for such sections as had already been sold or taken prior to survey to the State of Ohio, in trust for the United States, and the people of the State, for schools. Prior to this, laws were silent as to how the proceeds of these reserved lands were to be applied or by whom.

Congress thus made the State its trustee. Compacts between the United States on the admission of the States of Indiana, Illinois, and Louisiana, and all the States admitted into the Union prior to 1820, also contained the provisions above set out.

THE SIXTEENTH SECTION.

To each organized Territory, after 1803, was and now is reserved the sixteenth section (until after the Oregon Territory act reserved the thirty-sixth as well) for school purposes, which reservation is carried into grant and confirmation by the terms of the act of admission of the Territory or State into the Union; the State then becoming a trustee for school purposes.

These grants of land were made from the public domain, and to States only which were known as public-land States. Twelve States, from March 3, 1803, known as public-land States, received the allowance of the sixteenth section to August 14, 1848. (See table, page 228.)

OTHER SCHOOL GRANTS.

Congress, June 13, 1812, and May 26, 1824, by the acts ordering the survey of certain towns and villages in Missouri, reserved for the support of schools in the towns and villages named, provided that the whole amount reserved should not exceed one-twentieth part of the whole lands included in the general survey of such town or village. These lots were reserved and sold for the benefit of the schools. Saint Louis received a large fund from this source. These acts benefited the towns and villages of Saint Louis, Portage des Sioux, Saint Charles, Saint Ferdinand, Villa à Robert, Carondelet, Saint Genevieve, New Madrid, New Bourbon, Little Prairie in the Territory (now State) of Missouri, and Arkansas in the Territory of Arkansas. The act of May 26, 1824, extended the benefits of both acts to the village of Mine à Burton.

THE THIRTY-SIXTH SECTION.

In the act for the organization of the Territory of Oregon, August 14, 1848, Senator Stephen A. Douglas inserted an additional grant for school purposes of the thirty-sixth section in each township, with indemnity for all public-land States thereafter to be admitted, making the reservation for school purposes the sixteenth and thirty-sixth sections, or 1,280 acres in each township of six miles square reserved in public-land States and Territories, and confirmed by grant in terms in the act of admission of such State or Territory into the Union.

From March 13, 1853, to June 30, 1880, seven States have been admitted into the Union having a grant of the sixteenth and thirty-sixth sections, and the same area has been reserved in eight Territories. (See table, page 228.)

UNIVERSITIES.

July 23, 1787, Congress, in the "Powers to the Board of Treasury to contract for the sale of Western Territory," ordered—

That not more than two complete townships be given perpetually for the purpose of an university, to be laid off by the purchaser or purchasers as near the centre as

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may be, so that the same shall be of good land, to be applied to the intended object by the legislature of the State.

This related to lands now in the State of Ohio, in the Symmes and Ohio Company purchases. This inaugurated the present method of taking from the public lands, for the support of seminaries or schools of a higher grade, the quantity of two townships at least, and in some instances more, to each of the States containing public lands, and special grants have also been made to private enterprises.

In the legislation relating to the admission of the public-land States into the Union, from the admission of Ohio in 1802 to the admission of Colorado in 1876, grants of two townships of public lands, viz, 46,080 acres each, for university purposes are enumerated. Ohio, Florida, Wisconsin, and Minnesota are the exceptions, each having more than two townships in area. Nineteen States have had the benefit of this provision, and the two townships are reserved in the Territories of Washington, New Mexico, and Utah. These will be granted and confirmed to them upon their admission into the Union. These reservations in each case require a special act. All school, university or agricultural college lands granted are sold by the legislatures of the several States or leased, and the proceeds of sale or lease applied to education. A table annexed gives the States and Territories and areas, with dates of laws making reservations or grants of university lands.

MANNER OF SELECTING SCHOOL LANDS.

As soon as, in running the lines of the public surveys, the school sections "in place" 16 and 36 are fixed and determined, the appropriation thereof for the educational object is, under the law, complete and lists are made out and patents issued to the States therefor.

When sections 16 and 36 are found to be covered with prior adverse rights, such as legal occupancy and settlement by individuals under settlement laws, prior to survey of the lands, or deficient in area, because of fractional character of the townships, or from other causes, selections for indemnity are made.

INDEMNITY SELECTIONS.

Selections from other public lands as indemnity for deficiencies in sections 16 and 36 and fractional townships under acts of May 20, 1826, and February 26, 1859, are made by agents appointed by the respective States, which selections are filed in the local offices of the district in which the land is situated, and if found to be correct are certified to the General Land Office by the register of the local office where filed. If, upon examination by the Commissioner, the same are found to inure to the State, a list is made out and certified to the Secretary of the Interior for his approval. When approved, a certified copy of the same is transmitted to the governor of the State in which the selections are made, and a copy thereof transmitted to the local office from which the selections are received, to be placed on file, and the approvals to be noted on its records.

By the approval of the Secretary, the fee is passed to the State. (See sec. 2449 Revised Statutes.)

The same course is pursued in making selections under the grants for internal improvements and agricultural colleges.

ACREAGE OF SIXTEENTH AND THIRTY-SIXTH SECTIONS.

The following statement shows the number of acres (estimated) to be embraced in the grant of sections 16 in some of the States, and sections 16 and 36 in others, for school purposes; also the number of acres estimated to be embraced in sections 16 and 36 reserved for the same purposes in the organized Territories by acts of Congress, the dates of which are given in the proper column.

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Statement of the grants to States and reservations to Territories for school purposes.

States and Territories.	Total area.	Dates of grants.
SECTION 16.	*Acres.*	
Ohio	704,488	March 3, 1803.
Indiana	650,317	April 19, 1816.
Illinois	985,066	April 18, 1818.
Missouri	1,199,130	March 6, 1820.
Alabama	902,774	March 2, 1819.
Mississippi	837,584	March 3, 1803; May 19, 1852; March 3, 1857.
Louisiana	786,044	April 21, 1806; February 15, 1843.
Michigan	1,067,397	June 23, 1836.
Arkansas	886,460	Do.
Florida	908,503	March 3, 1845.
Iowa	905,144	Do.
Wisconsin	958,649	August 6, 1846.
SECTIONS 16 AND 36.		
California	6,719,324	Act March 3, 1853.
Minnesota	2,969,990	February 26, 1857.
Oregon	3,329,706	February 14, 1859.
Kansas	2,801,306	January 29, 1861.
Nevada	3,985,428	March 21, 1864.
Nebraska	2,702,044	April 19, 1864.
Colorado	3,715,555	March 3, 1875.
Washington Territory	2,488,675	March 2, 1853.
New Mexico Territory	4,309,368	September 9, 1850; July 22, 1854.
Utah Territory	3,003,613	September 9, 1850.
Dakota Territory	5,366,451	March 2, 1861.
Montana Territory	5,112,035	February 28, 1861.
Arizona Territory	4,050,347	May 26, 1864.
Idaho Territory	3,068,231	March 3, 1863.
Wyoming Territory	3,480,281	July 25, 1868.
Total	67,893,919	

No grants to Indian and Alaska Territories.
Lands in sixteenth and thirty-sixth sections in Territories not granted, but reserved.
Lands in place and indemnity for deficiencies in sections and townships, under acts of May 20, 1826, and February 26, 1859, included in above statement.

UNIVERSITY GRANTS.

[See page 1249.]

The following statement shows the number of acres granted to the States and reserved in the Territories of Washington, New Mexico, and Utah, for university purposes, by acts of Congress, the dates of which are given in proper column:

Grants and reservations for universities.

States and Territories.	Total area.	Under what acts.
	Acres.	
Ohio	69,120	April 21, 1792; March 3, 1803.
Indiana	46,080	April 19, 1816; March 26, 1804.
Illinois	46,080	March 26, 1804; April 18, 1818.
Missouri	46,080	February 17, 1818; March 6, 1820.
Alabama	46,080	April 20, 1818; March 2, 1819.
Mississippi	46,080	March 3, 1803; February 20, 1819.
Louisiana	46,080	April 21, 1806; March 3, 1811; March 3, 1827.
Michigan	46,080	June 23, 1836.
Arkansas	46,080	Do.
Florida	92,160	March 3, 1845.
Iowa	46,080	Do.
Wisconsin	92,160	August 6, 1846; December 15, 1854.
California	46,080	March 3, 1853.
Minnesota	82,640	March 2, 1861; February 26, 1857; July 8, 1870.
Oregon	46,080	February 14, 1859; March 2, 1861.
Kansas	46,080	January 29, 1861.
Nevada	46,080	July 4, 1866.
Nebraska	46,080	April 19, 1864.
Colorado	46,080	March 3, 1875.
Washington Territory	46,080	July 17, 1854; March 14, 1864.
New Mexico Territory	46,080	July 22, 1854.
Utah Territory	46,080	February 21, 1855.
Total	1,165,520	

Lands in the Territories not granted, but *reserved*.

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AGRICULTURAL AND MECHANICAL COLLEGE GRANTS.

July 2, 1862, Congress enlarged the national educational endowment system by the donation to each State of thirty thousand acres of public land not otherwise reserved (no mineral lands could be selected, and selections must be of quarter-sections), for each Senator and Representative (to which such State was entitled under the apportionment of 1860), for the support of colleges for the cultivation of agricultural and mechanical science and art. It was championed in the Senate by Hon. Justin S. Morrill, of Vermont.

The law contained a provision for location in place, and an issue of scrip in lieu of place locations. The Commissioner of the General Land Office, in 1875, in the case of the new State of Colorado, ruled that the grant attaches to a new State without further legislation.

"In place" means that the States having public lands in their limits were to take such lands in satisfaction of their allowance under this law.

"In scrip" means an issue of redeemable land scrip, assignable, which might be located according to law and stipulations in the act, to States which had no public lands within their limits from which their allowance could be satisfied.

Special certificates with printed forms of selections were furnished States making selections from public lands within their limits. The scrip was issued by the Commissioner of the General Land Office. (See Regulations of General Land Office, May 4, 1863, June 17, 1864, September 16, 1874, and July 20, 1875, and subsequently, to registers and receivers.)

This scrip can be located upon land subject to sale at ordinary private entry at $1.25 per acre, or used in the payment of pre-emption claims, and the commutation of homestead entries. Circular from the General Land Office of date July 20, 1875, gives full details as to methods of location and entry.

The lands entered in "place" were sold by the several States, and the proceeds thereof used to endow agricultural colleges. The "scrip" was sold by the several States (in most cases) and the proceeds from the same used for the same purpose.

The following statement shows the number of acres granted for agricultural and mechanical colleges by acts of Congress, the dates of which are given, to such of the States as had sufficient public land within their limits subject to sale at ordinary private entry at $1.25 per acre, inclusive of the scrip provided to be issued to the to the other States of the Union by the act of Congress of July 2, 1862, and supplemental acts:

States having land subject to selection, "in place," under act of July 2, 1862, and acts amendatory thereof.

	Acres.
Wisconsin	240,000
Iowa	240,000
Oregon	90,000
Kansas	90,000
Minnesota	120,000
Michigan	240,000
California	150,000
Nevada (also under act of July 4, 1866)	90,000
Missouri	330,000
Nebraska (also under act of July 23, 1866)	90,000
Colorado	90,000
Total	1,770,000

States to which scrip was issued, and amount.

	Acres.
Rhode Island	120,000
Illinois	480,000
Kentucky	330,000
Vermont	150,000
New York	990,000
Pennsylvania	780,000

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	Acres.	Acres.
New Jersey	210,000	
New Hampshire	150,000	
Connecticut	180,000	
Massachusetts	360,000	
Maine	210,000	
Maryland	210,000	
Virginia	300,000	
Tennessee	300,000	
Delaware	90,000	
Ohio	630,000	
West Virginia	150,000	
Indiana	390,000	
North Carolina	270,000	
Louisiana	210,000	
Alabama	240,000	
Arkansas	150,000	
South Carolina	180,000	
Texas	180,000	
Georgia	270,000	
Mississippi	210,000	
Florida	90,000	
Total		7,830,000
Total in place and scrip		9,600,000

AGRICULTURAL COLLEGES.

The following statement shows the names and locations of agricultural colleges, with the number of acres of scrip or land in place given to the several States, and the amounts realized therefrom:

Agricultural colleges located by the several States under the act of July 2, 1862.

Name and location.	Amount derived from sale of United States land or scrip.	Number of acres received from the United States in land in place, or scrip in lieu, by the several States.
Agricultural and Mechanical College of Alabama, Auburn, Ala	$216,000	240,000, scrip.
Arkansas Industrial University, Fayetteville, Ark	135,000	150,000, scrip.
University of California, Berkeley, Cal	750,000	150,000, place.
Agricultural College of Colorado, Fort Collins, Colo*		90,000, place.
Sheffield Scientific School of Yale College, New Haven, Conn	135,000	180,000, scrip.
Delaware College, Newark, Del	83,000	90,000, scrip.
State Agricultural College, Eau Gallie, Fla. (location questionable; college not yet organized)	110,806	90,000, scrip.
Georgia State College of Agriculture and the Mechanic Arts, Athens, Ga. (departments of University of Georgia)	243,000	
North Georgia Agricultural College, Dahlonega, Ga†		270,000, scrip.
Illinois Industrial University, Urbana, Ill	319,494	480,000, scrip.
Purdue University, La Fayette, Ind	212,238	390,000, scrip.
Iowa State Agricultural College, Ames, Iowa	500,000	240,000, place.
Kansas State Agricultural College, Manhattan, Kans	290,000	90,000, place.
Agricultural and Mechanical College of Kentucky, Lexington, Ky	165,000	330,000, scrip.
Louisiana State Agricultural and Mechanical College, Baton Rouge, La‡		210,000, scrip.
Maine State College of Agriculture and the Mechanic Arts, Orono, Me	116,359	210,000, scrip.
Maryland Agricultural College, College Station, Md	112,500	210,000, scrip.
Massachusetts Agricultural College, Amherst, Mass	157,538	360,000, scrip.
Massachusetts Institute of Technology, Boston, Mass	78,769	
Michigan State Agricultural College, Lansing, Mich	275,104	240,000, place.
University of Minnesota, Minneapolis, Minn	§178,090	120,000, place.
Agricultural and Mechanical Department of Alcorn University, Rodney, Miss	113,400	210,000, scrip.
Agricultural and Mechanical College of the State of Mississippi, Starkville, Miss	115,000	
University of the State of Missouri:		
Agricultural and Mechanical College, Columbia, Mo	5,000	330,000, place
School of Mines and Metallurgy, Rolla, Mo		

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Agricultural colleges located by the several States, &c.—Continued.

Name and location.	Amount derived from sale of United States land or scrip.	Number of acres received from the United States in land in place, or scrip in lieu, by the several States.
University of Nebraska, Lincoln, Nebr	.....	90,000, place.
University of Nevada, Elko, Nev	$90,000	90,000, place.
New Hampshire College of Agricultural and the Mechanic Arts, Hanover, N. H	80,000	150,000, scrip.
Rutgers Scientific School of Rutgers College, New Brunswick, N. J	116,000	210,000, scrip.
Cornell University, Ithaca, N. Y	602,792	990,000, scrip.
University of North Carolina, Chapel Hill, N. C	125,000	270,000, scrip.
Ohio State University, Columbus, Ohio	507,913	630,000, scrip.
State Agricultural College, Corvallis, Oreg	.....	90,000, place.
Pennsylvania State College, State College, Pa	439,186	780,000, scrip.
Brown University, Providence, R. I	50,000	120,000, scrip.
South Carolina Agricultural College and Mechanics' Institute, Orangeburg, S. C	.....	180,000, scrip.
Tennessee Agricultural College, Knoxville, Tenn	271,875	300,000, scrip.
Agricultural and Mechanical College of Texas, College Station, Tex	209,000	180,000, scrip.
University of Vermont and State Agricultural College, Burlington, Vt	122,626	150,000, scrip.
Virginia Agricultural and Mechanical College, Blacksburg, Va	190,000	300,000, scrip.
Hampton Normal and Agricultural Institute, Hampton, Va	95,000	
West Virginia University, Morgantown, W. Va	90,000	150,000, scrip.
University of Wisconsin, Madison, Wis	244,805	240,000, place.

Total of 9,600,000 acres: In place, 1,770,000 acres; scrip, 7,830,000 acres.

* Prospective endowment is the Congressional grant to agricultural colleges, amounting in Colorado to 90,000 acres; not yet in the market.

† Receives annually from the University of Georgia $3,500, part interest of the land scrip fund.

‡ $327,000 of State bonds scaled to $196,200 of new State bonds.

§ Estimated.

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CHAPTER XIV.

To JUNE 30, 1882.

[See pages 711–721.]

To JUNE 30, 1883.

[See pages 1250, 1251.]

LAND BOUNTIES FOR MILITARY AND NAVAL SERVICES.

To JUNE 30, 1880.

From the earliest era of our history the policy of rewarding the defenders of the country has been marked by great liberality, and land bounties were promised at a period prior to the Nation's possessing public domain. These grants under general laws to June 30, 1880, amount to 61,028,430 acres.

CONGRESSIONAL ACTION.

The Colonial Congress, by a resolution passed September 16, 1776, made grants to the officers and soldiers who should engage in the service, and continue therein to the close of the war, or until discharged by Congress, or to the representatives of such officers and soldiers as should be slain by the enemy. Such lands to be provided by the United States—and the expense in procuring them to be borne by the States, as other expenses of the war: For a colonel, 500 acres; for a lieutenant-colonel, 450 acres; for a major, 400 acres; for a captain, 300 acres; for a lieutenant, 200 acres; for an ensign, 150 acres; to each non-commissioned officer and soldier, 100 acres.

September 20, 1776, the Colonial Congress amended the above resolve by providing that Congress should not grant lands to any person or persons claiming under the assignment of an officer or soldier.

August 12, 1780, the Continental Congress resolved that the land resolution of September 16, 1776, be extended so as to give a major-general 1,100 acres and a brigadier-general 850 acres.

April 23, 1783—

Resolved, That when Congress can consistently make grants of land they will reward in this way the officers, men, and other refugees from Canada.

The above was the origin in the United States of bounties of lands for military or naval service.

In early legislation certain tracts of country with defined limits were set apart for the satisfaction of the warrants, to which in locating they were restricted. The reservations were known as "military districts."

MILITARY RESERVATIONS AND LAND DISTRICTS.

LAND BOUNTIES FOR SOLDIERS SERVING IN THE CONTINENTAL LINE UNDER AUTHORITY OF CONGRESS.

For services in the "Continental Line," during the war of the Revolution, as stipulated in the resolution of Congress of September 16, 1776, bounty lands might be located in the—

UNITED STATES MILITARY DISTRICT IN OHIO.

June 1, 1796, Congress set apart a tract of land for bounties in the "Northwestern Territory," now in the State of Ohio, for the officers and soldiers serving upon their establishment in the Revolutionary war, known as the "United States Military District," Ohio, of about 4,000 square miles, or 2,560,000 acres, embracing within its

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limits, in whole or in part, the counties of Tuscarawas, Guernsey, Muskingum, Monroe, Coshocton, Holmes, Knox, Licking, Franklin, Delaware, Noble, and Lake.

The land warrants granted by the United States, under the act above mentioned, were restricted to and located exclusively in this military district, until after the passage of the scrip act of May 30, 1830, by which the revolutionary warrants, issued either by the General Government or by the Commonwealth of Virginia, could be exchanged for scrip, and the same located either in Ohio, Indiana, or Illinois.

The United States military warrants could also be located in the said district up to July 3, 1832, when it was provided by an act of Congress that all the vacant lands therein should be made subject to private sale, and the same were disposed of accordingly, and went into private hands.

Since that time these United States warrants could either be converted into scrip, under the said act of May 30, 1830, or the same could be located upon any of the public lands subject to sale at private entry, as the parties in interest might prefer. The right to locate, under act 22d June, 1860, however, expired by limitation of law June 22, 1863.

The warrants issued under the act of June 1, 1796, amounted, June 30, 1880, to 2,095,220 acres.

VIRGINIA MILITARY DISTRICT IN OHIO.

The district known as the "Virginia Military District," lying in the "Northwestern Territory" now in Ohio, between the Little Miami and Scioto Rivers, north of the Ohio River, and estimated to contain 6,570 square miles or 4,204,800 acres, was reserved in the cession by Virginia, in 1784, of her territory northwest of the river Ohio, for the purpose of satisfying the warrants issued, or to be issued, to the officers and soldiers of the Continental line, army and navy, under the laws of Virginia, for military services during the war of the Revolution, as they were promised by the legislature of the State.

The United States assumed this military land obligation of Virginia, and issued warrants in favor of individual owners.

The Virginia military district was ordered to be set aside in the ordinance of May 20, 1785, which provided for "ascertaining the mode of disposing of lands in the Western Territory," as follows:

> Saving and reserving always, to all officers and soldiers entitled to lands on the northwest side of the Ohio, by donation or bounty from the commonwealth of Virginia, and to all persons claiming under them, all rights to which they are so entitled under the deed of cession executed by the delegates for the State of Virginia, on the first day of March, 1789, and the act of Congress accepting the same, and to the end that the rights may be fully and effectually secured, according to the true intent and meaning of the said deed of cession, and act aforesaid, be it ordained, that no part of the land included between the rivers called Little Miami and Scioto, on the northwest side of the river Ohio, be sold, or in any manner alienated, until there shall first have been laid off and appropriated for the said officers and soldiers, and persons claiming under them, the lands they are entitled to, agreeably to the said deed of cession and act of Congress accepting the same.

The State of Virginia, December 9, 1852, in consideration of the passage of the "scrip" act by Congress of August 31, 1852, granted to the United States all the land in the Virginia military district not previously located by warrants. Up to June 30, 1861, the locations by warrants therein were 3,770,000 acres, leaving a small amount of unlocated land. The "scrip" issued by the act of August 31, 1852, and amended June 22, 1860, was for the commutation of all warrants fairly and justly issued or allowed by the authorities of the State of Virginia for Revolutionary services prior to March 12, 1852; the scrip thus issued in lieu of warrants to be locatable upon any of the public lands of the United States subject to sale at private entry.

It was evident that the Virginia military district did not contain sufficient land to satisfy all bounty claims. Up to June 30, 1880, there has been issued scrip for 1,041,976 acres. The unsurveyed and unappropriated lands in this district were ceded to the State of Ohio, February 18, 1871. They amounted to 76,735.44 acres, and were

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appraised at $74,287.45. They were ceded by the State March 26, 1872, to the "Ohio Agricultural and Mechanical College."

LAND BOUNTIES, WAR OF 1812 WITH GREAT BRITAIN.

Congress, December 24, 1811, January 11, 1812, and February 6, 1812, promised land bounties for services in the Army of the United States. These acts were to increase the existing military establishment. The first promised a bounty in lands, for five years' service, of 160 acres to each non-commissioned officer or soldier, to go to his heirs and representatives if he was killed in action or died in the service. In the second act, for raising certain regiments of infantry, artillery, and dragoons, the same bounty in lands was provided. These were for the permanent army. The act of February 6, 1812, gave authority to the President to call out 50,000 volunteers for twelve months. By this act the heirs of any non-commissioned officer or soldier who might be killed or die in the service were to receive 160 acres of land.

By the provisions of the act of May 6, 1812, land, not exceeding 6,000,000 of acres, was directed to be surveyed, reserved, and set apart for the purpose of satisfying the land bounties promised by the acts above set out; 2,000,000 acres to be surveyed in the then Territory of Michigan, 2,000,000 in the Illinois Territory, and 2,000,000 in the Territory of Louisiana, between the river St. Francis and the river Arkansas.

By the subsequent act of Congress approved April 29, 1816, it was declared that so much of the act of May 6, 1812, as directed that 2,000,000 acres should be surveyed, &c., in the Territory of Michigan, should be repealed, and that in lieu thereof 1,500,000 acres should be laid off in the Illinois Territory, and 500,000 acres in the Missouri Territory, north of the river Missouri. The great mass of warrants issued for that service has been satisfied under a lottery system, by locations in Illinois, Arkansas, and Missouri. The issue of such warrants, however, ceased 25th June, 1858, by limitation, in the act of 8th February, 1854, and even the right to locate them expired 22d June, 1863, that being the limitation fixed by the aforesaid act of 22d June, 1860.

The warrants for services in the war of 1812 could only be laid upon tracts in the six million acres embraced in the "military districts of Illinois, Missouri, or Arkansas." Subsequently, in virtue of the act of July 27, 1842, reviving authority for the issue of warrants for services in the revolution and war of 1812, all military land warrants could be located upon any of the public lands "subject to sale at private entry."

"MILITARY RESERVATIONS" OF PORTIONS OF THE PUBLIC DOMAIN FOR SATISFYING LAND BOUNTIES.

The object of the "military reservation" system, or allotting a special tract or region of land or country to the satisfaction of a specific bounty grant made by Congress, was to induce settlement and cultivation in those localities by the soldier. The then remoteness of those districts from the great centers of population, the Eastern and Middle States, defeated the object, leaving the patented lands to pass into the hands of speculators, or become liable to forfeiture for non-payment of State taxes. These results led to the abandonment of the system, and to the extension of the privilege to the soldier or his assignee to select in satisfaction of the warrant any lands of the United States subject to private entry.

The soldier was still further benefited and protected by a stipulation existing in all the bounty-land laws prohibiting the seizure or sale by legal process of the warrant to pay any debt contracted prior to the issue of patent for the land selected, and all sales, letters of attorney, or written instruments affecting the title to the warrants executed prior to the issue thereof, are declared to be null and void, thus effectually securing to the soldier, if so disposed, a home for himself and family.

WARRANTS FOR SERVICES IN THE WAR OF 1812.

For services in the war of 1812 with Great Britain, there have been issued, pursuant to the act of May 6, 1812, and supplements, 29,186 warrants, embracing an aggregate of

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4,853,600 acres. For nearly all of these, patents have been issued to the individual warrantees or their heirs, in tracts, the greater portion of one hundred and sixty acres each, and the residue, or double bounties, of three hundred and twenty acres.

This includes the allowances to the inhabitants of the province of Canada who joined the armies of the United States, and served in the war against Great Britain. (See act of March 5, 1816.)

WARRANTS FOR SERVICES IN WAR WITH MEXICO.

The war with Mexico was proclaimed on the 13th of May, 1846, and on the 11th of February, 1847, an act was passed giving bounties for military service. It ordered that non-commissioned officers, musicians, and privates who served in the war with Mexico in the volunteer army of the United States for twelve months, or who should be discharged for wounds or sickness prior to the end of that time, or in case of his death while in the service, then his heirs should receive a certificate or warrant from the War Department for the quantity of 160 acres of land, the same to be entered at any district land office on lands open to private entry; the certificate to be returned to the General Land Office, and patent to issue therefor.

There was in this act a provision for acceptance by applicant of a Treasury scrip for $100 at 6 per cent. interest in lieu of 160 acres of land. Those who served less than twelve months on like terms as to death or discharge for wounds were to receive each a warrant for 40 acres of land, or a Treasury scrip for $25, if preferred. The privileges of bounty lands were extended by the act of September 28, 1850, granting an 80-acre warrant, and relating to services in all the Indian wars since 1790, the war of 1812, and to the commissioned officers in the war with Mexico; by act of March 22, 1852, making land warrants assignable, and extending the provisions of the act of September 28, 1850, and by the act of March 3, 1855.

This last act made 120-acre, 100-acre, 60-acre, and 10-acre warrants, and extended the bounty-land privilege so as to make the entire classes receiving the same some 32 in number, in the Army, Navy, and elsewhere. It was a comprehensive act, embracing almost all the wars the United States had participated in. It granted to all officers and soldiers who had served in any war in which our country had been engaged, from the revolution to the 3d March, 1855, 160 acres each, or so much, with what had been previously allowed, as would make up that quantity. It extended the concession to a service of only fourteen days or an engagement in a single battle, and, in case of death, to the widow or minor children. (See Mayo & Moulton's Pension and Bounty-land Laws; see circular to registers and receivers, General Land Office, July 20, 1875, respecting the location and assignment of bounty-land warrants.)

TOTAL NUMBER OF WARRANTS ISSUED FOR MEXICAN WAR.

The total number of warrants issued under these several acts to June 30, 1880, has been 551,193, containing 61,028,430 acres (see statement, also showing outstanding warrants and areas), or more than twice the area of the State of Ohio or Pennsylvania, and a million of acres more in area than all the New England States with the addition of New Jersey, Delaware, and Maryland.

All military bounty-land warrants under general laws are issued by the Commissioner of Pensions. After location they are forwarded to the General Land Office for examination and approval. After approval patents are issued from the General Land Office for the land.

Thousands of land bounties have been granted by special acts of Congress growing out of the wars prior to 1861, and not herein specifically set out. (See Statutes.)

For existing laws upon this subject see chapter X, title "Bounty Lands"; also secs. 2414 to 2446, R. S.

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REVOLUTIONARY WAR AND WAR OF 1812.

The following statement exhibits the warrants in acres issued under several acts of Congress for the Revolutionary war and war of 1812:

		Acres.
Revolutionary war:		
Act of September 16, 1776	2,095,220	
Act of February 18, 1801	58,260	
Act of March 3, 1803	11,520	
		2,165,000
War of 1812:		
Act of May 6, 1812	4,853,600	
Act of March 5, 1816	76,592	
		4,930 192
Total		7,095,192

The following exhibit shows the amount of "scrip" issued by the United States to claimants, in lieu of land warrants for military service, to June 30, 1880:

"Scrip" in lieu of land warrants.

	Acres.
Act of May 30, 1830	393,293
Act of July 13, 1832	300,000
Act of March 2, 1833	200,000
Act of March 3, 1835	585,000
Act of August 31, 1852	1,041,976
Act of June 5, 1858	6,666⅔
Act of February 9, 1863	11,904
Act of July 2, 1862	9,600,000

It will be noted that the several acts of Congress on and after May 6, 1812, making changes or alterations in the then existing laws, from time to time, down to July 2, 1862, generally presented as curative acts, and with the intention of covering existing cases of hardship, always resulted in the increase of the land-bounty class, and further depleted the public domain.

LOCATIONS OF WARRANTS FOR YEAR TO JUNE 30, 1880.

Statement of the total number of acres located at the various United States district land offices with military-bounty land warrants issued under the acts of 1847, 1850, 1852, *and* 1855, *in the several land States and Territories, for the year ending June* 30, 1880.

	Acres.
Alabama	40
Arkansas	120
Arizona	40
California	10,280
Colorado	1,340
Dakota	9,640
Florida	720
Kansas	11,400
Louisiana	1,040
Michigan	41,560
Minnesota	2,760
Mississippi	320
Missouri	200
Nebraska	3,600
New Mexico	160
Oregon	680
Utah	360
Washington	280
Total acres	84,540
Warrants outstanding (22,202) not located	2,535,940

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BOUNTY LAND GRANTS—NUMBER OF WARRANTS AND ACRES.

The following table shows the bounty-land grants under the acts of 1847, 1850, 1852, and 1855, which included nearly all the wars the United States has been engaged in, and all operations thereunder to June 30, 1880:

Statement, under acts of 1847, 1850, 1852, *and* 1855, *showing the issues and locations with bounty-land warrants, and the number outstanding, from the commencement of operations under said acts to June* 30, 1880.

Grade of warrants.	Number issued.	Acres embraced thereby.	Number located.	Acres embraced thereby.	Number outstanding.	Acres embraced thereby.
Act of 1847, 160 acres	80, 666	12, 906, 560	78, 985	12, 637, 600	1, 681	268, 960
Act of 1847, 40 acres	7, 583	303, 320	7, 070	282, 800	513	20, 520
Total	88, 249	13, 209, 880	86, 055	12, 920, 400	2, 194	289, 480
Act of 1850, 160 acres	27, 438	4, 390, 080	26, 791	4, 286, 560	647	103, 520
Act of 1850, 80 acres	57, 712	4, 616, 960	56, 206	4, 496, 480	1, 506	120, 480
Act of 1850, 40 acres	103, 971	4, 158, 840	100, 525	4, 021, 000	3, 446	137, 840
Total	189, 121	13, 165, 880	183, 522	12, 804, 040	5, 599	361, 840
Act of 1852, 160 acres	1, 223	195, 680	1, 192	190, 720	31	4, 960
Act of 1852, 80 acres	1, 698	135, 840	1, 661	132, 880	37	2, 960
Act of 1852, 40 acres	9, 065	362, 600	8, 874	354, 960	191	7, 640
Total	11, 986	694, 120	11, 727	678, 560	259	15, 560
Act of 1855, 160 acres	114, 519	18, 323, 040	108, 629	17, 380, 640	5, 890	942, 400
Act of 1855, 120 acres	96, 917	11, 637, 240	90, 348	10, 841, 760	6, 629	795, 480
Act of 1855, 100 acres	6	600	5	500	1	100
Act of 1855, 80 acres	49, 431	3, 954, 480	47, 867	3, 829, 360	1, 564	125, 120
Act of 1855, 60 acres	359	21, 540	310	18, 600	49	2, 940
Act of 1855, 40 acres	540	21, 600	465	18, 600	75	3, 000
Act of 1855, 10 acres	5	50	3	30	2	20
Total	261, 837	33, 958, 550	247, 627	32, 089, 490	14, 210	1, 869, 060
SUMMARY.						
Act of 1847	88, 249	13, 209, 880	86, 055	12, 920, 400	2, 194	289, 480
Act of 1850	189, 121	13, 165, 880	183, 522	12, 804, 040	5, 599	361, 840
Act of 1852	11, 986	694, 120	11, 727	678, 560	259	15, 560
Act of 1855	261, 837	33, 958, 550	247, 627	32, 089, 490	14, 210	1, 869, 060
Total	551, 193	61, 028, 430	528, 931	58, 492, 460	22, 262	2, 535, 940

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CHAPTER XV.

To June 30, 1882.

[See pages 721–727.]

To June 30, 1883.

[See page 1251.]

TWO, THREE, AND FIVE PER CENT. FUNDS.

To June 30, 1880.

GRANTS TO STATES OF PORTION OF NET PROCEEDS FROM SALES.

Congress, by several acts of dates given below, granted and allowed to the several States containing public lands, with the exception of California, two, three, and five per cent. upon the net proceeds of the sales of public lands therein. These allowances were in lieu of State taxation of United States public lands within said States, and in many instances took effect from the date of admission into the Union.

	Per cent.
Alabama, September 4, 1841, and March 2, 1855	2
Mississippi, September 4, 1841	2
Missouri, February 28, 1859	2
Ohio, April 30, 1802, and June 30, 1802	3
Indiana, February 1, 1816, and April 19, 1816	3
Mississippi, March 1, 1817, and July 4, 1836	3
Illinois, April 18, 1818	3
Missouri, March 6, 1820	3
Alabama, March 2, 1819, and July 4, 1836	3
Louisiana, act February 20, 1811	5
Michigan, June 23, 1836	5
Arkansas, June 23, 1836	5
Florida, March 3, 1845	5
Iowa, March 3, 1845, and December 28, 1846	5
Iowa, March 2, 1849	5
Colorado, March 3, 1875	5
Nebraska, April 19, 1864	5
Nevada, March 21, 1864	5
Oregon, February 14, 1859	5
Minnesota, February 26, 1857, and May 11, 1858	5
Wisconsin, August 6, 1846, and May 29, 1848	5

Statement of the amounts which have accrued to the following named States on account of the two, three, and five per cent. upon the net proceeds of the sales of public lands to June 30, 1880, inclusive.

States.	Two per cent.	Three per cent.	Five per cent.	Aggregate.
Alabama	$401, 782 23	$602, 583 34		$1, 004, 365 57
Arkansas			$227, 359 05	227, 359 05
Colorado			9, 589 73	9, 589 73
Florida			28, 975 44	28, 975 44
Iowa			626, 075 16	626, 075 16
Illinois		712, 744 82		712, 744 82
Indiana		618, 277 50		618, 277 50
Kansas			258, 842 11	258, 842 11
Louisiana			315, 612 89	315, 612 89
Michigan			471, 344 55	471, 344 55
Minnesota			99, 409 47	99, 409 47
Mississippi	395, 142 08	592, 690 20		987, 832 28
Missouri	15, 587 78	535, 836 05		551, 423 83
Nebraska			116, 578 67	116, 578 67
Nevada			8, 319 84	8, 319 84
Ohio		596, 634 10		596, 634 10
Oregon			34, 911 09	34, 911 09
Wisconsin			455, 253 73	455, 253 73
Total	812, 512 09	3, 658, 766 01	2, 652, 271 73	7, 123, 549 83

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TAXATION OF PUBLIC LANDS.

DECEMBER 1, 1883.

Under the present practice, after the register's certificate and receiver's receipt have been issued for lands purchased of or acquired from the United States, the authorities of the States or Territories in which they lie list them for taxation although no patent has issued. Prior to this only the value of improvements is taxed, not the land, as the fee is in the United States. States containing public lands renounce their right to tax the public domain at the time of their admission into the Union. A State may tax land after it has been entered and paid for, although no patent has been entered (issued) therefor. (Carroll *v.* Safford, 3 How., 441; Levi *v.* Thompson, 4 How., 17; Carroll *v.* Perry, 4 McLean, 25; Astrom *v.* Hammond, 3 McLean, 107; Witherspoon *v.* Duncan, 4 Wall., 210; S. C., 21 Ark., 240.)

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CHAPTER XVI.

To June 30, 1882.

[See pages 727–747.]

To June 30, 1883.

[See pages 1251, 1258.]

INDIAN RESERVATIONS FROM THE PUBLIC DOMAIN.

To June 30, 1880.

EXTINGUISHING THE INDIAN TITLE TO LANDS.

Preliminary to survey of lands within the public domain the United States requires the extinction of the Indian title or Indian right of occupancy thereof. Without this being done the surveys will not be made.

The ninth article of the Articles of Confederation declared—

The United States in Congress assembled have the sole and exclusive right and power of regulating the trade and managing all affairs with the Indians not members of any of the States: *Provided*, That the legislative right of any State within its own limits be not infringed or violated.

Under this, September 22, 1783, Congress issued a proclamation prohibiting and forbidding all persons from making settlements on lands inhabited or claimed by Indians without the limits or jurisdiction of any particular State, and from purchasing or receiving any gift or cession of such lands or claims without the express authority and direction of the United States in Congress assembled.

It further declared that every such purchase or settlement, gift or cession, not having the authority aforesaid should be "null and void," and that no right or title should accrue in consequence of any such purchase, gift, cession, or settlement.

INDIAN OCCUPANCY TITLE TO THE PUBLIC DOMAIN—HOW EXTINGUISHED.

From the organization of the National Government it has been the rule of the Nation to purchase the occupancy right from the Indians, generally giving them more value in the compensation than the use of the ceded lands is worth to the Indians. The Government has never attempted to survey and dispose of lands prior to their cession by the Indians.

The civil status of the Indians has been defined by a long series of statutes and court rulings.

In the cases of the Cherokee Nation *v.* Georgia (5 Peters, 1), and Worcester *v.* Georgia (6 Peters, 515), the Indian tribes residing within the United States were recognized in some sense as political bodies, not as foreign nations nor as domestic nations, but still possessing and exercising some of the functions of nationality; but by act of Congress of March 3, 1871, it was provided that hereafter no recognition by treaty or otherwise should be made by the United States of the claim of any Indian tribe as being an independent nation, tribe, or power. They hold a relation of wardship to the General Government and are subject to its control. A State legislature has no jurisdiction over the Indian territory contained within the territorial limits of the State; but in the case of New York *v.* Dibble (21 Howard, 366), it was decided that the State holds the sovereign police authority over the persons and property of the Indians, so far as necessary to preserve the peace and protect them from imposition and intrusion.

In regard to right of soil it was settled in the case of the United States *v.* Rogers (4 Howard, 567), that the Indian tribes are not the owners of the territories occupied by them. These are vacant or unoccupied public lands belonging to the United States

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In the case of Johnson *v.* McIntosh (8 Wheaton, 543), it was held that the Indian tribes were incompetent to transfer any rights to the soil, and that any such conveyances were void *ab initio*, the right of property not subsisting in the grantors. The right of making such grants was originally in the Crown, but by the treaty of 1783 it was surrendered to the United States. In previous pages has been shown the process by which several of the States originally composing the American Union divested themselves of this right by transferring both territorial jurisdiction and title to the soil by cession to the General Government. In the case last mentioned Chief Justice Marshall, in delivering the opinion of the court, thus grounded the right of the Government upon prior discovery:

The United States, then, have unequivocally acceded to that great and broad rule by which its civilized inhabitants now hold this country. They hold and assert in themselves the title by which it was acquired. They maintain, as all others have maintained, that discovery gave an exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest, and gave also a right to such a degree of sovereignty as the circumstances of the people would allow them to exercise.

The power now possessed by the Government of the United States to grant lands, resided, while we were colonies, in the Crown or its grantees. The validity of the titles given by either has never been questioned in our courts. It has been exercised uniformly over territory in possession of the Indians. The existence of this power must negative the existence of any right which may conflict with or control it. An absolute title to lands cannot exist at the same time in different persons, or in different governments. An absolute must be an exclusive title, or at least a title which excludes all others not compatible with it. All our institutions recognize the absolute title of the Crown, subject only to the Indian right of occupancy, and recognize the absolute title of the Crown to extinguish that right. This is incompatible with an absolute and complete title in the Indians.

We will not enter into the controversy whether agriculturists, merchants, and manufacturers have a right, on abstract principles, to expel hunters from the territory they possess, or to contract their limits. Conquest gives a title which the courts of the conqueror cannot deny, whatever the private and speculative opinions of individuals may be respecting the original justice of the claim which has been successfully asserted. The British Government, which was then our government, and whose rights have passed to the United States, asserted a title to all the lands occupied by Indians within the chartered limits of the British colonies. It asserted also a limited sovereignty over them, and the exclusive right of extinguishing the title which occupancy gave to them. These claims have been maintained and established as far west as the Mississippi River by the sword. The title to a vast portion of the lands we now hold originates in them. It is not for the courts of this country to question the validity of this title or to sustain one which is incompatible with it.

Although we do not mean to engage in the defense of those principles which Europeans have applied to Indian title, they may, we think, find some excuse if not justification, in the character and habits of the people whose rights have been wrested from them.

The title by conquest is acquired and maintained by force. The conqueror prescribes its limits. Humanity, however, acting on public opinion, has established, as a general rule, that the conquered shall not be wantonly oppressed, and that their condition shall remain as eligible as is compatible with the objects of the conquest. Most usually they are incorporated with the victorious nation, and become subjects or citizens of the government with which they are connected. The new and old members of society mingle with each other; the distinction between them is gradually lost, and they make one people. Where this incorporation is practicable, humanity demands, and a wise policy requires, that the right of the conquered to property should remain unimpaired; that the new subjects should be governed as equitably as the old, and that confidence in their security should gradually banish the painful sense of being separated from their ancient connections and united by force to strangers.

When the conquest is complete, and the conquered inhabitants can be blended with the conquerors, or safely governed as a distinct people, public opinion, which not even the conqueror can disregard, imposes these restraints upon him; and he cannot neglect them without injury to his fame and hazard to his power.

But the tribes of Indians inhabiting this country were fierce savages, whose occupation was war, and whose subsistence was drawn chiefly from the forest. To leave them in possession of their country, was to leave the country a wilderness; to govern them as a distinct people was impossible, because they were as brave and high-spirited as they were fierce, and were ready to repel by arms every attempt on their independence. What was the inevitable consequence of this state of things? The Europeans were under the necessity either of abandoning the country and relinquish-

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ing their pompous claims to it, or of enforcing those claims by the sword, and by the adoption of principles adapted to the condition of a people with whom it was impossible to mix, and who could not be governed as a distinct society, or of remaining in their neighborhood, and exposing themselves and their families to the perpetual hazard of being massacred.

Frequent and bloody wars, in which the whites were not always the aggressors, unavoidably ensued. European policy, numbers, and skill prevailed. As the white population advanced, that of the Indians necessarily receded. The country in the immediate neighborhood of agriculturists became unfit for them. The game fled into thicker and more unbroken forests, and the Indians followed. The soil, to which the Crown originally claimed title, being no longer occupied by its ancient inhabitants, was parceled out according to the will of the sovereign power, and taken possession of by persons who claimed immediately from the Crown, or mediately through its grantees or deputies.

That law which regulates and ought to regulate in general, the relations between the conqueror and conquered, was incapable of application to a people under such circumstances. The resort to some new and different rule, better adapted to the actual state of things, was unavoidable. Every rule which can be suggested will be found to be attended with great difficulty.

However extravagant the pretension of converting the discovery of an inhabited country into conquest may appear, if the principle has been asserted in the first instance and afterward sustained; if a country has been acquired and held under it; if property of the great mass of the community originates in it, it becomes the law of the land, and cannot be questioned. So, too, with respect to the concomitant principle that the Indian inhabitants are to be considered merely as occupants, to be protected, indeed, while in peace, in the possession of their lands, but to be deemed incapable of transferring the absolute title to others. However this restriction may be opposed to natural right and to the usages of civilized nations, yet, if it be indispensable to that system under which the country has been settled, and be adapted to the actual condition of the two people, it may, perhaps, be supported by reason, and certainly cannot be rejected by courts of justice.

(See also Fletcher *v.* Peck, 6 Cranch, 87; Mitchell *v.* U. S., 9 Peters, 711; Clark *v.* Smith, 13 Peters, 195; Latimer *v.* Poteet, 14 Peters, 4; Jackson *v.* Porter, 1 Paine, 457; Blair *v.* Pathkiller, 5 Yerger, 230; Vanhorn *v.* Dorrance, 2 Dallas, 304; Choteau *v.* Molony, 16 Howard, 203; Godfrey *v.* Beardsley, 2 McLean, 413.)

The court confined itself to the discussion of questions essential to a statement of the actual law governing the relations of the Indian tribes. It assumes the concrete fact that the General Government holds the right of eminent domain as well as the title to the soil in the public lands, subject, however, to the right of occupancy by the Indians, and that "the Indian inhabitants are considered merely as occupants, to be protected while in peace in the possession of their lands, but incapable of transferring an absolute title to others." The Constitution of the United States gives to Congress the "power to dispose of and to make all needful rules and regulations respecting the territory, or other property, belonging to the United States." The "territory" or soil, here classed with other property, may be disposed of under rules and regulations prescribed by the legislative authority. The question now arises whether Indian occupancy is an indefeasible right, or whether it is merely a privilege which the Government may withdraw when the interests of civilization or the pressure of immigration may demand it.

According to the above rulings in the case of Johnson *v.* McIntosh, the General Government has the right to terminate the occupancy of the Indians by "conquest or purchase." Does this involve the right of *forcibly* dispossessing them of that occupancy?

Very large portions of the public domain have been acquired by peaceable purchase; other portions have been acquired by conquest, various tribes having been successively subjugated, and, as the price of peace, they were compelled to part with a portion of their hunting-grounds and move upon reservations.

INDIAN HOMESTEADS.

The fifteenth and sixteenth sections of the act of March 3, 1875, extend the benefits of the homestead act of May 20, 1862, and the acts amendatory thereof (now embodied

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in sections 2290, 2291, 2292, and 2295 to 2302, inclusive, of the Revised Statutes) to any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned or may hereafter abandon his tribal relations, with the exception that the provisions of the eighth section of said act of 1862 (section 2301 of the Revised Statutes) shall not be held to apply to entries made thereunder, and with the proviso that the title to lands acquired by any Indian by virtue thereof shall not be subject to alienation or incumbrance, either by voluntary conveyance, or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor.

An Indian desiring to enter public land under this act must make application to the register and receiver of the proper district land office; also, an affidavit setting forth the fact of his Indian character; that he was born in the United States; that he is the head of a family or has arrived at the age of twenty-one years; that he has abandoned his tribal relations and adopted the habits and pursuits of civilized life; and this must be corroborated by the affidavits of two or more disinterested witnesses.

If no objection appears, the register and receiver will then permit him to enter the tract desired according to existing regulations, so far as applicable, under the homestead law, the register writing across the face of the application the words "Indian homestead—act of March 3, 1875"; they will note the entry on their records and make returns thereof to the General Land Office, with which they will send the affidavits submitted. It will be observed that the provisions of the eighth section of the act of May 20, 1862 (section 2301 of the Revised Statutes), which admits of the commuting of homestead to cash entries, do not apply to this class of homesteads.

All lands obtained under the above act are exempt from liability for debts contracted prior to the issuing of patent therefor.

When Indians become citizens of the United States they are entitled to the benefits of all the settlement and other land laws, as are other citizens.

Homesteads of all classes are returned upon monthly abstracts by registers and receivers, and the class or kind noted in "Remarks." No list or statement of the number of entries made under the above act can be (at this time) obtained, but the total number of entries made under it in all States and Territories will not exceed 100 to June 30, 1880.

There have been several acts passed relating to settlements by Indians upon the public lands, such as the acts of June 10, 1872, and May 23, 1876, which were for the Indians of the tribes known as Ottowas and Chippewas of Michigan. These were allowed to make entries of lands of former Indian reservations of Michigan. Probably some 500 or more of such entries have been made and perfected. (See Statutes at Large and Revised Statutes.)

PROCEDURE IN MAKING AN INDIAN RESERVATION.

The method of making an Indian reservation is by an Executive order withdrawing certain lands from sale or entry and setting them apart for the use and occupancy of the Indians, such reservation previously having been selected by officers acting under the direction of the Commissioner of Indian Affairs or that of the Secretary of the Interior, and recommended by the Secretary of the Interior to the President.

The Executive order is sent to the Office of Indian Affairs, and copy thereof is furnished by that office to the General Land Office, upon receipt of which the reservation is noted upon the land office records and local land officers are furnished with copy of the order and are directed to protect the reservation from interference; after this the Indians are gathered up and placed upon the reservation.

PROCEDURE IN ABOLISHING AN INDIAN RESERVATION.

When such reservation is no longer required, and the President is so informed by the Secretary of the Interior, an Executive order is issued restoring the lands to the public domain, and the order being received by the Commissioner of Indian Affairs,

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copy thereof is furnished to the General Land Office, where it is noted and information is communicated to the United States land officers, after which the lands are disposed of as other public lands.

Indian reservations existing by virtue of treaty stipulations are usually abolished in the manner following: An agreement is entered into between the chiefs and headmen of the Indians, and agents or commissioners appointed by the Secretary of the Interior, with or without authority of Congress, for that purpose; such agreement is submitted to Congress for acceptance and ratification, and provides for the relinquishment, for valuable considerations, of a part or the whole of the lands claimed by the Indians either under treaty stipulations or otherwise.

By a clause in the Indian appropriation act approved March 3, 1871 (16 Stat., p. 566), it is declared that no Indian nation or tribe within the territory of the United States shall thereafter be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty, hence, since that time mere agreements have been entered into, subject to ratification by Congress and the President, such agreements being sometimes entered into under authority of a prior act of Congress, and sometimes, as in the case of the last Ute agreement, agreed upon and then submitted to Congress. In a case like the last mentioned, the agreement, as ratified by Congress, still remains to be ratified by a certain proportion of the Indians affected by such agreement, before it becomes valid.

NUMBER AND LOCATION OF RESERVATIONS.

The total number of Indian reservations in the United States, June 30, 1880, was 147, two-thirds of the area of which will eventually be restored to the public domain for sale and disposition, after purchase of occupancy title from the Indians, and setting aside portions of the same to be held by the Indians in severalty or otherwise, as may be ordered by Congress.

These reservations contain 154,436,362 acres, with an estimated population of 255,938, or about 603.41 acres to each Indian, and are situated in the following States and Territories:

Location and names of reservations, together with area and population, to June 30, 1880.

States and Territories.	Areas in acres.	Indian population of reservations.
ARIZONA TERRITORY.		
Colorado River	300,800	1,038
Gila River	155,440	*5,000
Moqui Pueblo		1,790
Papago	70,080	*6,000
White Mountain	2,528,000	4,878
Suppai	38,400	*75
Not on reservation		*2,580
Total in Arizona	3,092,720	21,361
CALIFORNIA.		
Hoopa Valley	89,572	414
Mission	130,000	3,000
Round Valley	207,360	534
Tule River	48,551	160
Klamath River	25,600	1,125
Not on reservation		*5,436
Total in California	501,083	10,669
COLORADO.		
Ute	12,467,200	1,200
Do		1,330
Total in Colorado	12,467,200	2,530

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Location and names of reservations, together with area and population, &c.—Continued.

States and Territories.	Areas in acres.	Indian population of reservations
DAKOTA TERRITORY.		
Crow Creek	205,415	969
Devil's Lake	230,400	1,089
Flandreau	.....	304
Fort Berthold	2,912,000	1,402
Lake Traverse	918,780	1,500
Old Winnebago	416,905	None.
Ponca	96,000	None.
Sioux	31,408,551	1,764
Do		1,300
Do		7,200
Do		7,314
Do		2,611
Yankton	430,405	2,019
Total in Dakota Territory	36,618,456	27,472
IDAHO TERRITORY.		
Cœur D'Alène	736,000	450
Fort Hall	1,202,330	1,500
Lapwai	746,651	1,208
Lemhi	64,000	712
Not on reservation	.....	*600
Total in Idaho Territory	2,748,981	4,470
INDIAN TERRITORY.		
Arapahoe and Cheyenne	4,297,771	5,899
Cherokee	5,031,351	19,720
Chickasaw	4,650,935	6,000
Choctaw	6,688,000	15,800
Creek	3,215,495	15,000
Kansas	100,137	397
Kiowa and Comanche	2,968,893	3,945
Modoc	4,040	99
Osage	1,470,059	2,008
Ottawa	14,860	114
Pawnee	283,026	1,306
Peoria and Miami	50,301	210
Pottawatomie	575,877	300
Quapaw	56,685	35
Sac and Fox	479,667	1,461
Seminole	200,000	2,667
Seneca	51,958	224
Shawnee	13,048	77
Wichita	743,610	198
Wyandot	21,406	251
Ponca	101,894	530
Nez Percés	90,735	344
Unoccupied land	9,991,167	.....
Total in Indian Territory	41,100,915	76,585
IOWA.		
Sac and Fox	692	355
Total in Iowa	692	355
KANSAS.		
Black Bob (not on reservation; roving)	33,393	75
Chippewa and Munsee	4,395	60
Kickapoo	20,273	234
Miami	2,328	None.
Pottawatomie	77,358	450
Not on reservation	.....	*150
Total in Kansas	137,747	969
MICHIGAN.		
Isabella	11,097	848
L'Anse	52,684	540
Ontonagon	2,551*	660
Not on reservation	.....	*8,093
Total in Michigan	66,332	10,141

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Location and names of reservations, together with area and population, &c.—Continued.

States and Territories.	Areas in acres.	Indian population of reservations.
MINNESOTA.		
Bois Forte	107,509	797
Fond du Lac	100,121	404
Grand Portage (Pigeon River)	51,840	271
Leech Lake	94,440	
Mille Lac	61,014	
Red Lake	3,200,000	6,198
White Earth	1,091,523	
Winnebagoshish (White Oak Point)	320,000	
Total in Minnesota	5,026,447	7,680
MONTANA TERRITORY.		
Blackfeet	21,651,200	7,500
Do		7,259
Do		2,083
Crow	6,272,000	3,470
Jocko	1,433,600	1,338
Total in Montana Territory	29,356,800	21,650
NEBRASKA.		
Iowa	16,000	176
Niobrara	115,076	764
Omaha	143,225	1,120
Otoe	44,093	438
Sac and Fox	8,014	75
Winnebago	109,844	1,429
Total in Nebraska	436,252	4,002
NEVADA.		
Duck Valley	243,200	3,800
Moapa River	1,000	100
Pyramid Lake	322,000	500
Walker River	318,815	500
Not on reservation	.....	*1,900
Total in Nevada	885,015	6,800
NEW MEXICO TERRITORY.		
Mescalero Apache (Fort Stanton)	570,240	1,200
Navajo	5,468,160	12,000
Pueblos:		
Jemez	17,510	
Acoma	95,792	
San Juan	17,545	
Picuris	17,461	
San Felipe	34,767	
Pecos	18,763	
Cochiti	24,256	
Santo Domingo	74,743	
Taos	17,361	
Santa Clara	17,369	
Tesuque	17,471	9,500
San Ildefonso	17,293	
Pojoaque	13,520	
Zia	17,515	
Sandia	24,187	
Isleta	110,080	
Nambe	13,586	
Laguna	101,511	
Santa Ana	17,361	
Zuni	215,040	
Jicarilla Apache	.....	752
Total in New Mexico	6,921,531	23,452
NEW YORK.		
Allegany	30,469	925
Cattaraugus	21,680	1,664
Oil Spring	640	93
Oneida	288	186
Onondaga	6,100	408
Saint Regis	14,640	787
Tonawanda	7,549	607
Tuscarora	5,000	471
Total in New York	86,366	5,139

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Location and names of reservations, together with area and population, &c.—Continued.

States and Territories.	Areas in acres.	Indian population of reservations.
NORTH CAROLINA.		
Cheoah Boundary	15,211	2,200
Qualla Boundary	50,000	
Total in North Carolina	65,211	2,200
OREGON.		
Grand Ronde	61,440	869
Klamath	1,056,000	1,023
Malheur	1,778,560	None.
Siletz	225,000	1,109
Umatilla	268,800	1,000
Warm Springs	464,000	554
Not on reservation		*800
Total in Oregon	3,853,800	5,355
UTAH TERRITORY.		
Uinta Valley	2,039,040	450
Not on reservation		*390
Total in Utah	2,039,040	840
WASHINGTON TERRITORY.		
Chehalis	4,225	205
Colville	2,800,000	3,053
Makah	23,040	728
Nisqually	4,717	1,365
Puyallup	18,062	
Shoalwater	335	
Squaxin Island (Klah-che-min)	1,494	
Lummi (Chah-choo-sen)	12,312	2,898
Muckleshoot	3,367	
Port Madison	7,284	
Snohomish or Tulalip	22,490	
Swinomish (Perry's Island)	7,195	
Quinaielt	224,000	486
Skokomish	4,987	775
Yakama	800,000	3,930
Columbia (Chief Moses)	2,992,240	150
Not on reservation		*310
Total in Washington Territory	6,925,748	13,900
WISCONSIN.		
Lac Court Oreilles	69,136	1,093
Lac de Flambeau	69,824	542
La Pointe (Bad River)	124,333	736
Red Cliff	13,993	726
Menomonee	231,680	1,450
Oneida	65,540	1,492
Stockbridge	11,520	126
Not on reservation		1,210
Total in Wisconsin	586,026	7,375
WYOMING TERRITORY.		
Wind River	1,520,000	2,063
Total in Wyoming	1,520,000	2,063
Indiana		1,000
Florida		
Texas		
Grand total	154,436,362	255,938

* Estimated.

Total number of reservations, 147; total acreage, 154,436,362 acres.

The total number of Indians is 255,938, which gives about 603.41 acres to each Indian.

The total number of reservations includes the twenty Indian pueblos in New Mexico, sixteen of which have been patented to the Indians; also the Moqui pueblos in Arizona.

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The following note was received through the General Land Office in relation to the two items mentioned:

The Indian Office has no publication giving the original method of dealing with the Indians as to titles and changes in methods, neither has the office anything showing how much it has cost the Government to extinguish Indian titles to public domain, and the preparation of such information would be so extensive a work as to preclude the possibility of its being furnished at present.

REFERENCES HEREUNDER.

See Report of Public Land Commission, 1880; Laws and Decisions; Revised Statutes of the United States, secs. 2039 to 2178; same, on performance of engagements between the United States and Indians, secs. 2079 to 2110; same, on government and protection of Indians, secs. 2111 to 2116; same, on government of the Indian country, secs. 2127 to 2156; 6 Cranch, 646; 8 Wheaton, 543; 7 Johnston, 246; Indian treaties, U. S. Stats. at Large; act of Congress March 26, 1804, sec. 15, dividing Louisiana into two Territories; Bump's Notes of Constitutional Decisions, titles "Indians" and "Territories."

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CHAPTER XVII.

To June 30, 1882.

[See pages 748–752.]

To June 30, 1883.

[See pages 1258–1260.]

MILITARY RESERVATIONS UPON THE PUBLIC DOMAIN.

To June 30, 1880.

HOW RESERVATIONS ARE MADE.

The present method of creating a military reservation from the lands of the public domain is as follows:

The commanding officer of a military department recommends the establishment of a reservation with certain boundaries; the Secretary of War refers the papers to the Interior Department to know whether any objection exists to the declaration of the reserve by the President. If no objection is known to the General Land Office and it is so reported, the reservation is declared by the President upon application of the Secretary of War for that purpose, and the papers are sent to the General Land Office, through the Secretary of the Interior, for annotation upon the proper records. If upon surveyed land the United States land officers are at once instructed to withhold the same from disposal and respect the reservation. If upon unsurveyed land the United States surveyor-general is furnished with a full description of the tract and is instructed to close the lines of public surveys upon the outboundaries of the reserve; the United States land officers are also instructed not to receive any filing, of any kind for the reserved lands.

HOW RESTORED TO PUBLIC DOMAIN.

There is at present no authority for restoring military reservations to the public domain, in view of the act of Congress approved June 12, 1858 (11 Stats., p. 336), which interdicts the sale of any lands in a reservation without a special act of Congress, and provides that such lands shall not be subject to the pre-emption or homestead laws, except in Florida, where under the act of Congress approved August 18, 1856 (11 Stat., p. 87), the Secretary of War may relinquish, in writing, to the Secretary of the Interior any reservation not needed, and it may be disposed of as are other public lands. The act of July 2, 1864, provides for the sale by the Commissioner of the General Land Office of reservations of public lands, which shall be brought into market under existing laws. The minimum price fixed is $1.25 per acre. Such lands cannot be sold for less than this sum.

The act of March 3, 1819, made it the duty of the War Department to sell abandoned military sites and bodies of land once reserved for military purposes. The present method of unmaking a military reservation, or throwing the lands therein into the market for sale, is usually through and by an act of Congress specially for each reservation, or an act providing for the sale of one or more of them. Congress acts upon information received from the War Department as to reservations being no longer necessary for military purposes. These acts of Congress usually contain (see act of February 24, 1871, for illustration) a provision for appointment of appraisers to value the land, and advertising and selling at not less than the appraised value nor at less than $1.25 per acre. The Secretary of War after the act is passed transfers the control of the lands to the Secretary of the Interior, who proceeds as the law directs. The

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theory of the appraisal before sale of these lands is that time enhances their value by increase of population surrounding them, as the fort or post on the frontier or in the west is usually the nucleus of a settlement, which grows into a town or city.

The following list shows that the total number of military reservations in land States and Territories is 179, containing 2,920,580.68 acres of land, as follows:

Military reservations in public-land States and Territories, July 1, 1880.

Alabama (1 reservation):

A small reserve at Mobile Bay, area not known.

Alabama and Mississippi:

	Acres.
Islands in Gulf of Mexico	6,061.64

Arizona (13 reservations):

Camp Apache	7,421.14
Camp Crittenden	3,278.08
Camp Bowie	23,040.00
Camp Grant (old)	2,031.70
Camp Grant (new)	42,341.00
Camp Goodwin	23,040.00
Camp Mojave	6,486.81
Camp McDowell	24,750.15
Camp Lowell	49,920.00
Camp Thomas	10,487.00
Camp Verde	12,293.79
Fort Whipple	1,730.00
Timber reserve for Fort Whipple	720.00
Fort Yuma, mostly in California, small part in Arizona.	
Area of military reservations in Arizona not counting Camp Thomas, which is mostly comprised in Camp Goodwin Reservation	197,052.67

Arkansas (2 reservations):

Fort Smith Cemetery	14.81
Quarrying reservation	260.96
Total in Arkansas	275.77

California (19 reservations):

Angel and Alcatraz Islands, area not known.	
Benicia	344.90
Fort Bidwell	3,201.45
Camp Cady	1,562.00
Fort Crook	2,560.00
Deadman's Island	2.00
Camp Gaston	451.50
Fort Hill or Monterey, area not known.	
Camp Independence	2,650.18
Molate Island or Golden Rock, area not known.	
Presidio Reserve No. 1	1,382.22
Point San José (less the area relinquished to city and county of San Francisco by act of Congress approved July 1, 1870)	130.24
Peninsula Island, area not known.	
Fort Reading	3,962.90
Point Loma, area not known.	
San Solito, Bay Point, area not known.	
Three Brothers, Three Sisters, and Marin Islands at San Pablo Bay entrance, area not known.	
Yerba Buena Island, area not known.	
Fort Yuma	5,214.30
Total in California as far as the areas are known	21,461.69

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Colorado (5 reservations):

	Acres.
Fort Garland	2,560.00
Fort Lyon	5,864.00
Pike's Peak	8,192.00
Fort Sedgewick	40,960.00
Fort Lewis	22,400.00
Total in Colorado	79,976.00

Dakota (10 reservations):

Fort Abraham Lincoln, area not known.	
Fort Buford, partly in Montana	576,000.00
Fort Pembina	1,899.08
Fort Randall, estimated at	96,000.00
Fort Rice, estimated at	102,400.00
Fort Stevenson, estimated at	48,000.00
Fort Sully, estimated at	28,800.00
Fort Totten estimated at	46,000.00
Fort Wadsworth	78,400.00
Fort Meade	7,840.00
Total area in Dakota, not including Fort Abraham Lincoln, but including one-half of Fort Buford in Montana	985,339.08

Florida (16 reservations):

North end of Amelia Island	419.44
Fort McRee, area not known.	
Battard Island and adjacent lands, area not known.	
Fort Brooke	155.50
Cedar Keys	211.65
Islands in Charlotte Harbor	2,143.38
Dry Tortugas, area not known.	
Egmont Island, area not known.	
Fort Barrancas, area not known	
Neck of land at Saint Andrew's Sound, area not known.	
Fort Marion and blocks in Saint Augustine and land at Matanzas Inlet, area not known.	
At Saint George's Sound, lands mostly disposed of, they constituting a part of what is known as "Forbes's Purchase."	
Saint Joseph's Bay, Point Saint Joseph	3 851.21
Saint Mark's	305.75
At Santa Rosa Sound	5,958.20
Key West Shoals, area not known.	
Total area of reservations in Florida, as far as known	13,045.13

Idaho (5 reservations):

Fort Boise	1,225.55
Fort Hall	646.50
Fort Lapwai	1,226.00
Camp Three Forks, Owyhee	4,800.00
Fort Cœur d'Alene	1,280.00
Total in Idaho	9,178.05

Illinois:

Fort Armstrong (Rock Island), area not known.

Kansas (6 reservations):

Fort Dodge	43,461.00
Fort Hays	7,600.00
Fort Larned	10,240.00
Fort Leavenworth	2,750.00
Fort Riley	19,899.22
Fort Wallace	8,960.00
Total in Kansas	92,910.22

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	Acres.
Louisiana (7 reservations):	
Battery Bienvenue, area not known.	
Baton Rouge	44.17
On the coast of the Gulf of Mexico quite a number of reserved tracts, area not known.	
Fort Jackson	740.97
Fort Pike, area not known.	
Fort Saint Philip	556.12
Tower Dupres, area not known.	
Total in Louisiana, as far as known	1,341.26
Michigan (6 reservations):	
Fort Brady, exact area not known.	
Fort Gratiot, all sold.	
Fort Mackinac, area not known.	
Bois Blanc Island	9,199.43
Fort Wilkins	148.35
Total in Michigan, as far as known	9,347.78
Minnesota (2 reservations):	
Fort Snelling, area not known.	
Reserve on Saint Louis River	7.32
Missouri (3 reservations):	
Grand Tower Rock, area not known.	
Island in Missouri River, township 50 north, range 33 west	54.70
Fort Leavenworth, area not known.	
Montana (8 reservations):	
Camp Baker	2.400.00
Fort Benton, area not known.	
Fort Buford (see under Dakota).	
Fort Ellis	32,160.00
Fort Shaw	32,000.00
Fort Keogh	57,619.00
Fort Assiniboine, estimated	704,000.00
Fort Missoula	2,777.64
Total in Montana, as far as known	830,956.64
Nebraska (6 reservations):	
On North Fork of Loup River	3,251.41
Fort McPherson	19,500.00
Fort Niobrara	6,194.84
Fort Robinson	15,360.00
Camp Sheridan	18,225.00
Fort Sidney	3,835.35
Total in Nebraska	66,366.60
New Mexico (13 reservations):	
Fort Bayard	8,840.00
Fort Butler (never declared)	76,800.00
Fort Craig	24,895.00
Fort Cummings	2,560.00
Fort Marcy	17.77
Fort McRae	2,560.00
On Moro River	5,120.00
Fort Selden	9,613.74
Fort Stanton	10,240.00
Fort Sumner Cemetery	320.00
Fort Thorn	23,040.00
Fort Union	66,880.00
Fort Wingate	64,000.00
Total in New Mexico, not including Fort Butler, never declared	218,086.51

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	Acres.
Nevada (3 reservations):	
Carlin	920.00
Camp Halleck	10,900.93
Camp McDermitt	10,374.40
Total in Nevada	22,195.33
Oregon (4 reservations):	
Fort Klamath	3,135.68
Sand Island	192.07
Point Adams	1,250.11
Fort Orford, area not known	
Total in Oregon, as far as known	4,577.86
Utah (4 reservations):	
Fort Cameron	23,378.00
Camp Douglas	2,560.00
Camp Floyd	94,550.00
Rush Lake Valley	5,131.47
Total in Utah	125,599.47
Washington Territory (35 reservations):	
Port Angeles and Ediz Hook, area not known.	
Canoe Island	43.10
Fort Cascades	320.21
Fort Colville	1,070.00
Cape Disappointment	536.20
Lopez Island	1,233.90
Straits Juan de Fuca	2,098 60
Point Roberts	2,434.55
On San Juan Island	1,148.33
Shaw Island	1,110.20
Fort Three Tree Point	640.00
Port Townsend	621.97
Fort Vancouver	640.00
Fort Walla Walla	619.57
On north side of New Dungeness Harbor	300.00
South side New Dungeness Harbor	640.00
West side of entrance to Washington Harbor	640.00
East side of entrance to Washington Harbor	640.00
Challam Point	640.00
Opposite Challam Point	640.00
Opposite Protection Island	640.00
Vancouver Point	640.00
Point Wilson	640.00
Admiralty Head	640.00
Marrowstone Point	640.00
North of entrance to Deception Pass (including islands)	640.00
South of entrance to Deception Pass	640.00
Two islands east of Deception Pass	200.00
Tala Point, near Hood's Canal	640.00
Hood's Head, near Hood's Canal	640.00
Foulweather Point	640.00
Double Bluff	640.00
Point Defiance	640.00
Three tracts on west side of narrows of Puget Sound (each 640)	1,920.00
Most northerly point of Whidbey's Island	640.00
Total area reserved in Washington Territory, including some lands disposed of prior to date of the orders declaring reservations	25,446.00
Wisconsin (1 reservation):	
Stone Quarry Reservation in township 28 north, range 25 east	1,046.10

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Wyoming (9 reservations):

	Acres.
Fort Bridger	10,240 00
Fort Fetterman	89,680.00
Fort Laramie	34,560.00
Fort D. A. Russell	4,512.00
Fort Sanders	21,882.64
Fort Fred Steele	23,040.00
Sulphur Creek (for coal)	100,00
Fort McKinney	25,600.00
Depot McKinney	640.00
Total in Wyoming	210,254.64

Recapitulation of areas as far as known or estimated.

No. of reservations.	States and Territories.	Area.
		Acres.
1	Alabama	
.....	Islands in Gulf, Alabama and Mississippi	6,061.64
13	Arizona	197,052.67
2	Arkansas	275.77
19	California	21,461.69
5	Colorado	79,976.00
10	Dakota, including that part of Fort Buford in Montana	985,339.08
16	Florida	13,045.13
5	Idaho	9,178.05
1	Illinois, Fort Armstrong (area not known)	
6	Kansas	92,910.22
7	Louisiana	1,341.26
6	Michigan	9,347.78
2	Minnesota, besides Fort Snelling	7.32
3	Missouri (one partial)	54.70
8	Montana	830,956.64
6	Nebraska	66,366.60
13	New Mexico (Fort Butler never declared)	218,086.51
3	Nevada	22,195.33
4	Oregon	4,577.86
4	Utah	125,599.47
35	Washington	25,446.00
1	Wisconsin	1,046.10
9	Wyoming	210,254.64
179	Grand total	2,920,580.68

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CHAPTER XVIII.

TO JUNE 30, 1882.

[See page 752.]

STATE SELECTIONS.

TO JUNE 30, 1880.

September 4, 1841, Congress granted, by the eighth section of the "State selection act," to each State named, and "to each new State that shall hereafter be admitted into the Union," 500,000 acres of public lands for internal improvements, which included the quantity that was granted to such State before its admission, and while under a Territorial government, for such purpose. (See U. S. Statutes at Large, and Regulations of the General Land Office, for method and details of selection and patenting.)

The selections under this act have amounted to 7,806,554.67 acres, most of which have been patented to the several States, viz:

States.	Acres.	Disposition.
Illinois	209,085.50	Satisfied.
Missouri	500,000	Do.
Alabama	97,469.17	Do.
Mississippi	500,000	Do.
Louisiana	500,000	Do.
Michigan	500,000	Do.
Arkansas	500,000	Do.
Florida	500,000	484,184 acres selected.
Iowa	500,000	Satisfied.
Wisconsin	500,000	Do.
California	500,000	487,709 acres selected.
Kansas	500,000	Satisfied.
Minnesota	500,000	Do.
Oregon	500,000	Do.
Nevada	500,000	470,014 acres selected.
Nebraska	500,000	Satisfied.
Colorado	500,000	302,541.26 acres selected.
Total	7,806,554.67	

Illinois and Alabama received part of the 500,000 acres under previous grants.
Ohio and Indiana received their quotas for internal improvement prior to the act of September 4, 1841.

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CHAPTER XIX.

To December 1, 1883.

[For table showing allowance to all States and Territories, see pages 753, 1260.]

DISTRIBUTION ACT OF SEPTEMBER 4, 1841.

DISTRIBUTION OF THE NET PROCEEDS OF THE MONEYS ARISING FROM THE SALES OF PUBLIC LANDS IN THE SEVERAL PUBLIC LAND STATES AND TERRITORIES.

The act of September 4, 1841, provided that after deducting 10 per cent. of the net proceeds of the sales of public lands within the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan, all the net proceeds of the sales of public lands in all the States, subsequent to December 31, 1841, were to be divided *pro rata* among the twenty-six States and the Territories of Wisconsin, Iowa, and Florida, and the District of Columbia, according to their respective Federal population, as ascertained by the census of 1840.

Statement of the amount allowed and paid to the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan under the distribution act of September 4, 1841.

Ohio	$61,046 33
Indiana	30,278 13
Illinois	50,563 10
Alabama	25,125 23
Missouri	23,246 55
Mississippi	14,088 14
Louisiana	14,168 99
Arkansas	5,012 16
Michigan	9,729 57
Total	233,258 20

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CHAPTER XX.

TO JUNE 30, 1882.

[See pages 753–949.]

TO JUNE 30, 1883.

[See pages 1260–1276.]

CANAL, WAGON, AND RAILROAD GRANTS.

TO JUNE 30, 1880.

LAND GRANTS FOR PUBLIC IMPROVEMENTS.

The granting of subsidies of public lands to aid in constructing canals, wagon, and railroads grew out of the fierce political battles, after the year 1803, on the subject of internal improvements by aid of the National Government. It was contended by the various factions favoring these improvements that the power of Congress to act in such cases was derived from the clause for "common defense and general welfare," or the clause authorizing Congress "to establish post-offices and post-roads," and under the clause to "regulate commerce with foreign nations and among the several States and with the Indian tribes." (See report of John C. Calhoun, Secretary of War under President Monroe; the message of President Monroe favoring internal improvements under the general government, May 4, 1822; veto message of President Monroe of Cumberland road bill, May 4, 1822; veto message of President Jackson of Maysville road bill (Kentucky), May 27, 1830, and same of date December 2, 1834, on Wabash improvement bill in sixth annual message; see also veto message of President Polk upon the river, harbor, and improvement bill; the report of Mr. Calhoun to the Memphis convention upon the improvement of the Western rivers; Mr. Benton's Thirty Years in the United States Senate; Wheeler's Biographical Dictionary of Congress; Williams's Statesman's Manual; Presidents' messages to 1880, and reports of committees of Congress to 1880.)

FIRST ACT GRANTING LANDS FOR PUBLIC IMPROVEMENTS—OHIO, 1802.

April 30, 1802, Congress made the first appropriation of public lands in favor of public improvements. In the enabling act for the State of Ohio it was provided that one-twentieth part of the net proceeds from the sales of public lands lying in said State and sold by Congress should be given to the State for the purpose of laying out and making public roads from the navigable waters emptying into the Atlantic to the Ohio River—roads to be laid out under authority of Congress with the consent of the several States through which they passed.

The act giving Ohio 3 per cent. of the net proceeds of land sales for laying out, opening, and making roads within said State was passed March 3, 1803.

CANAL GRANTS, OHIO, INDIANA, AND ILLINOIS.

Legislation of like character was passed until after the year 1823. A canal act, with right of way, for Indiana, was passed March 26, 1824. This was not utilized.

The act for Indiana, passed March 2, 1827, abrogated the act of 1824, and an act of like date gave to Illinois—as did the act to Indiana—grants of land in aid of the construction of two canals. The Indiana canal, the Wabash and Erie, was to connect the Wabash River with Lake Erie, and the Illinois canal was to connect the waters of the Illinois River with those of Lake Michigan. The act of May 24, 1828, gave to the State of Ohio a grant to aid in the construction of the Miami Canal from Dayton to Lake Erie.

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Land equal to two and one-half sections in width on each side of the canal was granted, the United States reserving each alternate section, which reservation then inaugurated has become the rule in land-grants for improvements.

When the lines of the canals were established selections of land were to be allowed, and the title in fee at once passed to the States, who were to dispose of the same. The act provided that the construction of the canals should be commenced within five years and completed within twenty years, and upon failure to comply with these conditions the States were to pay the United States the amount received for any lands previously sold. Purchases from the States were protected by the title in fee having passed to the State upon location of the canals. This was equal to a cash advance by the Nation for construction purposes, as the lands were sold by the States and the money thus obtained built the improvements.

These acts of March 2, 1827, and May 24, 1828, (with the subsequent legislation thereunder), granting lands to Ohio, Indiana, and Illinois in aid of the construction of the canals named, resulted in the vesting to those States for such purpose of 2,014,816 acres of land; the grant to the Wabash and Erie Canal being, in Indiana 1,457,366.06 acres, in Ohio 266,535 acres, a total of 1,723,901.06 acres; and the Illinois canal, connecting the Illinois River with Lake Michigan, 290,915 acres. (See act of March 2, 1833, which authorized Illinois to use the lands granted for the construction of a railroad.)

The total number of grants, beginning in 1824 and ending 1866, and area thereof, viz, 4,424,073.06 acres, made by the United States to the States for canal purposes are shown in the following table:

Land concessions by acts of Congress to States for canal purposes from the year 1824 *to June* 30, 1880.

States.	Date of laws.	Statutes.	Page.	Name of canal.	Total number of acres granted and certified.
Indiana	Mar. 26, 1824	4	47	Wabash and Erie Canal	.....
Do	Mar. 2, 1827	4	236		234, 246. 73
Do	May 29, 1830	4	416		29, 552. 50
Do	Feb. 27, 1841	5	414		259, 368. 48
Do	Aug. 29, 1842	5	542		24, 219. 83
Do	Mar. 3, 1845	5	731		796, 630. 19
Do	May 9, 1848	9	219		113, 348. 33
Ohio	Mar. 2, 1827	4	236	Wabash and Erie Canal	266, 535. 00
Do	June 30, 1834	4	716		
Do	May 24, 1828	4	305	Miami and Dayton	333, 826. 00
Do	Apr. 3, 1830	4	393		
Do. (sec. 5)	May 24, 1828	4	306	General canal purposes	500, 000. 00
Illinois	Mar. 2, 1827	4	234	Canal to connect the waters of the Illinois River with those of Lake Michigan	290, 915. 00
Do	Aug. 3, 1854	10	344		
Wisconsin	June 18, 1838	5	245	Milwaukee and Rock River Canal	125, 431. 00
Do	Apr. 10, 1866	14	39	Breakwater and Harbor Ship Canal	200, 000. 00
Do	Mar. 1, 1872	10	32	Act extending the time for completion of canal to April 10, 1874	
Do	Mar. 7, 1874	18	20	Act extending the time for completion of canal to April 10, 1876	
Michigan	Aug. 26, 1852	10	35	Saint Mary's Ship Canal	750, 000. 00
Do	Mar. 3, 1865	13	519	Portage Lake and Lake Superior Ship Canal	200, 000. 00
Do	July 3, 1866	14	81	do	200, 000. 00
Do	July 6, 1866	14	80	Lac La Belle Ship Canal	100, 000. 00

RECAPITULATION.

Indiana	1, 457, 366. 06
Ohio	1, 100, 361. 00
Illinois	290, 915. 00
Wisconsin	325, 431. 00
Michigan	1, 250, 000. 00
Total quantity granted and certified for canal purposes	4, 424, 073. 06

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Session of Congress and administration when enacted.

	Acres.	Acres.
President Monroe:		
1824. 1st sess., 18th Cong.:		
Indiana.—March 26: Wabash and Erie Canal (not utilized).		
President John Quincy Adams:		
1827. 2d sess., 19th Cong.:		
Indiana.—March 2: Wabash and Erie Canal	234,246.73	
Ohio.—March 2: Wabash and Erie Canal (see act of June 30, 1834)	266,535.00	
Illinois.—March 2: Illinois River and Lake Michigan (see act of August 3, 1854)	290,915.00	
1828. 1st sess., 20th Cong.:		
Ohio.—May 24: Miami and Dayton (see act of April 3, 1830)	333,826.00	
May 24: sec. 5, general canal purposes	500,000.00	
Total under President J. Q. Adams		1,625,522.73
President Jackson:		
1830. 1st sess., 21st Cong.:		
Indiana.—May 29: Wabash and Erie Canal		29,552.50
President Van Buren:		
1838. 2d sess., 25th Cong.:		
Wisconsin.—June 18: Milwaukee and Rock River Canal	125,431.00	
1841. 2d sess., 26th Cong.:		
Indiana.—February 27: Wabash and Lake Erie Canal	259,368.48	
Total under President Van Buren		379,799.48
President John Tyler:		
1842. 2d sess., 27th Cong.:		
Indiana.—August 29: Wabash and Erie Canal	24,219.83	
1845. 2d sess., 28th Cong.:		
Indiana.—March 3: Wabash and Erie Canal	796,630.19	
Total under President Tyler		820,850.02
President Polk:		
1848. 1st sess., 30th Cong.:		
Indiana.—May 9: Wabash and Erie Canal		113,348.33
President Fillmore:		
1852. 1st sess., 32d Cong.:		
Michigan.—August 26: Saint Mary's Ship Canal		750,000.00
President Lincoln:		
1865. 2d sess., 38th Cong.:		
Michigan.—March 3: Portage Lake and Lake Superior Ship Canal		200,000.00
President Johnson:		
1866. 1st sess., 39th Cong.:		
Michigan.—July 3: Portage Lake and Lake Superior Ship Canal	200,000.00	
Wisconsin.—April 10: Breakwater and harbor ship canal (see acts of April 10, 1874, and April 10, 1876)	200,000.00	
Michigan.—July 6: Lac La Belle Ship Canal	100,000.00	
Total under President Johnson		500,000.00
Grand total		4,424,073.06

TERRITORIAL GRANTS IN AID OF INTERNAL IMPROVEMENTS.

The Des Moines River grant of lands to the Territory of Iowa for the purpose of improving the navigation of the Des Moines River from its mouth to the Raccoon Fork, was a peculiar one. (See 9 Stats., p. 77.) The act was approved August 8, 1846, and was the subject of much departmental and judicial construction, running through a long period of years. (See Railroad Company *vs.* Litchfield (23 Howard, 66), and acts of legislature of Iowa of March 22, 1858, and of Congress July 12, 1862, 12 Stats., p. 543.) This grant was partially merged into the grant in aid of the Keokuk, Fort Des Moines and Minnesota Railroad.

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The grant to the Territory of Wisconsin took effect upon the admission of Wisconsin as a State, and was for the improvement of the Fox and Wisconsin rivers, in that State, and to aid in constructing a canal connecting those two rivers. It was approved August 8, 1846, the same day as the Iowa grant. In this act was the first provisions for increasing the price of reserved sections of land to double minimum, $2.50 per acre.

WAGON ROAD AND MILITARY WAGON-ROAD GRANTS.

The Ohio wagon-road grants of money to aid in constructing roads, in 1802 and 1803, and others of like character, gave way to grants of land for wagon-road purposes.

March 2, 1827, Indiana was granted a piece of public land (Pottawatomie Indian lands), or the money from the sale thereof, for building a road from Lake Michigan, through Indianapolis, to the Ohio River.

March 3, 1827, Ohio was granted one-half of two sections along its line to construct a road from Columbus to Sandusky.

Other grants of like character were made. (See statutes of the United States, from 1827.)

The following shows the military wagon-road grants of public land made by the United States from 1863 to June 30, 1863:

Military wagon-road grants by act of Congress to States or corporations from 1824 *to June* 30, 1880.

States of—	Date of law.	Statutes at Large. Volume.	Statutes at Large. Page.	Wagon roads.	Mile limits.	Number of acres certified or patented to June 30, 1880.
Wisconsin	Mar. 3, 1863	12	797	From Fort Wilkins, Copper Harbor, Mich., to Fort Howard, Green Bay, Wis.	3 and 15	302,930.36
Do	June 8, 1868	15	67	Act extending time for completion of road to March 1, 1870.		
Do	May 6, 1870	16	121	Act extending time for completion of road to January 1, 1872.		
Do	June 25, 1864	13	183	Act granting lands to the State to build a military road to Lake Superior.	3 and 6	.....
Michigan	Mar. 3, 1863	12	797	From Fort Wilkins, Copper Harbor, Mich., to Fort Howard, Green Bay, Wis.	3 and 15	221,013.35
Do	June 8, 1868	15	67	Act extending time for completion of road to March 1, 1870.		
Do	May 6, 1870	16	121	Act extending time for completion of road to January 1, 1872.		
Do	Apr. 24, 1872	17	56	Act extending time for completion of road to January 1, 1874.		
Do	June 20, 1864	13	140	No map filed; limitations of grant expired June 20, 1869.	.....	.....
Oregon	July 2, 1864	13	355	Oregon Central military road	3	361,327.43
Do	Dec. 26, 1866	14	374	Act making provision for indemnity limits.	6	.....
Do	Mar. 3, 1869	15	338	Act extending time for completion of road to July 2, 1872.	.....	.....
Do	July 4, 1866	14	86	Corvallis and Aquinna Bay	6	76,885.98
Do	July 5, 1866	14	89	Willamette Valley and Cascade Mountain.	3 alternate sections to be selected within six miles.	107,893.01
Do	Feb. 27, 1867	14	409	Dalles military road	3 and 10	126,910.23
Do	Mar. 3, 1869	15	340	Coos Bay military road	3 and 6	104,080.11
				Total acres	.....	1,301,040.47

RECAPITULATION.

	Acres.
Wisconsin	302,930.36
Michigan	221,013.35
Oregon	777,096.76
Total	1,301,040.47

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Session of Congress and administration when enacted.

		Acres.
President Lincoln:		
1863. 3d. sess., 37th Cong.:		
Wisconsin.—March 3: From Fort Wilkins' Copper Harbor, to Fort Howard, Green Bay, Wis. (see acts of June 8, 1868, and May 6, 1870	302,930.36	
Michigan.—March 3: same road in Michigan—(see acts of June 24, 1864, June 8, 1868, May 6, 1870, and April 24, 1872	221,013.35	
1864. 1st sess., 38th Cong.:		
Oregon.—July 2: Oregon Central Military Road—(see acts March 3, 1869, and December 26, 1876)	361,327.43	
Total under President Lincoln		885,271.14
President Johnson:		
1866. 1st sess., 39th Cong.:		
Oregon.—July 4: Corvallis and Aquinna Bay	76,885.98	
Oregon.—July 5: Willamette Valley and Cascade Mountains	107,893.01	
1867. 2d sess., 39th Cong.:		
Oregon.—February 27: Dalles Military Road	126,910.23	
1869. 3d sess., 40th Cong.:		
Oregon.—March 3: Coos Bay Military Road	104,080.11	
Total under President Johnson		420,769.33
Grand total		1,301,040.47

GRANTS OF PUBLIC LANDS FOR RAILROADS FROM 1850 TO JUNE 30, 1880.

THE GRANT TO THE STATE OF ILLINOIS.

March 2, 1833, Congress authorized the State of Illinois to divert the canal grant of March 2, 1827, and to construct a railroad with the proceeds of said lands. This was the first Congressional enactment providing for a land grant in aid of a railroad, but was not utilized by the State.

The first right of way (30 feet on each side of its line) through the public lands for a railroad, with use of timber within 300 feet on either side and 10 acres at terminus, was granted to a Florida company March 3, 1835.

In the right of way to the New Orleans and Nashville Railroad Company granted July 2, 1836, first appears the requirement of filing a description of the route and surveys with the General Land Office. Easements were granted for necessary depots, water stations, and workshops, in blocks of not more than five acres on the line of the road, and adjacent, and at least fifteen miles apart. Material for construction—earth, stone, or timber—might be taken from the public lands. A limitation as to beginning the road within two years and completing the same in eight years, was provided, with a forfeiture of the grant unless construction was carried out as above. Abandonment of the road caused the grant to "cease and determine." The East Florida grant required maps to be filed with the Commissioner of the General Land Office showing the location of the lands, as also did grants for other railroads.

The act of September 20, 1850, was the first railroad act of real importance, and initiated the system of grants of land for railroads by Congress which prevailed until after July 1, 1862. This grant gave the State of Illinois alternate sections of land (even-numbered) for six sections in width on either side of the road and branches, being a grant of specific sections.

The second section initiated the "indemnity" practice, or the granting of lands to the company in lieu of lands within the original grant occupied by legal settlers at the time of the definite location of the route, to be taken within fifteen miles of the

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road, and designated the method of disposition. The third section provided that lands of the United States within the grant limits should not be sold at less than double minimum price ($2.50) being an increase of the price of lands from $1.25 to $2.50 per acre, or from single to double minimum. It provided for a forfeiture of the grant, with payment by the State to the United States for lands sold, in case of failure to construct within a certain fixed time. Unsold lands were to revert to the public domain, and purchasers from the State to have good title. This was providing for default and reversion thereafter.

The road was to be a public highway, to be used by the Government free of toll or other charges, and the mails were to be carried at prices to be fixed by Congress.

TERMS OF THE ACT EXTENDED TO ALABAMA AND MISSISSIPPI.

This act extended like terms and conditions to the States of Alabama and Mississippi in aid of the Mobile and Ohio road which was to connect with the Illinois Central and branches—all of which roads are now established.

LEGISLATIVE HISTORY OF THE ILLINOIS ACT OF 1850.

The following legislative history of the passage of this law is from a statement made by the Hon. Stephen A. Douglas, noted and written out by Col. J. Madison Cutts, U. S. A.:

The Illinois bill was the pioneer (railroad) bill, and went through without a dollar, pure, uncorrupt.

As early as 1835 the Illinois legislature granted to D. B. Holbrooke a charter for the Illinois Central Railroad, and also for the construction of a city at the mouth of the Ohio River, called Cairo, and various other charters for enterprises connected with his proposed improvements at Cairo. Before Mr. H. had taken any steps to construct the road, the Illinois legislature, at the session of 1836–'37 commenced a system of internal improvements at the expense and under the control of the State, which system embraced the construction of the Illinois Central Railroad among other works, and they repealed the charter granted to Mr. H. for that road.

After spending a large amount of money on these various works, including over a million of dollars upon the Illinois Central road, the credit of the State failed during the pecuniary revulsions of 1837, 1838, 1839, and 1840, and the works were all abandoned. Mr. H. again applied to the State for a charter to construct a road, which was granted to him and his associates, together with all the work that had been already done, on condition that he would proceed and construct the road.

Mr. H. through his friend and partner, Judge Breese, Senator from Illinois, applied to Congress for a pre-emption right to enter all the lands at any period within ten years, on each side of the line of said road, at one dollar and a quarter per acre, and Senator Breese reported a bill to that effect from the Committee on Public Lands of the Senate, and urged its passage. His colleague, Mr. Douglas, denounced the proposition as one of extravagant speculation, injurious to the interests of the State, inasmuch as its effect would be to withhold eight or ten million acres of land from settlement and cultivation for the period of ten years, until they should become valuable in consequence of the improvements made by the settlers upon the adjacent lands, without imposing any obligation on the company to make the road or to pay for any of the lands except those which they should in the mean time sell at advanced prices; the bill, in fact, creating a vast monopoly of the public lands. Mr. Douglas then introduced into the Senate a counter proposition, which was to make the grant to the State of Illinois of alternate sections. Mr. H. and his agents used their influence to defeat this bill, because the grant was made to the State instead of to the company. Mr. Douglas succeeded in passing it in the Senate, with almost certain prospect of its passage in the House, where it was supposed that the grant was certain to become a law. Mr. H. and his agents went directly to Illinois, where the legislature was in session, but at a time when no person in Illinois supposed that the bill would pass Congress, and procured the passage of a law making several important amendments to its charter. After the legislature adjourned, and after the land grant had been defeated in Congress, fortunately, but unexpectedly, by two votes, Mr. Douglas returned home, and upon examining the manuscript acts of the legislature before they were printed, discovered that a clause had been surreptitiously inserted into the amendments conveying to the company all the lands granted or which should be granted to the State of Illinois, to aid in the construction of railroads in that State. This act purported to have passed the Illinois legislature on the very day on which the final vote was taken in Congress upon the grant of lands. Upon inquiry of the governor, secretary of state, and members of the legislature, they all denied any knowledge of

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this particular clause in the act, and no one could account for its being in the act, nor did any one know at what time it was inserted, or by whom.

By an examination of the journals, it appeared that the legislature had at the same time passed resolutions instructing their Senators and requesting their Representatives in Congress to vote for the grant of land, although it had already passed the Senate, and all the Representatives were supporting it in the House.

Mr. Douglas, * * * at Chicago, made a public speech, in which he exposed this act of the Illinois legislature in giving away the lands which Congress proposed to grant to the State, and denounced it, and pledged himself to defeat any grant of lands in Congress which should come to * * * anybody except the State of Illinois.

It was never ascertained how the amendment was introduced. When Congress assembled at the next session, Mr. Holbrooke * * * urged Mr. Douglas to renew his bill for the grant of land. Mr. Douglas showed him a bill which he was about to introduce, commencing the road at a different point on the Ohio River, and running it to Chicago on a different line from the Illinois Central, and making it a condition of the grant that it should not inure to any railroad company then in existence.

Mr. H. begged Mr. Douglas to save Cairo, where he had lodged his entire fortune. Mr. D. consented, provided he would release his charter for the road, and his charters for the various improvements at Cairo. Mr. H. went to New York * * * "and after a time" brought back a satisfactory release. "I immediately sent the release to the secretary of state of Illinois, to be filed and recorded, and requested him to telegraph me upon its reception. I waited until I received the dispatch and then called up the bill and passed it through the Senate. The bill, when first introduced, had been opposed by the Senators from Mississippi, Davis and Foote, on the ground of its unconstitutionality, and also by the Senators from Alabama, King and Clement, and by the members of the House from those States. Immediately after its first defeat I went to my children's plantation in Mississippi, and from there to Mobile, intending to see the president of the Mobile Railroad, then building, but which had been stopped, and failed for want of means. I inquired the way to the office, found it and himself, and fortunately all the directors, who had just had a meeting and knew what to do. I proposed to him to procure a grant of lands, by making it a part of my Illinois Central Railroad bill, which they assented to. I told them that their Senators and Representatives must vote for the bill. They said they would. 'No,' I replied, 'they already voted against it. It is necessary to instruct them by the legislatures of your States.' One of the directors, Foote, was related to Senator Foote, of Mississippi, and said he would have this done, and that Foote would never be re-elected to the Senate unless he did vote as he was required. The others all thought they had sufficient influence to secure instructions from the legislatures of Alabama and Mississippi. I told them it was necessary to keep quiet, and secret, as to my connection in the matter. They promised this, and we all returned to Montgomery, Alabama. They begged me to stop with them, but I went straight to Washington, being afraid to be seen in those parts. After I arrived in Washington, the instructions came from Alabama, and King came, and * * * stormed at the legislature. Davis did not know what in the world was the matter, and refused to believe it. Soon after came instructions, by telegrapic report, from Mississippi. Davis stormed, and a few days after came his letters and written instructions. Then they wanted me to assist them. I told them, * * * to conceal my connection with their instructions, that they had refused to support my bill, and that I could carry it without them; but I finally yielded, and consented to King's proposition (I allowed it to come from him) to amend my bill, so as to connect the Mobile road, thus making a connection between the latter and the Gulf of Mexico. Some time afterwards I prepared an amendment—Mr. Rockwell, of Connecticut, a good lawyer, assisting me—and gave them notice that I was going to call up the bill in the Senate. When I did so, I found that Foote, Davis and King, and others, were absent from the Senate room, and I sent a boy to their committee-rooms to summon them. They came in haste, King saying that he had not prepared an amendment, and that he did not know what was required, and asking me to draw one for him. I told him I had anticipated this, and showed him the amendment which I had prepared. I then made my motion in the Senate, and Mr. King then rose, and with great dignity asked the Senator from Illinois to accept an amendment which he had to offer. I did so. They all voted for the bill, and it passed the Senate and went to the House.

"When the bill stood at the head of the calendar in the House, Mr. Harris, of Illinois, moved to proceed to clear the Speaker's table, and the motion was carried. We had counted up, and had fifteen majority for the bill, pledged to support it. We had gained votes by lending our support to many local measures. The House proceeded to clear the Speaker's table, and the Clerk announced 'a bill granting lands to the State of Illinois,' &c. A motion was immediately made by the opposition, which brought on a vote, and we found ourselves in a minority of one. I was standing in the lobby, paying eager attention, and would have given the world to be at Harris's side, but was too far off to get there in time. It was all in an instant, and the next moment a motion would have been made which would have brought on a decided vote and have defeated the bill. Harris, quick as thought, pale and white as a sheet, jumped to his

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feet and moved that the House go into Committee of the Whole on the slavery question. There were fifty members ready with speeches on this subject, and the motion was carried. Harris came to me in the lobby and asked me if he had made the right motion. I said 'yes,' and asked him if he knew what was the effect of his motion. He replied, it placed the bill at the foot of the calendar. I asked him how long it would be before it came up again? He said, it would not come up this session; it was impossible; there were ninety-seven bills ahead of it. Why not, then, have suffered defeat? It was better that we did not. We then racked our brains, or I did, for many nights to find a way to get at the bill, and at last it occurred to me that the same course pursued with other bills would place them, each in its turn, at the foot of the calendar, and thus bring the Illinois bill at the head. But how to do this was the question.

"The motions to clear the Speaker's table, and to go into Committee of the Whole on the slavery question, would each have to be made ninety-seven times, and while the first motion might be made by some of our friends, or the friends of other bills, it would not do for us, or any one known to be a warm friend or connected with us, to make the second motion, as it would defeat the other bills and alienate from us the support of their friends. I thought a long while, and finally fixed on Mr. ———, who, though bitterly opposed to me (politically), I yet knew to be my personal friend. Living up in ———, he supported the bill, but did not care much one way or the other whether it passed or not; voted for it, but was lukewarm. I called him aside one day, stated my case, and asked him if he would place me under obligations to him by making the second motion (to go into Committee of the Whole), as often as it was necessary. He said yes, provided that Mr. ———, of ———, whom he hated, should have no credit in the event of the success of the measure. I replied that he would have none.

"Harris, then in the House, sometimes twice on the same day, on others once, either made himself or caused the friends of the other bills to make the first motion, when Mr. ——— would immediately make the second. All praised us; said we were acting nobly in supporting them. We replied, 'Yes, having defeated our bill, we thought we would be generous and assist you.' All cursed Mr. ———. Some asked me if I had not influence enough to prevent his motion. I replied, he was an ardent antagonist, and I had nothing to do with him, to the truth of which they assented. Finally, by this means, the Illinois bill got to the head of the docket. Harris, that morning, made the first motion. We had counted noses and found, as we thought, twenty-eight majority, all pledged. The clerk announced 'a bill granting lands to the State of Illinois,' and so on, reading by its title. The opposition again started; were taken completely by surprise; said there must be some mistake, that the bill had gone to the foot of the calendar. It was explained, and the Speaker declared it all right. A motion was immediately made by the opposition to go into Committee of the Whole; it was negatived by one majority, and we passed the bill by three majority. If any man ever passed a bill, I did that one. I did the whole work, and was devoted to it for two entire years. The Illinois Central Railroad hold their lands now by virtue of the release from Holbrooke, which I procured.

ILLINOIS CENTRAL RAILROAD.

By an act of the Illinois legislature, of date February 10, 1851, the Illinois Central Railroad Company was incorporated as a body politic and corporate. The incorporators were Robert Schuyler, George Griswold, Gouverneur Morris, Franklin Haven, David A. Neal, Robert Rantoul, jr., Jonathan Sturgis, George W. Ludlow, John F. A. Sanford, Henry Grinnell, William H. Aspinwall, Levy Wiley, and Joseph Alsop.

The fifteenth section of the act gave the lands ceded to the State for railroad purposes to this company, the governor of the State to make deed in fee therefor to the corporation. Section 18 provided for certain tax conditions and for the payment by the company to the State of 5 to 7 per cent. of the gross receipts of the corporation, to be paid semi-annually to the treasurer of State. This was in consideration of the grants, privileges, and franchises conferred by the charter. The conditions of the Congressional grant to the State of lands were set up in the charter, and became obligations.

Under this charter the State of Illinois has received from the Illinois Central Railroad Company 5 to 7 per cent. of its gross income.

From March 24, 1855, to April 30, 1880 (paid into the State treasury)...	$7,938,868 51
April 30, 1880	165,787 68
Total	8,104,656 19

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The road received from the State the lands granted by the National Government, viz: 2,595,053 acres. The State thus far has received in interest alone (the Illinois Central Railroad's gross income being a perpetual source of income to the State) more than $3 per acre for the lands. The State debt of Illinois, September 14, 1880, was $265,000—which will be paid January 1, 1881, from cash now on hand—and thus the State will be free from debt, and the income from this railroad will constitute a fund for State expenses, doing away, to a great extent, with the necessity of taxation for State purposes. The income from this source in 1879 was over $325,477.38.

AMENDMENT TO THE STATE CONSTITUTION RELATING TO THE ILLINOIS CENTRAL RAILROAD.

July 2, 1870, the people of Illinois voted on the following constitutional amendment:

No contract, obligation, or liability whatever, of the Illinois Central Railroad Company, to pay any money into the State treasury, nor any lien of the State upon or right to tax property of said company, in accordance with the provisions of the charter of said company, approved February tenth, in the year of our Lord one thousand eight hundred and fifty-one, shall ever be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by legislative or other authority; and all moneys derived from said company, after the payment of the State debt, shall be appropriated and set apart for the payment of the ordinary expenses of the State government, and for no other purposes whatever.

This was adopted by a vote of 147,032 in the affirmative, and 21,310 in the negative, and was duly proclaimed as part of the organic law of the State.

OTHER GRANTS AFTER 1850.

The Hannibal and Saint Joseph and Missouri Pacific Railroads were the roads built under the act of June 10, 1852, donating to the State of Missouri certain lands. This act contained two features in addition to the main provisions of the Illinois grant, viz, a plan of disposition of the lands granted, and a clause directing the Secretary of the Interior to offer at public sale, at periods, at the double minimum price ($2.50 per acre) the reserved Government sections. The provisions of the Illinois bill requiring the States to reimburse the Government for lands sold, in case of default, were not in the Missouri act; and in the Arkansas act of February 9, 1853, the section to "offer" the reserved lands was omitted. June 29, 1854, a grant was made to the Territory of Minnesota for the purpose of aiding the construction of a railroad from the southern line to the eastern line of the Territory. This act was very different from any yet passed. It was an unusual thing to make a grant to a Territory, which is not a sovereignty. Its provisions were more full and definite, and selection under authority and supervision of the Interior Department was ordered. (See Statutes at Large for full details). This act was repealed by Congress by act of August 4, 1854. In Rice *v.* Minnesota and Northwestern Railroad, the Supreme Court of the United States sustained the repealing statute, and this grant became forfeited.

The series of grants to Iowa and other States in 1856, and the Minnesota act of 1857, were in the form and substance of the Missouri grants of June 10, 1852, with the change of "odd" for "even" in the description of the sections granted to the States.

THE RAILROAD TO THE PACIFIC—PROPOSED LEGISLATION PRIOR TO 1862.

Prior to July 1, 1862, there had been constant agitation of the question of a railroad to the Pacific, beginning seriously from about the time of the settlement of the northern boundary by the Webster-Ashburton treaty of 1842, and the organization of Washington Territory. A public meeting was held at Dubuque, Iowa, about the year 1838, on this subject. After 1845 Asa Whitney petitioned Congress for a grant of one hundred millions of acres of land to enable him to construct a railroad to the Pacific Ocean. This application was vigorously pushed.

In 1845 Senator Douglas proposed a grant of alternate sections of land to the States of Ohio, Indiana, Illinois, and Iowa, to aid in the construction of a railroad from Lake Erie,

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via Chicago and Rock Island, to the Missouri River, and prepared a bill (upon which he issued an address to his constituency) to organize the Territory of Nebraska, extending from the Missouri River westward, &c., as well as a bill to organize the Territory of Oregon, from the summit of the Rocky Mountains to the Pacific Ocean, and to reserve to each of said Territories the alternate sections of land for forty miles on each side of a line of railroad, from a point on the Missouri River where the Lake Erie road should cross the same, and thence to the navigable waters of the Pacific, in the Territory of Oregon, or on the Bay of San Francisco, in the event that California should be annexed in time.

After the admission of the State of California into the Union, in 1850, and up to 1862, a host of measures were proposed in Congress for a railroad to the Pacific Ocean. Frequent reports were made by a select committee in each house (see committee reports of Congress, 1850 to 1862, and Journals of both houses of Congress, and the *Globe*). The main provisions of the bills reported favorably were, that Congress should make an appropriation of lands, varying in the different bills from fifteen to forty sections per mile, from the Missouri River to the Pacific Ocean, and then providing that the President of the United States should receive sealed proposals from contractors for the construction of the road, contractors to construct at their own expense, and own it when constructed, the United States to make conveyance of the lands granted as fast as the road should be completed through the same. The Government was to make a contract in advance for the transportation of the mails; Army and Navy supplies, and all other freights for the Government, to be determined by bids. These bids were to be received on the following points: First, within how short a time will the contractors complete the road? Second, at what rate per annum will the contractors carry the mails and Government freights for a period of twenty years from the completion of the road? When all the bids were received, the President, in the presence of the Cabinet, and other persons, was to open the bids and assign the contracts to those contractors whose bids should be most favorable to the interests of the United States, having in view the shortness of time for completion and the cheapness of transportation upon it.

A bill reported to the Senate in 1858 proposed that the United States should loan to the contractors its 5 per cent. bonds to the amount of twelve thousand five hundred dollars per mile for each mile of the road, which was to be repaid to the United States in transportation of the mails and other Government service to be rendered by the road.

In his annual report for 1849, Secretary of the Interior Ewing called attention to the "Recent Pacific Railroad meetings at Memphis and Saint Louis."

GOVERNMENT SURVEYS FOR A ROUTE.

The Government of the United States, under the War Department, organized and executed a series of transcontinental surveys and explorations from the Mississippi River westward to the Pacific Ocean, for ascertaining the most practicable and economical railroad route to the Pacific. The report reviewed the resources and prospects of the following routes: The extreme northern route (Steven's), between the 47th and 49th parallels, north latitude; the route of the 41st parallel (Mormon route); the route of the 38th parallel (Benton's great central or Buffalo Trail route); the route of the 35th parallel (Rusk's route), and the route of the 32d parallel (El Paso and the Gila to the Pacific) through the Gadsden purchase.

POLITICAL ACTION AND PETITIONS.

Legislatures petitioned, mass meetings were held, and conventions of political parties urged the passage by Congress of a law to build a railroad to the Pacific Ocean.

In 1856 the Democratic party, in national convention at Cincinnati, in June, passed a resolution (in their platform) asserting that it was the duty of the Federal Government to exercise all its constitutional power to aid in building the railroad to the Pa-

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cific. The Republican party, at its national convention at Philadelphia in June, 1856, passed a resolution (in their platform) that the Federal Government ought to render immediate and efficient aid in the construction of such a road, and also for the construction of an overland wagon-road as preliminary. The Douglas wing of the Democratic party at Charleston and Baltimore, in April and June, 1860, in their platform, after declaring the necessity, said: "The Democratic party pledge such constitutional Government aid as will insure the construction of a railroad to the Pacific Coast."

The Breckenridge wing, at Charleston–Richmond, in April and June, 1860, after pledging their party to the use of every means to secure the building of such a road, urged the "passage of some bill to the extent of the constitutional authority of Congress."

The Republican party, at its national convention at Chicago, in June, 1860, again asserted the platform of 1856, with the additional clause that "preliminary thereto (constructing the Pacific Railroad) a daily overland mail should be promptly established."

The three Presidential candidates in 1856, Messrs. Buchanan, Frémont, and Fillmore, wrote letters favoring the road. For political views of the different Presidents on this subject, see messages of President Pierce, especially that of December 5, 1853, on the question of the right or policy of Congress to incorporate in a State or Territory a railroad from the Atlantic to the Pacific, wherein he says: "I shall be disposed, so far as my own action is concerned, to follow the lights of the Constitution as expounded and illustrated by those whose opinions and expositions constitute the standard of my political faith in regard to the powers of the Federal Government." See also messages of President Buchanan, 1857, &c.

In his message of December 6, 1858, President Buchanan speaks of the importance of the road, and says: "It would be inexpedient for this Government to exercise the power of constructing the Pacific Railroad by its own immediate agents." "The construction of this road ought, therefore, to be committed to companies incorporated by the States," and "Congress might then assist them in the work by grants of land or money, or both, with conditions and restrictions as to transportation of troops and munitions of war, free of charge, and the carrying of the mails at a fair price." The old system of grants of lands to States, leaving the State to incorporate companies to build railroads, was the basis of the above arguments.

President Lincoln's messages, 1861 to 1864, contained recommendations and suggestions upon this subject.

THE CHARTER OF THE UNION PACIFIC RAILROAD.

The public having by petition evidenced their opinion to Congress, the Union Pacific Railroad Company was incorporated by a direct act of the Congress of the United States July 1, 1862. They were to build a railroad and telegraph line from the Missouri River to the Pacific Ocean. This was a complete change in the system of land bounties to aid in the building of railroads. The grant was direct to the corporation, thus avoiding the established rule of using a State as a trustee and agent of transfer. It had been fiercely contended prior to this that Congress could not create a corporation to do business in a State without the consent of the State. The company was given right of way, allowances for shops, stations, &c., and in aid of construction "every alternate section of public land," by odd numbers, unless previously disposed of, reserved, or mineral (coal and iron afterward construed not to be reserved by this term), to the extent of five alternate sections per mile on each side of the road.

Bonds in aid of construction were to be issued. The route was to be laid out and maps thereof to be filed (before definite location) with the Department of the Interior; after the filing of maps the lands within fifteen miles of the road were to be withdrawn.

There was no indemnity provision in this law. Thus was inaugurated the system of grants by Congress direct to corporations for railroad construction, which has resulted in the incorporation by Congress, since July 1, 1862, of the Pacific Railroads, as shown by the accompanying table. In some of these grants iron and coal lands

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are specifically granted; in others they are not. (See form of patent and acts granting lands for railroad purposes, and cessions of lands to States for railroads.) For an interesting review of this subject see the chapter on "Land grants in aid of internal improvements" (by Willis Drummond, jr.) in Maj. J. W. Powell's "Report on the Lands of the Arid Region," 1878; see also Poore's Railroad Manual, 1880, and Statutes at Large.

It was estimated that if the lands embraced in limits of grants to railroads to June 30, 1860, were all available, and that the corporations, State and National, built their roads, and complied with the laws, it would require 215,000,000 of acres of the public domain to satisfy the requirements of the various laws. The estimate of the General Land Office in 1878 was that it would require 187,000,000 of acres, which in all probability will be reduced by actual selections, forfeitures, &c., to 154,000,000 of acres. The present estimate is 155,514,994.59 acres.

REGULATIONS AND REFERENCES.

For full details respecting railroad grants, regulations governing the same, with details as to survey, selections, verification of lists and proper certification, and authentication of plats of survey &c., see Circular of Instructions, General Land Office, November 7, 1879.

CONSTRUCTION OF LAND-GRANT RAILROADS TO JUNE 30, 1880.

The reports of construction of land-grant railroads during the fiscal year ending June 30, 1880, show an aggregate of 359 miles, which, taken with those previously reported (viz, 15,071.14 miles), make a total of 15,430.14 miles of such roads, distributed as follows:

	Miles.
In Alabama	822.00
In Arkansas	620.16
In California	1,228.89
In Colorado	298.00
In Dakota	196.00
In Louisiana	152.00
In Michigan	1,005.00
In Minnesota	2,389.50
In Mississippi	406.00
In Missouri	703.00
In Nebraska	832.00
In Nevada	460.00
In Florida	247.00
In Illinois	705.72
In Indian Territory	155.00
In Iowa	1,672.00
In Kansas	1,654.00
In Oregon	227.00
In Texas (where there are no United States lands, grants being made by State)	342.87
Utah	255.00
Washington	106.00
Wisconsin	553.00
Wyoming	400.00
	15,430.14

TABLE OF LAND GRANTS AND ESTIMATES.

The following statistical tables show the land concessions in aid of canals, railroads, and military wagon-roads from 1824 to June 30, 1880:

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Areas of land-grants for railroads to States and corporations by Congress, actually certified and patented, to June 30, 1880, with the year of grant, session of Congress, and administration.

Administration and Congress.	Granted to State of—	Date.	Name.	Acres patented or certified.	Estimated acres necessary to complete the grant, including acres already patented.	
		1850.				
President Fillmore (1st sess. 31st Cong.).	Illinois	Sept. 20	Illinois Central	2,595,053.00	2,595,053.00	
	do	Sept. 20	Mobile and Chicago			
	Mississippi	Sept. 20	Mobile and Ohio River	737,130.29	1,156,658.73	
	Alabama	Sept. 20	do	419,528.44		
			Total	3,751,711.73	3,751,711.73	
		1852.				
President Fillmore (1st sess. 32d Cong.).	Missouri	June 10	Southwest Branch of the Pacific Railroad	1,161,204.51	1,161,205.00	
	do	June 10	Hannibal and Saint Joseph	603,506.39	603,506.00	
			Total	1,764,710.85	1,764,711.00	
		1853.				
President Fillmore (2d sess. 32d Cong.).	Arkansas	Feb. 9	Saint Louis, Iron Mountain and Southern	1,115,408.41	1,415,408.00	See 1866.
	do	Feb. 9	Little Rock and Fort Smith	550,520.18	1,056,378.00	See 1866.
	do	Feb. 9	Memphis and Little Rock	127,238.51	141,845.00	See 1866.
	Missouri	Feb. 9	Saint Louis, Iron Mountain and Southern	63,294.17	68,540.00	See 1866.
			Total	1,856,461.27	2,682,171.00	
			Total under President Fillmore	7,372,883.85	8,198,593.73	
		1856.				
President Pierce (1st sess. 34th Cong.).	Florida	May 17	Florida Railroad	281,984.17	281,984.00	
	do	May 17	Florida and Alabama	165,688.00	165,688.00	
	do	May 17	Florida, Atlanta and Gulf Central	37,583.29	37,583.00	
	do	May 17	Pensacola and Georgia	1,275,212.93	1,275,212.00	
	Alabama	May 17	Alabama and Florida	394,522.99	394,420.00	
	Iowa	May 15	Burlington and Missouri River	292,172.80	389,134.00	See 1864.
	do	May 15	Chicago, Rock Island and Pacific	482,094.36	645,307.00	See 1864.
	do	May 15	Cedar Rapids and Missouri River	782,069.83	1,156,988.00	See 1864.
	do	May 15	Dubuque and Sioux City	550,467.96	552,000.00	
	do	May 15	Iowa Falls and Sioux City	683,023.80	683,500.00	
	Alabama	June 3	Selma, Rome and Dalton	457,407.37	460,700.00	
	do	June 3	Coosa and Tennessee	67,784.96	68,000.00	
	do	June 3	Mobile and Girard	504,145.86	505,000.00	
	do	June 3	Alabama and Chattanooga	553,581.34	460,000.00	
	do	June 3	South and North Alabama	433,600.80	440,000.00	
	do	June 3	Coosa and Chattooga		60,000.00	
	Louisiana	June 3	North Louisiana and Texas	353,211.70	353,212.00	
	do	June 3	New Orleans, Opelousas and Great Western	719,193.79	719,193.79	
	Michigan	June 3	Port Huron and Lake Michigan	37,427.43	37,428.00	

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Areas of land-grants for railroads to States and corporations by Congress, &c.—Continued.

Administration and Congress.	Grant to State of—	Date.	Name.	Acres patented or certified.	Estimated acres necessary to complete the grant, including acres already patented.	
		1864.				
President Pierce (1st sess. 34th Cong.)—Continued.	Michigan	June 3	Jackson, Lansing and Saginaw	743,009.36	750,000.00	See 1871.
	do	June 3	Flint and Pere Marquette	512,337.03	513,000.00	
	do	June 3	Marquette, Houghton and Ontonagon	437,385.00	552,515.00	See 1865.
	do	June 3	Grand Rapids and Indiana	629,993.11	855,000.00	See 1864.
	Wisconsin	June 3	Chicago, Saint Paul and Minneapolis	474,913.26	805,816.00	See 1864.
	do	June 3	Wisconsin Railroad Farm Mortgage Land Company	40,049.11	40,049.00	
	do	June 3	Saint Croix and Lake Superior (see act of May 5, 1864)	524,538.15	843,000.00	See 1864.
	do	June 3	Branch to Bayfield (see act of May 5, 1864)	318,959.41	565,000.00	See 1864.
	do	June 3	Chicago and Northwestern	545,575.76	550,000.00	See 1864.
	Mississippi	Aug. 11	Vicksburg and Meridian	198,027.82	200,000.00	
	do	Aug. 11	Gulf and Ship Island	.....	200,000.00	
			Total	12,505,959.13	14,559,729.79	
		1857.				
President Pierce (3d sess. 34th Cong.).	Minnesota	Mar. 3	First Division Saint Paul and Pacific	466,403.48	1,248,450.00	See 1865.
	do	Mar. 3	Western Railroad (formerly B. B. St. P. P.)	436,695.16	815,000.00	See 1865.
	do	Mar. 3	Minnesota Central	176,456.08	180,000.00	See 1865.
	do	Mar. 3	Winona and Saint Peter	341,563.48	1,670,000.00	See 1865.
	do	Mar. 3	Saint Paul and Sioux City	959,319.24	1,205,000.00	See 1864.
			Total	2,380,437.34	5,118,450.00	
			Total under President Pierce	14,886,396.47	19,678,179.79	
		1862.				
President Lincoln (2d sess. 37th Cong.).	Corporation	July 1	Central Pacific, successor to Western Pacific	.....	.....	
	do	July 2	Central Pacific	424,727.58	6,500,000.00	See 1864.
	do	July 1	Central Pacific (see act of July 2, 1864)	708,862.17		
	do	July 1	Central Branch, Union Pacific (see act of July 2, 1864)	187,607.99	265,000.00	See 1864.
	do	July 1	Kansas Pacific (see act of July 2, 1864)	828,830.44	6,000,000.00	See 1864.
	do	July 1	Union Pacific (see act of July 2, 1864)	1,859,474.59	9,050,000.00	See 1864.
	Michigan	July 5	Chicago and Northwestern	517,914.15	520,000.00	See 1865.
	Iowa	July 12	Des Moines Valley Railroad((confirming act of August 8, 1846), old Des Moines grant to Iowa.	569,001.61	369,001.61	
	Colorado	July 1	Denver Pacific	.....	800,000.00	See 1864 and 1869.
			Total	5,096,418.53	23,504,001.61	
		1863.				
President Lincoln (3d sess. 37th Cong.)	Kansas	Mar. 3	Atchison, Topeka and Santa Fé	2,474,686.47	2,995,200.00	
	do	Mar. 3	Leavenworth, Lawrence and Galveston	*256,281.66	260,000.00	
	do	Mar. 3	Missouri, Kansas and Texas	*658,068.13	660,000.00	See 1864 and 1866.
			Total (not deducting forfeits)	3,388,936.26	3,915,200.00	

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President Lincoln (1st sess. 38th Cong.).	Wisconsin	May 5	Saint Croix and Lake Superior			See Wisconsin, 1856.
	do	May 5	Chicago, Saint Paul and Minneapolis			Do.
	do	May 5	Branch to Bayfield			Do.
	do	May 5	Wisconsin Central	575,844.56	750,000.	
	Iowa	May 12	Chicago, Milwaukee and Saint Paul	138,284.69	350,000.	
	do	May 12	Sioux City and Saint Paul	396,998.80	400,000.	
	Minnesota	May 12	Grand Rapids and Sioux City	241,038.77		See Minnesota, 1857.
	do	May 5	Lake Superior and Mississippi	860,564.09	862,000.	
	Iowa	June 2	Burlington and Missouri River	96,646.55		See Iowa, 1856.
	do	June 2	Chicago, Rock Island and Pacific	161,212.81		Do.
	do	June 2	Cedar Rapids and Missouri River	358,423.70		Do.
	do	June 7	Grand Rapids and Indiana	222,967.01		See Michigan, 1856.
	Corporation	July 2	Burlington and Missouri River	2,374,090.77	2,441,600.	
	do	July 2	Sioux City and Pacific	41,318.23	45,000.	
	do	July 2	Northern Pacific	746,509.52	42,000,000.	
	do	July 2	Central Pacific			See corporation, 1862.
	do	July 2	Denver Pacific			See Colorado, 1862.
	Kansas	July 1	Missouri, Kansas and Texas			See Kansas, 1863.
	Corporation	July 2	Central Branch Union Pacific			See corporation, 1862.
	do	July 2	Kansas Pacific			Do.
	do	July 2	Union Pacific			Do.
			Total	6,213,899.50	46,848,600 00	
		1865.				
President Lincoln (2d sess. 38th Cong.).	Wisconsin	Mar. 3	Chicago and North Western			See Wisconsin, 1856.
	Michigan	Mar. 3	Marquette, Houghton and Ontonagon (see act June 3, 1856.			See Michigan, 1856.
	do	Mar. 3	Chicago and Northwestern (see act July 5, 1862)			See Michigan, 1862.
	do	Mar. 3	Bay De Noquet and Marquette	128,000.00	128,000.00	
	Minnesota	Mar. 3	Western Railroad	222,649.57		See Minnesota, 1857.
	do	Mar. 3	First Division Saint Paul and Pacific	784,642.66		Do.
	do	Mar. 3	Minnesota Central	3,279.93		Do.
	do	Mar. 3	Winona and Saint Peter	1,326,444.42		Do.
			Total	2,465,016.58	128,000.00	
			Total under President Lincoln	17,164,270.87	74,395,801 61	
		1866.				
President Johnson (1st sess. 39th Cong.).	Minnesota	July 4	Southern Minnesota	454,956.86	500,000.00	
	do	July 4	Hastings and Dakota	225,178.66	350,000.00	
	Corporation	July 25	Oregon Branch of the Central Pacific	1,338,039.27	2,127,000.00	
	Kansas	July 25	Missouri River, Fort Scott and Gulf	21,341.77	21,341.77	
	Corporation	July 25	Oregon and California	323,148.68	2,500,000.00	
	do	July 25	Atlantic and Pacific	504,536.60	22,672,000.00	
	do	July 27	Southern Pacific	952,597.00	5,260,000.00	
	Arkansas	July 28	Saint Louis, Iron Mountain and Southern	207,681.08		See Arkansas and Missouri, 1853.
	do	July 28	Little Rock and Fort Smith	366,196.26		See Arkansas, 1853.
	do	July 28	Memphis and Little Rock	14,606.19		Do.
	Corporation	July 28	Saint Joseph and Denver City	461,813.24	470,956.00	

* The two last grants forfeited by act of Congress, and lands placed in public domain.

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Areas of land-grants for railroads to States and corporations by Congress, &c.—Continued.

Administration and Congress.	Granted to State of—	Date.	Name.	Acres patented or certified.	Estimated acres necessary to complete the grant, including acres already patented.	
President Johnson (1st sess. 39th Cong.)—Continued.		1866.				
	Missouri	July 4	Saint Louis and Iron Mountain		100,000.00	
	Kansas	July 26	Missouri, Kansas and Texas			See Kansas, 1863.
			Total	4,970,295.61	34,001,297.77	
President Johnson (3d sess. 40th Cong.).		1869.				
	Corporation	Mar. 3	Denver Pacific	49,811.59		See Colorado, 1862.
			Total under President Johnson	5,025,107.20	34,001,297.77	
President Grant (2d sess. 41st Cong.)		1870.				
	Corporation	May 4	Oregon Central		1,000,000.00	
President Grant (3d sess. 41st Cong.).		1871.				
	Minnesota	Mar. 3	Saint Vincent (extension of Saint Paul and Pacific)	780,291.75	1,500,000.00	
	Corporation	Mar. 3	Branch Line Southern Pacific	95,493.65	2,500,000.00	
	Michigan	Mar. 3	Jackson, Lansing and Saginaw			See Michigan, 1856.
	Corporation	Mar. 3	Texas Pacific		1,000,000.00 2,000,000.00 10,000,000.00	
	Louisiana	Mar. 3	New Orleans, Baton Rouge and Vicksburg		903,218.00	
President Grant (2d sess. 42d Cong.).		1872.				
	Michigan	May 23	Chicago and Northwestern	327,903.69	327,903.69	
			Total under President Grant	1,203,689.09	19,231,121.69	

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RECAPITULATION.*

Administration and Congress.	Acres patented or certified.	Acres granted.
1850.—President Fillmore (1st sess. 31st Cong.)	3,751,711.73	3,751,711.73
1852.—President Fillmore (1st sess. 32d Cong.)	1,764,710.85	1,764,711.00
1853.—President Fillmore (2d sess. 32d Cong.)	1,856,461.27	2,682,171.00
Total under President Fillmore	7,372,883.85	8,198,593.73
1856.—President Pierce (1st sess. 34th Cong.)	12,505,959.13	14,559,729.79
President Pierce (3d sess. 34th Cong.)	2,380,437.34	5,118,450.00
Total under President Pierce	14,886,396.47	19,678,179.79
1862.—President Lincoln (2d sess. 37th Cong.)	5,096,418.53	23,504,001.61
1863.—President Lincoln (3d sess. 37th Cong.)	3,388,936.26	3,915,200.00
1864.—President Lincoln (1st sess. 38th Cong.)	6,213,899.50	46,848,600.00
1865.—President Lincoln (2d sess. 38th Cong.)	2,465,016.58	128,000.00
Total under President Lincoln	17,164,270.87	74,395,801.61
1866.—President Johnson (1st sess. 39th Cong.)	4,970,295.61	34,001,297.77
1869.—President Johnson (3d sess. 40th Cong.)	49,811.59	.....
Total under President Johnson	5,020,107.20	34,001,297.77
1870.—President Grant (2d sess. 40th Cong.)	.....	1,000,000.00
1871.—President Grant (3d sess. 41st Cong.)	875,785.40	17,903,218.00
1872.—President Grant (2d sess. 42d Cong.)	327,903.69	327,903.69
Total under President Grant	1,203,689.09	19,231,121.69
Grand total	†45,647,347.48	155,504,994.59

*This statement includes some forfeited grants.
†The grand total as given by General Land Office is 45,650,026.33.

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Statement showing grants of lands for railroad and military wagon-road purposes, States, date of law, mile limits, and acres certified and patented, and all land concessions by acts of Congress to States and corporations for railroads and military wagon-road purposes, from the year 1850 *to June* 30, 1880.

States or corporations.	Date of laws.	Statute.	Page.	Name of road.	Mile limits.	Number of acres certified or patented for the year ending June 30, 1880.	Number of acres certified or patented up to June 30, 1880.
Illinois	Sept. 20, 1850	9	466	Illinois Central	6 and 15		2, 595, 053. 00
Do	Sept. 20, 1850	9	466	Mobile and Chicago	6 and 15		
Mississippi	Sept. 20, 1850	9	466	Mobile and Ohio River	6 and 15		*737, 130. 29
Do	Aug. 11, 1856	11	30	Vicksburg and Meridian	6 and 15		198, 027. 82
Do	Aug. 11, 1856	11	30	Gulf and Ship Island	6 and 15		
Alabama	Sept. 20, 1850	9	466	Mobile and Ohio River	6 and 15		419, 528. 44
Do	May 17, 1856	11	15	Alabama and Florida	6 and 15		394, 522. 99
Do	June 3, 1856	11	17	Selma, Rome and Dalton	6 and 15		457, 407. 37
Do	May 23, 1872	17	159	Act confirming lands heretofore certified to the State for the Alabama and Tennessee Railroad.			
Do	June 3, 1856	11	17	Coosa and Tennessee	6 and 15		†67, 784. 96
Do	June 3, 1856	11	17	Mobile and Girard	6 and 15		†504, 145. 86
Do	June 3, 1856	11	17	Alabama and Chattanooga	6 and 15	1, 025. 90	553, 581. 34
Do	Apr. 10, 1869	16	45	Act to renew certain grants of land to the State of Alabama			
Do	June 3, 1856	11	17	South and North Alabama	6 and 15		433, 600. 80
Do	Mar. 3, 1857	11	200	Act amending the sixth section of original act			
Do	Mar. 3, 1871	16	580	Act to renew certain grants of land to the State of Alabama			
Florida	May 17, 1856	11	15	Florida Railroad	6 and 15		281, 984. 17
Do	May 17, 1856	11	15	Florida and Alabama	6 and 15		165, 688. 00
Do	May 17, 1856	11	15	Pensacola and Georgia	6 and 15		†1, 275, 212. 93
Do	May 17, 1856	11	15	Florida, Atlantic and Gulf Central	6 and 15		37, 583. 29
Louisiana	June 3, 1856	11	18	North Louisiana and Texas	6 and 15		353, 211. 70
Do	June 3, 1856	11	18	New Orleans, Opelousas and Great Western	6 and 15		‡719, 193. 79
Do	July 14, 1870	16	277	Act declaring forfeited to the United States all the lands not lawfully disposed of by the State.			
Arkansas	Feb. 9, 1853	10	155	Saint Louis, Iron Mountain and Southern	6 and 15		1, 115, 408. 41
Do	July 28, 1866	14	338	do	Additional 5		207, 681. 08
Do	May 6, 1870	16	376	Resolution extending the time for completion of first twenty miles of road			
Do	Feb. 9, 1853	10	155	Little Rock and Fort Smith	6 and 15		550, 520. 18
Do	July 28, 1866	14	338	do	Additional 5		366, 196. 26
Do	Apr. 10, 1869	16	46	Act extending time for completion of twenty miles of road			
Do	Mar. 8, 1870	16	76	Act repealing provision in act of April 10, 1869, as to mode of sales of land			
Do	Feb. 9, 1853	10	155	Memphis and Little Rock	6 and 15		127, 238. 51
Do	July 28, 1866	14	338	do	Additional 5		14, 606. 19
Do	July 4, 1866	14	83	Saint Louis and Iron Mountain	10 and 20		
Missouri	June 10, 1852	10	8	Southwest Branch of the Pacific Road	6 and 15		1, 161, 204. 51
Do	June 5, 1862	12	422	Act extending the time for completion of road ten years			
Do	June 10, 1852	10	8	Hannibal and Saint Joseph	6 and 15		603, 506. 34

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Do	Feb. 9, 1853	10	155	Saint Louis, Iron Mountain and Southern	6 and 15		63, 294. 17
Do	July 28, 1866	14	338	do	Additional 5		
Do	July 4, 1866	14	83	Saint Louis and Iron Mountain	10 and 20		
Iowa	May 15, 1856	11	9	Burlington and Missouri River	6 and 15		292, 170. 80
Do	June 2, 1864	13	96	do	20		96, 646. 55
Do	Feb. 10, 1866	14	349	Resolution extending the time for completion of road			
Do	May 15, 1856	11	9	Chicago, Rock Island and Pacific	6 and 15		482, 094. 36
Do	June 2, 1864	13	98	do	20		161, 212. 81
Do	Jan. 31, 1873	17	421	Act to quiet the title to certain lands in the State of Iowa			
Do	June 15, 1878	20	133	Act to restore certain lands in Iowa to settlement under the homestead law, &c.			
Do	May 15, 1856	11	9	Cedar Rapids and Missouri River	6 and 15		782, 069. 83
Do	June 2, 1864	13	96	do	20		358, 423. 70
Do	May 15, 1856	11	9	Dubuque and Sioux City	6 and 15	120. 00	550, 467. 96
Do	June 2, 1864	13	98	Act authorizing said road to change its line			
Do	Mar. 2, 1868	15	38	Act extending the time for completion of road to January 1, 1872			
Do	May 15, 1856	11	9	Iowa Falls and Sioux City	6 and 15		683, 023. 80
Do	Aug. 8, 1846	9	77	Des Moines Valley Railroad	5	440. 41	369, 001. 61
Do	July 12, 1862	12	543	do			
Do	May 12, 1864	13	72	Chicago, Milwaukee and Saint Paul (formerly McGregor and Missouri River)	10 and 20		138, 284. 69
Do	May 12, 1864	13	72	Sioux City and Saint Paul	10 and 20		396, 998. 80
Michigan	June 3, 1856	11	21	Port Huron and Lake Michigan	6 and 15		37, 427. 43
Do	Mar. 3, 1879	20	490	Joint resolution releasing the reversionary claim and interest of the United States in and to certain lands in the State of Michigan.			
Do	June 3, 1856	11	21	Jackson, Lansing and Saginaw	6 and 15		743, 009. 36
Do	July 3, 1866	14	78	Act extending the time for completion of road seven years, &c			
Do	Mar. 2, 1867	14	425	Act extending the time for completion of first twenty miles of road			
Do	Mar. 3, 1871	16	586	Act authorizing change of northern terminus from Traverse Bay to Straits of Mackinac, and for other purposes.			
Do	June 3, 1856	11	21	Flint and Pere Marquette	6 and 15		512, 337. 03
Do	Feb. 17, 1865	13	569	Resolution extending time for completion of road			
Do	July 3, 1866	14	78	Act authorizing the company to change its western terminus of road			
Do	Mar. 3, 1871	16	582	Act extending time for completion of road five years			
Do	June 3, 1856	11	21	Grand Rapids and Indiana	6 and 15		629, 993. 11
Do	June 7, 1864	13	119	Grand Rapids and Indiana, from Fort Wayne, Ind., to Grand Rapids	6 and 20		322, 967. 01
Do	Mar. 3, 1865	13	520	Act extending time for completion of road eight years			
Do	June 13, 1856	11	21	Marquette, Houghton and Ontonagon	6 and 15		
Do	Mar. 3, 1865	13	521	do	20		437, 385. 00
Do	May 20, 1868	15	252	Resolution extending time for completion of road, &c			
Do	Apr. 20, 1871	17	643	Act authorizing the Houghton and Ontonagon Railroad Company to resurvey and locate anew a part of its road.			
Do	Mar. 3, 1865	13	521	Bay de Noquet and Marquette	200 sections		128, 000. 00
Do	July 5, 1862	12	620	Chicago and Northwestern	6 and 15		
Do	Mar. 3, 1865	13	520	do	20	46. 00	517, 914. 15
Do	May 23, 1872	17	160	Act authorizing change of route in Michigan	6 and 15		327, 903. 69

* In the adjustment of this grant, the road was treated as an entirety, and without reference to the State line; hence Alabama has approved to her more and Mississippi less land than they would appear to be entitled to in proportion to the length of road line in the respective States.

† No evidence of the construction of any part of these roads, as required by the acts, having been filed in the General Land Office, the grants are presumed to have lapsed, but the lands have not been restored to the mass of public lands, Congress having taken no action to that end.

‡ { Lands earned by the construction of eighty miles of road prior to June 3, 1866, 51,452.03 acres.
Lands within the limits of New Orleans, Baton Rouge and Shreveport Railroad grant of March 3, 1871, 227,879.94 acres.
Lands restored to market March, 1873, under the act of July 14, 1870, 439,861.82 acres

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Land concessions by act of Congress to States and corporations, &c.—Continued.

States or corporations.	Date of laws.	Statutes.	Page.	Name of road.	Mile limits.	Number of acres certified or patented for the year ending June 30, 1880.	Number of acres certified or patented up to June 30, 1880.
Wisconsin	June 3, 1856	11	20	Chicago, Saint Paul and Minneapolis, formerly the West Wisconsin	10 and 20		474, 913. 20
Do	May 5, 1864	13	66	do			
Do	Mar. 3, 1873	17	634	Act to quiet the title to the lands of the settlers on lands claimed by the West Wisconsin Railway Company.			
Do	June 3, 1856	11	20	Wisconsin Railroad Farm Mortgage Land Company			40, 049. 11
Do	July 27, 1868	15	238	Act amendatory of the original act			
Do	June 3, 1856	11	20	Saint Croix and Lake Superior	6 and 15		524, 538. 15
Do	May 5, 1864	13	66	do	10 and 20		
Do	June 3, 1856	11	20	Branch to Bayfield	6 and 15		318, 959. 41
Do	May 5, 1864	13	66	do	10 and 20		
Do	June 3, 1856	11	20	Chicago and Northwestern	6 and 15		545, 575. 76
Do	Apr. 25, 1862	12	618	Resolution authorizing change of route in Wisconsin, &c			
Do	Mar. 3, 1865	13	520	Act extending time for completion of road five years			
Do	Mar. 3, 1869	15	397	Authorizing selections of lands along the full extent of original route of road			
Do	May 5, 1864	13	66	Wisconsin Central	10 and 20	29, 398. 51	575, 844. 56
Do	June 21, 1866	14	360	Resolution explanatory of the act of May 5, 1864, and authorizing certain changes of width, in accordance with the act of the State legislature.			
Do	Apr. 9, 1874	18	28	Act to extend the time for completion of road to December 31, 1876			
Minnesota	Mar. 3, 1857	11	195	First Division Saint Paul and Pacific	6 and 15		466, 403. 48
Do	Mar. 3, 1865	13	526	do	10 and 20	2, 597. 26	784, 642. 66
Do	Mar. 3, 1873	17	631	Act extending time for completion of road nine months			
Do	Mar. 3, 1857	11	195	Western Railroad, formerly Brainard Branch Saint Paul and Pacific	6 and 15		436, 695. 16
Do	Mar. 3, 1865	13	526	do	10 and 20	*121, 502. 31	†222, 649. 57
Do	July 12, 1862	12	624	Resolution authorizing the State to change the branch line under certain conditions.			
Do	Mar. 3, 1871	16	588	Saint Vincent Extension Saint Paul and Pacific, south terminus changed from Crow Wing to Saint Cloud.	10 and 20		780, 291. 75
Do	Mar. 3, 1873	17	631	Act extending time for completion of road nine months			
Do	June 22, 1874	18	203	Act extending time for completion of road to March 3, 1876, &c			
Do	Mar. 3, 1857	11	195	Minnesota Central	6 and 15		176, 456. 08
Do	Mar. 3, 1865	13	526	do	10 and 20		3, 279. 93
Do	Mar. 3, 1857	11	195	Winona and Saint Peter	6 and 15		341, 563. 48
Do	Mar. 3, 1865	13	526	do	10 and 20	2, 929. 52	1, 326, 444. 42
Do	July 13, 1866	14	97	Act allowing selections within twenty miles of road in lieu of lands sold after definite location but prior to withdrawal, &c.			
Do	Jan. 13, 1873	17	409	Act extending the time for completion of road			
Do	Mar. 3, 1857	11	195	Saint Paul and Sioux City	6 and 15		959, 319. 24
Do	May 12, 1864	13	74	do	10 and 20	508. 94	241, 038. 77
Do	July 13, 1866	14	97	Act extending the time for completion of road seven years			

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Minnesota	May 5, 1864	13	64	Lake Superior and Mississippi	10 and 20		860,564.09
Do	July 13, 1866	14	93	Act authorizing the railroad company to make up deficiency of land within thirty miles of west line of road.			
Do	July 4, 1866	14	87	Southern Minnesota	10 and 20	169,553.12	454,956.86
Do	July 4, 1866	14	87	Hastings and Dakota	10 and 20	55,387.85	225,178.66
Kansas	Mar. 3, 1863	12	772	Leavenworth, Lawrence and Galveston	10 and 20		†256,281.66
Do	July 1, 1864	13	339	Act authorizing change of route of branch line			
Do	Apr. 10, 1871	17	5	Act authorizing the company to relocate a portion of its road			
Do	July 24, 1876	19	101	Act declaring a portion of the grant forfeited			
Do	Mar. 3, 1863	12	772	Missouri, Kansas and Texas	10 and 20		‡658,068.13
Do	July 1, 1864	13	339	Act extending grant from Emporia to a point near Fort Riley			
Do	July 26, 1866	14	289	Act making grant from Fort Riley to the southern boundary of the State			
Do	Mar. 3, 1863	12	772	Atchison, Topeka and Santa Fé	10 and 20		2,474,686.47
Do	July 23, 1866	14	210	Saint Joseph and Denver City	10 and 20	8,801.34	461,813.24
Do	July 25, 1866	14	236	Missouri River, Fort Scott and Gulf	19 and 20		21,341.77
Do	Mar. 3, 1877	19	404	An act to secure the rights of settlers upon certain railroad lands, and to repeal the first five sections of an act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad, &c.			
Corporations	July 1, 1862	12	489	Union Pacific from Omaha, Nebr., to a point near Ogden, in Utah Territory	10		
Do	July 2, 1864	13	356	Union Pacific	20		1,859,474.59
Do	July 3, 1866	14	79	Act authorizing location of Union Pacific Railroad from Omaha westward			
Do	July 26, 1866	14	367	Resolution granting right of way through military reserve, &c.			
Do	Apr. 10, 1869	16	56	Resolution for the protection of the interests of the United States in the Union Pacific and Central Pacific Railroads, and providing that the common terminus of the road shall be at or near Ogden, Utah Territory, &c.			
Do	May 6, 1870	16	121	Act fixing the point of junction of the Union Pacific and Central Pacific Railroads, &c.			
Do	May 7, 1878	20	56	An act amendatory of the acts of July 1, 1862, and July 2, 1864			
Do	July 1, 1862	12	489	Central Pacific	10		
Do	July 2, 1864	13	356	do	20		708,862.17
Do	July 3, 1866	14	79	An act authorizing location of Central Pacific Railroad eastward			
Do	Apr. 10, 1869	16	56	Resolution for the protection of the interests of the United States in the Central Pacific and Union Pacific Railroads, and providing that the common terminus of the road shall be at or near Ogden, Utah Territory, &c.			
Do	May 6, 1870	16	121	Act fixing the point of junction of the Central Pacific and Union Pacific Railroads.			
Do	May 7, 1878	20	56	An act amendatory of the acts of July 1, 1862, and July 2, 1864			
Do	July 1, 1862	12	489	Central Pacific, successor by consolidation with Western Pacific	10		
Do	July 2, 1864	13	356	Central Pacific	20		424,727.58
Do	Mar. 3, 1865	13	594	Act ratifying the assignment made by the Central Pacific Railroad Company to the Western Pacific Railroad Company of that portion from San José to the city of Sacramento.			
Do	May 21, 1866	14	356	Resolution extending the time for completion of first section of twenty miles of Western Pacific Railroad upon certain conditions.			

* Includes 35,685.49 acres of the Chicago, Rock Island and Pacific Railroad; 109,756.85 acres of the Cedar Rapids and Missouri River Railroad, and 77,535.22 acres of the Dubuque and Sioux City Railroad, situated in the old Des Moines River grant of August, 1846, which amounts are a loss to the roads, by the decision of the United States Supreme Court in the case of Wolcott *vs.* Des Moines Company (5 Wallace, 681).

† Includes 89,383.87 acres heretofore certified to the State of Minnesota for the Brainard Branch.

‡ Includes 186,936.72 acres of the Leavenworth, Lawrence and Galveston Railroad, and 260,425.35 acres of the Missouri, Kansas and Texas Railway, situated in the "Osage ceded reservation," which amounts are a loss to the roads, by the decision of the United States Supreme Court at its October term, 1875.

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Land concessions by acts of Congress to States and corporations, &c.—Continued.

States or corporations.	Date of laws.	Statutes.	Page.	Name of road.	Mile limits.	Number of acres certified or patented for the year ending June 30, 1880.	Number of acres certified or patented up to June 30, 1880.
Corporations	July 1, 1862	12	489	Central Branch, Union Pacific	10		
Do	July 2, 1864	13	356	do	20	1,154.71	187,607.99
Do	July 1, 1862	12	489	Kansas Pacific	10		
Do	July 2, 1864	13	356	do	20	12 950.43	828,830.44
Do	July 3, 1866	14	79	Act requiring the company to designate route before December 1, 1866			
Do	May 7, 1866	14	355	Resolution extending time for completion of road			
Do	Mar. 6, 1868	15	39	Act restoring the even-numbered sections on line of Pacific railroads and branches, at $2.50 per acre.			
Do	Mar. 3, 1869	15	324	Act extending the Union Pacific Railway, eastern division, line of road to Denver City, and authorizing transfer of lands by said company to the Denver Pacific Railroad Company, between Denver and Cheyenne.			
Do	Mar. 3, 1869	15	348	Resolution authorizing the Union Pacific Railway Company, eastern division, to change its name to Kansas Pacific.			
Do	Mar. 3, 1869	15	324	Denver Pacific	20		49,811.59
Do	June 20, 1874	18	111	Act making additions to the fifteenth section of the act approved July 2, 1864.			
Do	July 2, 1864	13	364	Burlington and Missouri River	20 sections per mile.		2,374,090.77
Do	May 6, 1870	16	118	Act authorizing the change of route and connection with the Union Pacific Railroad at or near Fort Kearney.			
Do	July 2, 1864	13	363	Sioux City and Pacific	10		41,318.23
Do	July 2, 1864	13	365	Northern Pacific	States, 20, 30, and 40; Territories, 40, 50, and 60.	3,016.08	746,509.52
Do	May 7, 1866	14	355	Resolution extending time for commencing and completing road			
Do	July 1, 1868	15	255	do			
Do	Mar. 1, 1869	15	346	Resolution authorizing issue of bonds, &c			
Do	Apr. 10, 1869	16	57	Resolution authorizing the company to extend its branch line from Portland to Puget Sound, &c.			
Do	May 31, 1870	16	378	Resolution authorizing the issue of mortgage bonds, reversing locations of main and branch lines, in Washington Territory, extending indemnity limits, &c.			
Do	July 15, 1870	16	305	Act requiring the Northern Pacific Railroad Company to pay the cost of surveying, &c.			
Do	July 13, 1866	14	94	*Placerville and Sacramento Valley	10 and 20		
Do	Apr. 15, 1874	18	29	Act declaring the grant forfeited to the United States			
Do	July 25, 1866	14	239	Oregon Branch of the Central Pacific	20 and 30	787,274.37	1,338,039.27
Do	June 25, 1868	15	80	Act extending the time for completion of road			
Do	Apr. 10, 1869	16	47	Act amendatory of the original act and providing for the sale of the lands to actual settlers at a fixed price and limited quantity.			
Do	July 25, 1866	14	239	Oregon and California	20 and 30		323,148.68
Do	June 25, 1868	15	80	Act extending the time for completion of road			
Do	Apr. 10, 1869	16	47	Act amendatory of the original act and providing for the sale of the lands to actual settlers at a fixed price and limited quantity.			

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Do	July 27, 1866	14	292	Atlantic and Pacific	States, 20 and 30; Territories, 40 and 50.		504,536.60
Do	Apr. 20, 1871	17	19	Act authorizing the company to mortgage its road			
Corporations	July 27, 1866	14	292	Southern Pacific	20 and 30	1,720.00	952,597.00
Do	July 25, 1868	15	187	Act to extend the time for the construction of the road, &c			
Do	June 28, 1870	16	382	Joint resolution concerning the Southern Pacific Railroad of California			
Do	Mar. 3, 1871	16	579	Branch line of Southern Pacific	20 and 30		95,493.65
Do	Mar. 2, 1867	14	548	*Stockton and Copperopolis	10 and 20		
Do	June 15, 1874	18	72	Act declaring the grant forfeited to the United States			
Do	May 4, 1870	16	94	Oregon Central	20 and 25		
Do	Mar. 3, 1871	16	573	Texas Pacific	California 20 and 30; Territories, 40 and 50.		
Do	June 22, 1874	18	197	do			
Do	Mar. 3, 1871	16	579	New Orleans, Baton Rouge and Vicksburg	20 and 30		
				WAGON ROADS.			
Wisconsin	Mar. 3, 1863	12	797	From Fort Wilkins, Copper Harbor, Mich., to Fort Howard, Green Bay, Wis.	3 and 15		302,930.36
Do	June 8, 1868	15	67	Act extending time for completion of road to March 1, 1870			
Do	May 6, 1870	16	121	Act extending time for completion of road to January 1, 1872			
Do	June 25, 1864	13	183	Act granting lands to the State to build a military road to Lake Superior	3 and 6		
Michigan	Mar. 3, 1863	12	797	From Fort Wilkins, Copper Harbor, Mich., to Fort Howard, Green Bay, Wis.	3 and 15		221,013.35
Do	June 8, 1868	15	67	Act extending time for completion of road to March 1, 1870			
Do	May 6, 1870	16	121	Act extending time for completion of road to January 1, 1872			
Do	Apr. 24, 1872	17	56	Act extending time for completion of road to January 1, 1874			
Do	June 20, 1864	13	140	No map filed; limitations of grant expired June 20, 1869			
Oregon	July 2, 1864	13	355	Oregon Central military road	3		361,327.43
Do	Dec. 26, 1866	14	374	Act making provision for indemnity limits	6		
Do	Mar. 3, 1869	15	338	Act extending time for completion of road to July 2, 1872			
Do	July 4, 1866	14	86	Corvallis and Aquinna Bay	3	19,485.14	76,885.98
Do	July 5, 1866	14	89	Willamette Valley and Cascade Mountain	3 alternate sections to be selected within six miles.		107,893.01
Do	Feb. 27, 1867	14	409	Dalles military road	3 and 10		126,910.23
Do	Mar. 3, 1869	15	340	Coos Bay military road	3 and 6		104,080.11

*Grants declared forfeited by Congress.

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RECAPITULATION.

States.	Number of acres certified or patented for the year ending June 30, 1880.	Number of acres certified or patented under the grant.
Illinois		2,595,053.00
Mississippi		935,158.11
Alabama	1,025.90	2,830,571.76
Florida		1,700,468.39
Louisiana		1,072,405.49
Arkansas		2,381,650.63
Missouri		1,828,005.02
Iowa	113,338.96	4,623,173.46
Michigan		3,229,033.09
Wisconsin	40.00	2,807,783.88
Minnesota	228,047.17	7,279,484.15
Kansas	8,807.39	3,872,191.27
	351,259.42	35,214,978.25
Corporations:		
Pacific railroads	806,115.59	10,435,048.08
	1,157,375.01	45,650,026.33
Wagon roads:		
Wisconsin		302,930.36
Michigan		221,013.35
Oregon		777,096.76
	1,157,375.01	46,951,066.80
Deduct for land declared forfeited by Congress		607,741.76
Total	1,157,375.01	*46,343,325.04

* Including railroad and wagon road grants.

RECAPITULATION OF CHAPTER.

	Acres.
Railroad grants:	
Grants to States	35,214,978.25
Grants to corporations and Pacific roads	10,435,048.08
Total grants certified and patented	45,650,026.33
Military wagon road grants	1,301,040.47
	46,951,066.80
Deduct lands forfeited	607,741.76
Grand total for railroads and military wagon roads	46,343,325.04
Acres necessary to fill grants provided all roads are constructed, including patents already issued	155,504,994.59

ATTACHMENT OF RAILROAD RIGHTS.

Time when the various railroad rights attach to the lands granted, so far as at present determined.

States or corporations.	Names of roads.	Dates.
Illinois	Illinois Central	September 20, 1850. (Grant fully adjusted.)
Mississippi	Mobile and Ohio River	September 20, 1850. (Grant fully adjusted.)
	Vicksburg and Meridian	August 31, 1850. (Grant fully adjusted.)
	Gulf and Ship Island	*November, 1860.
Alabama	Mobile and Ohio River	September 20, 1850. (Grant fully adjusted.)
	Alabama and Florida	*August 30, 1856.
	Selma, Rome and Dalton	May 20, 1857.
	Coosa and Tennessee	*December 27, 1858.
	Coosa and Chattanooga	*July 3, 1858.
	Mobile and Girard	*May 13, 1858.
	Alabama and Chattanooga, formerly the Northeastern and Southwestern and Wills Valley.	*October 11, 1858.

* Time taken as definite location from data on file in General Land Office, subject, however, to correction upon receipt of evidence to the contrary.

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Time when the various railroad rights attach, &c.—Continued.

States or corporations.	Names of roads.	Dates.
Alabama—Cont'd	South and North Alabama, formerly the Tennessee and Alabama Central.	May 22, 1866, between Decatur and a junction with the Alabama and Tennessee Railroad, in township 22 south, range 2 west, and May 30, 1871, between that point and Montgomery.
Florida	Florida Railroad	*From survey in the field, which was between May 17, 1856, and January 10, 1857.
	Florida and Alabama	*From May 17 to 31, 1856.
	Pensacola and Georgia	*March 3, 1857, between Tallahassee and Alligator, in township 13 south, range 17 east, and from September 1 to October 22, 1857, between Tallahassee and Pensacola.
	Florida, Atlantic and Gulf Central.	*February 17, 1857, in the granted, and September 7, 1857, in the indemnity limits.
Louisiana	North Louisiana and Texas, formerly Vicksburg, Shreveport and Texas.	January 27, 1857.
	New Orleans, Opelousas and Great Western.	†October 9, 1856, between New Orleans and Brashear City.
Arkansas	Little Rock and Fort Smith	August 13, 1855, and, under the reviving act, May 13, 1867.
	Saint Louis, Iron Mountain and Southern, formerly Cairo and Fulton.	January 17, 1855, and, under the reviving act, July 28, 1866.
	Memphis and Little Rock	August 18, 1855, and, under the reviving act, May 13, 1867.
Missouri	Hannibal and Saint Joseph	March 8, 1853, in the granted, and June 16, 1853, in the indemnity limits. (Grant virtually adjusted.)
	Pacific and Southwestern Branch.	1853. (Grant fully adjusted.)
	Saint Louis and Iron Mountain Extension.	‡April 7, 1870.
Iowa	Burlington and Missouri River	March 24, 1857. (See Supreme Court Reports, 9 Wallace, p. 89, Railroad Company vs. Fremont County.)
	Chicago, Rock Island and Pacific	Survey in the field, which was from October 21, 1856, to March 2, 1857.
	Cedar Rapids and Missouri River	Survey in the field, which was from September 1, 1856, to July 12, 1857.
	Dubuque and Sioux City	Survey in the field, which was from May 30 to August 31, 1856.
	Iowa Falls and Sioux City	Survey in the field, which was from May 30 to August 31, 1856.
	Chicago, Milwaukee and Saint Paul, formerly McGregor and Missouri River.	*August 19, 1864, from McGregor to section 12, township 95 north, range 35 west. From that point to the southwest corner section 18, township 96 north, range 38 west, between November 30 and December 5, 1868, and from that point to a connection with the Saint Paul and Sioux City Road, between June 28 and 30, 1869, the dates of survey in the field.
	Sioux City and Saint Paul	Survey in the field, which was between September 27 and October 4, 1866.
Michigan	Jackson, Lansing and Saginaw	August 4, 1858.
	Flint and Pere Marquette	August 3, 1857.
	Grand Rapids and Indiana	November 17, 1857, between Grand Rapids and the Straits of Mackinac.
		March 15, 1856, between Grand Rapids and Fort Wayne, Indiana.
	Bay de Noquet and Marquette	December 1, 1857. (See Secretary's decision of April 12, 1859.—Lester.)
	Houghton and Ontonagon	June 23, 1859.
	Chicago and Northwestern	
Wisconsin	Chicago and Northwestern	From Fond du Lac to the north boundary of the State. Survey in the field, which was between May 1, 1856, and October 16, 1857.
	Wisconsin Central	September 7, 1869.
	Chicago, Saint Paul and Minneapolis, formerly the West Wisconsin.	July 13, 1857, from Tomah to Lake Saint Croix; March 23, 1865, to additional grant under act of May 5, 1864.
	Madison and Portage	June 16, 1857.
	Wisconsin Railroad Farm Mortgage Company.	July 13, 1857.

* Time taken as definite location from data on file in General Land Office, subject, however, to correction upon receipt of evidence to the contrary.

† By the act of July 14, 1870, the lands granted west of Brashear City were declared forfeited to the government, and have since been restored to homestead entry, excepting those falling within the limits of the grant of March 3, 1871, to the New Orleans, Baton Rouge and Vicksburg Railroad.

‡ The grant has never been accepted by the company, but the lands are still reserved, awaiting action by Congress.

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Time when the various railroad rights attach, &c.—Continued.

States or corporations.	Names of roads.	Dates.
Wisconsin—Continued.	Saint Croix and Lake Superior, and branch to Bayfield.	November 2, 1857, entire main line, except between Prescott and the south line of township 34 north, which was from November 24 to December 8, 1857. Survey in the field.
		Branch line, from survey in the field, which was between May 3 and June 10, 1858.
		April 22, 1865, to additional grant under act of May 5, 1864.
Minnesota	Saint Paul and Pacific	November 9, 1857, within six-mile limits, and January 16, 1858, between six and fifteen mile limits of the main line and branch to Crow Wing, and March 3, 1865, to additional grant under that act.
	Saint Paul and Pacific (Saint Vincent extension).	From survey in the field, which was between May 18 and September 21, 1871.
	Winona and Saint Peter	July 17, 1857, from Winona to the west line of township 110, range 31 west, in the six-mile limits, and March 22, 1858, between the six and fifteen mile limits.
		From that point to the west line of township 108, range 37 west. Survey in the field, which was in April, 1864. (See Secretary's decision of August 15, 1874.)
		January 19, 1867, from that point to the Big Sioux River, in Dakota Territory.
	Minnesota Central	To original grant, from survey in the field, which was between June 8 and July 25, 1857, and to additional grant under act of March 3, 1865, date of act.
	Saint Paul and Sioux City	From Saint Paul to section 28, township 106 north, range 34 west, survey in the field, which was from June 8 to October, 1857, in the six-mile limits, and March 28, 1858, between the six and fifteen mile limits.
		From that point to section 30, township 104 north, range 39 west, from October 31 to November 8, 1858, within both six and fifteen mile limits.
		From that point to the southern boundary of Minnesota, June 29, 1866.
		To the additional grant under the act of May 12, 1864, from date of act, where the road was already definitely located.
	Lake Superior and Mississippi	September 25, 1866.
	Hastings and Dakota	March 7, 1867.
	Southern Minnesota	From the Mississippi River to Houston, survey in the field, which was from July 21 to August 5, 1857.
		From Houston to section 22, township 104 north, range 8 west, July 4, 1866.
		From that point to section 2, township 103 north, range 18 west, January 1, 1867.
		From that point to section 21, township 104 north, range 37 west, November 29, 1866.
		From that point to section 4, township 104 north, range 39 west, October 24, 1866.
		From that point to the western boundary of the State, from survey in the field, which was between October 18 and 26, 1870.
Kansas	Missouri, Kansas and Texas	From Junction City to Humboldt, December 3, 1866.
		From Humboldt to southern boundary of State, January 7, 1868.
	Leavenworth, Lawrence and Galveston.	November 15, 1866, from Lawrence to the north boundary of the Osage lands.
		November 26, 1867, to the southern boundary of Kansas.
	Saint Joseph and Denver City	March 21, 1870.
	Atchison, Topeka and Santa Fé	From Atchison to Emporia, survey in the field, which was from November 28, 1865, to January 13, 1866.
		From Emporia to Wichita, survey in the field, which was from May 18 to July 13, 1869.
		From the sixth principal meridian, near Newton, to section 27, township 23 south, range 5 west, September 23, 1871.
		From that point west to section 33, township 22 south, range 6 west, October 8, 1870.
		From that point west to the mouth of Pawnee Creek, in township 22 south, range 16 west, survey in the field, which was from June 21 to December 1, 1870.

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Time when the various railroad rights attach, &c,—Continued.

States or corporations.	Names of roads.	Dates.
Kansas—Cont'd..	Atchison, Topeka, and Santa Fé—Continued.	From that point to the west line of range 27 west, March 22, 1872. From that point to the western boundary of the State, May 30, 1872.
Corporation.....	Union Pacific.....	First one hundred miles west from Omaha, October 19, 1864. Second one hundred miles, June 20, 1866. From the 200th to 380th mile post, November 23, 1866. From the 380th mile post to Brown's Summit (nearly to the 700th mile post), survey in the field, which was from April 1 to November 15, 1867. From Brown's Summit to Ogden, survey in the field, which was from May 1 to July 30, 1868. Withdrawal takes effect for the first hundred miles of road within 15-mile limits December 16, 1863, the date when the company filed their map of general route in the Department, and between the 15 and 20-mile limits July 2, 1864, date of additional grant. Withdrawal takes effect from the 100th mile post west from Omaha to Salt Lake City June 28, 1865, the date when the map of general route was filed in the Department. (See Secretary's decision of February 27, 1875.)
	Central Pacific.....	From Sacramento east to the south line of township 13 north, range 8 east, within ten miles of the road, June 1, 1863, and within twenty miles, July 2, 1864, date of act. *From that point to the east line of township 17 north, range 13 east, September 14, 1866. *From that point to the Big Bend of the Truckee River, in township 20 north, range 24 east, Nevada, October 25, 1867. From that point to Humboldt Wells, December 18, 1866. From that point to Monument Point (head of Salt Lake), January 16, 1867. From that point to Ogden, July 18, 1868.
	Western Pacific.....	First twenty miles northward from San José, October 3, 1866. From that point to Sacramento, from survey in the field, which was between January 28 and December 15, 1868.
	Kansas Pacific.....	From the boundary line between Missouri and Kansas to section 17, township 11 south, range 18 east, Kansas, February 13, 1864. From that point to Fort Riley, from survey in the field, which was between February 13, 1864, and February 18, 1865. From Fort Riley to the 405th mile post (Sheridan, Kans.), July 11, 1866. From that point to Denver City, from survey in the field, beginning June 29, 1869, and ending April 25, 1870, at the 635th mile post.
	Denver Pacific.....	March 3, 1869, date of act.
	Central Branch Union Pacific.....	January, 1864, within the 10-mile limits, and July 2, 1864, date of act, within the 20-mile limits.
	Burlington and Missouri River....	June 15, 1865.
	Sioux City and Pacific.....	November 9, 1866, in Nebraska, and in Iowa, from survey in the field, which was between November 20 and December 7, 1866.
	Northern Pacific.....	From a junction with the Lake Superior and Mississippi Road, in Minnesota, to the Red River of the North, November 21, 1871. From the Red River of the North to the Missouri River, in Dakota Territory, May 26, 1873. From the Missouri River, in Dakota Territory, to the Little Missouri River, in said Territory, July 20, 1880, the date of filing map of definite location in General Land Office. From Kalama, Wash., north to Tenino, sixty-five miles, September 13, 1873. From Tenino to Tacoma, on Puget Sound, May 14, 1874. According to a decision of the Secretary of the Interior, dated March 22, 1873, the first withdrawal of lands takes effect from the acceptance of the map of general route by the

* Time taken as definite location from data on file in the General Land Office, subject, however, to correction upon receipt of evidence to the contrary.

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Time when the various railroad rights attach, &c.—Continued.

States or corporations.	Names or corporations.	Dates.
Corporation	Northern Pacific—Continued	Department, from which time settlement is excluded from the granted sections, and the alternate reserved sections are raised to $2.50 per acre.
		The first map of general route through Minnesota and a portion of Washington Territory was accepted August 13, 1870, subsequently amended in parts both in Minnesota and Washington Territory.
		The map of general route through Dakota, Montana, Idaho, and a portion of Washington Territory was accepted February 21, 1872.
		The map of general route of the branch line in Washington Territory was accepted August 15, 1873, and the map of amended route of branch line was accepted June 11, 1879, but the withdrawal takes effect, so far as respects the lands affected by the change, from the receipt of the letters at the district offices.
	Atlantic and Pacific	From Springfield, Mo., to the western boundary of the State, December 17, 1866.
		From that point to the mouth of Kingfisher Creek, in Indian Territory, December 2, 1871.
		From that point to the eastern boundary of New Mexico, February 7, 1872.
		From that point to the eastern boundary of California, March 12, 1872.
		From San Francisco to San Miguel, Cal., March 12, 1872.
		Through the county of Los Angeles and part of San Bernardino, California, March 12, 1872.
		From San Miguel Mission to the Los Angeles County line, August 15, 1872.
		From a point in township 7 north, range 7 east S. B. M, San Bernardino County, to the Colorado River, August 15, 1872.
	Texas Pacific	Road not yet definitely located. Lands withdrawn upon a preliminary line, withdrawal taking effect from date of receipt of the order at the district land offices, which was as follows: New Mexico Territory, December 4, 1871; Arizona Territory, December 26, 1871; California, October 15, 1871.
	New Orleans, Baton Rouge and Vicksburg.	Road not yet definitely located. Lands withdrawn upon a preliminary line, taking effect from date of receipt of the order at the district offices, which was as follows: Letter of November 29, 1871, received at New Orleans December 11, 1871; letter of November 29, 1871, received at Natchitoches, December 20, 1871; letter of March 27, 1873, received at New Orleans, April 3, 1873.
	Oregon Branch of the Central Pacific, formerly California and Oregon.	From Roseville (on the Central Pacific Railroad) to Salt Creek, in township 32 north, of range 5 west, September 13, 1867.
		From that point to north line of township 46 north, of range 5 west, August 5, 1871.
	Southern Pacific	First withdrawal became effective January 3, 1867, date of filing the map of general route in the General Land Office. (See Secretary's decision of April 23, 1875, in case of Alfred Queen, and decision of August 2, 1878, in Samuel Tome *et al.*) Withdrawal for branch line under act of March 3, 1871, became effective April 3, 1871. Right of road attaches from the dates of filing the maps of definite location in the General Land Office.
	Oregon and California	From Portland, Oreg., south to township 10 south, range 2 west, October 29, 1869.
		From that point to the south line of township 27 south, March 26, 1870.
		From that point to near the south line of township 30 south, January 7, 1871.
	Oregon Central	May 4, 1870.

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Railroad land grants which have lapsed by reason of non-completion of roads within periods prescribed by acts making the grants.

Name of railroad.	States in which located.	Grant by act— Approved—	Stats. Volume.	Stats. Page.	Grant to—	Alternate sections within—	With indemnity within—	Expiration of grants by original act.	Extended by act— Approved—	Stats. Volume.	Stats. Page.	Expiration of grant by extending act.	Estimated quantity of lands granted.	Length of road completed before expiration of grant.	Estimated quantity of lands earned prior to expiration of grant.	Quantity certified or patented up to June 30, 1879.
						Miles.	*Miles.*						*Acres.*	*Miles.*	*Acres.*	*Acres.*
Gulf and Ship Island	Mississippi	Aug. 11, 1856	11	30	State	6	15	Aug. 11, 1866					*652,800.00	None	None	None.
Coosa and Tennessee	Alabama	June 3, 1856	11	17	do	6	15	June 3, 1866					132,480.00	None	None	67,784.96
Mobile and Girard	do	June 3, 1856	11	17	do	6	15	June 3, 1866					840,880.00	None	None	504,145.86
Coosa and Chattanooga	do	June 3, 1856	11	17	do	6	15	June 3, 1866					150,000.00	None	None	None.
Pensacola and Georgia	Florida	May 17, 1856	11	15	do	6	15	May 17, 1866					1,568,729.87	None	None	1,275,212.93
Florida Atlantic and Gulf Central	do	May 17, 1856	11	15	do	6	15	May 17, 1866					183,153.99	None	None	37,583.29
North Louisiana and Texas, formerly Vicksburg, Shreveport and Texas Railroad	Louisiana	June 3, 1856	11	18	do	6	15	June 3, 1866					610,880.00	94	100,652.70	353,212.68
New Orleans, Baton Rouge and Vicksburg	do	Mar. 3, 1871	16	579	Company	20	30	Mar. 3, 1876					1,600,000.00	None	None	None.
Saint Louis and Iron Mountain	Missouri	July 4, 1866	14	83	State	10	20	July 1, 1871					*100,000.00	None	None	None.
Houghton and Ontonagon, formerly Marquette and Ontonagon Railroad.	do	June 3, 1856	11	21	do	6	15	June 3, 1866	June 18, 1864	13	137	June 3, 1871	552,515.00	20	76,800.00	437,385.00
		Mar. 3, 1865	13	521	do	10	20	June 3, 1871	May 20, 1868	15	252	Dec. 31, 1872				
North Wisconsin, formerly Saint Croix and Lake Superior, and branch to Bayfield.†	Wisconsin.	June 3, 1856	11	20	do	6	15	June 3, 1866	May 5, 1864	13	66	May 5, 1869	1,408,455.69	None	None	843,497.56
		May 5, 1864	13	66	do	10	20	May 5, 1869								
Wisconsin Central	do	May 5, 1864	13	66	do	10	20	May 5, 1869	April 9, 1874	18	28	Dec. 31, 1876	1,800,000.00	240	1,536,000.00	536,446.05
Oregon Central	Oregon	May 4, 1870	16	94	Company	20	25	May 4, 1876					1,200,000.00	47½	608,000.00	None.

* Number of acres shown by examination of the official records actually subject to the operation of the grants.
† Evidence of the construction of 60 miles of the North Wisconsin Railroad has been filed, but the Secretary declines to take action thereon.

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Rights of way granted to railway companies in certain States and Territories.

States and Territories.	Date of laws.	Statutes.	Page.	Name of company.
Arizona	Mar. 3, 1875	18	482	Southern Pacific Railroad of Arizona.
California	Aug. 4, 1852	10	28	California and Northern Railroad.
Do	June 20, 1874	18	130	Nevada County Narrow Gauge Railroad.
Do	Mar. 3, 1875	18	482	Salmon Creek Railroad.
Do	Aug. 4, 1852	10	28	San Joaquin and Mount Diablo Railroad. Southern Pacific Coast Railroad.
Colorado	June 23, 1874	18	274	Arkansas Valley Railway.
Do	Mar. 3, 1875	18	482	Arkansas Valley and New Mexico Railway.
Do	Mar. 3, 1875	18	482	Cañon City and San Juan Railway.
Do	Mar. 3, 1875	18	482	Colorado and New Mexico Railroad.
Do	Mar. 3, 1875	18	482	Colorado Western Railroad.
Do	Mar. 3, 1875	18	482	Denver and Middle Park Railway.
Do	June 8, 1872	17	339	Denver and Rio Grande Railway.
Do	Mar. 3, 1875	18	482	Denver, South Park and Leadville Railway.
Do	Mar. 3, 1875	18	482	Denver, South Park and Pacific Railway.
Do	Mar. 3, 1875	18	482	Gray's Peak, Snake River and Leadville Railroad.
Do	Mar. 3, 1875	18	482	Mount Carbon, Gunnison and Lake City Railroad. Monarch, Paso, Gunnison and Dolores Railway.
Do	Mar. 3, 1875	18	482	Pueblo and Arkansas Valley Railroad.
Do	Mar. 3, 1875	18	482	Pueblo and Salt Lake Railway. Pueblo and Silver Cliff Railway.
Do	Mar. 3, 1875	18	482	Saint Vrain Railroad. Baker's Park and Lower Animas Railway.
Do	Mar. 3, 1875	18	482	Spanish Range Railway.
Do	Mar. 3, 1375	18	482	Upper Arkansas, San Juan and Pacific Railroad.
Do	Mar. 3, 1875	18	482	Wet Mountain Valley Railroad.
Colorado and Wyoming	Mar. 3, 1875	18	482	Colorado Central Railroad. Deadwood and Redwater Valley Railway.
Dakota	Mar. 3, 1875	18	482	Chicago, Milwaukee and Saint Paul Railway. Bear Butte and Deadwood Railway.
Do	Mar. 3, 1875	18	482	Dakota Central Railway.
Do	June 1, 1872	17	202	Dakota Grand Trunk Railway.
Do	May 27, 1872	17	162	Dakota Southern Railroad. Dakota Railroad.
Do	Mar. 3, 1875	18	482	Sioux Falls Railroad. Saint Paul, Minneapolis and Manitoba Railway.
Do	Mar. 3, 1875	18	482	Sioux City and Pembina Railroad. Travare and Jamestown Railroad.
Florida	Mar. 3, 1875	18	482	Atlantic, Gulf and West India Transit Railroad.
Do	June 4, 1872	17	224	Great Southern Railway.
Do	June 7, 1872	17	280	Jacksonville and Saint Augustine Railroad.
Do	Mar. 3, 1875	18	482	Jacksonville, Pensacola and Mobile Railroad.
Florida and Alabama	June 8, 1872	17	340	Pensacola and Louisville Railroad.
Do	Mar. 3, 1875	18	482	West Florida and Mobile Railroad.
Iowa	June 4, 1872	17	220	Davenport and Saint Paul Railroad.
Kansas	.....	.....	.....	Southern Kansas and Western Railroad. Saint Louis, Wichita and Western Railroad.
Louisiana	Mar. 3, 1875	18	482	Louisiana Western Railroad.
Minnesota	Mar. 3, 1875	18	482	Chicago and Dakota Railway. Saint Cloud and Lake Traverse Railway.
Minnesota and Dakota	Mar. 3, 1875 Apr. 2, 1878	18 20	482 32	Worthington and Sioux Falls Railroad.
Nevada and Oregon	Feb. 5, 1875	18	306	Oregon Central Railway. Carson and Colorado Railroad. Eureka and Palisade Railroad. Nevada Central Railway.
New Mexico	June 8, 1872	17	343	New Mexico and Gulf Railway.
Do	Mar. 3, 1875	18	482	New Mexico and Southern Pacific Railroad.
Oregon	Mar. 3, 1875	18	482	Port Orford and Roseburg Railroad.
Do	Mar. 3, 1875	18	482	Blue Mountain and Columbia River Railroad.
Oregon and Utah	Apr. 12, 1872 Mar. 3, 1873	17 17	52 612	Portland, Dalles and Salt Lake Railroad. Oregon Railway and Navigation Company.
Utah	Mar. 3, 1875	18	482	Bingham Cañon and Camp Floyd Railroad.
Do	Mar. 3, 1875	18	482	San Pete Valley Railroad.
Do	Mar. 3, 1875	18	482	Utah and Pleasant Valley Railroad.
Do	Dec. 15, 1870	16	395	Utah Central Railroad.
Do	Mar. 3, 1875	18	482	Utah Southern Railroad.
Do	Mar. 3, 1875	18	482	Utah Southern Extension Railroad.
Do	Mar. 3, 1875	18	482	Utah Western Railroad.
Do	Mar. 3, 1875	18	482	Wasatch and Jordan Valley Railroad.
Utah, Idaho, and Montana	June 1, 1872	17	212	Utah, Idaho and Montana Railroad.
Do	Mar. 3, 1873 June 20, 1878	17 20	612 241	Utah and Northern Railroad—Utah and Northern Railway.
Washington	Mar. 3, 1875	18	482	Occidental and Oriental Railroad.

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Rights of way granted to railway companies, &c.—Continued.

States and Territories.	Date of laws.	Statutes.	Page.	Name of company.
Washington	Mar. 3, 1875	18	482	Seattle and Walla Walla Railroad.
Do	Mar. 3, 1869	15	325	Walla Walla and Columbia River Railroad.
	Mar. 3, 1873	17	613	
	Mar. 3, 1875	18	482	
Wisconsin	Mar. 3, 1875	18	482	Black River Railroad.
Do	Mar. 3, 1875	18	482	Wisconsin Central Railroad. Menomonee Railway, and North Wisconsin Railway.
Wyoming	Mar. 3, 1875	18	482	Evanston and Montana Railroad.
Do	Mar. 3, 1875	18	482	Wyoming Central Railroad.

Grand total of railroad and military road grants patented since 1850 *to June* 30, 1880.

	Acres.
Grants to States	35,214,978.25
Grants to corporations and Pacific railroads	10,435,048.08
	45,650,026.33
Deduct lands forfeited by act of Congress	607,741.76
Railroad, actual area in acres	45,042,284.57
Military wagon-road grants	1,301,040.47
Grand total	46,343,325.04
Canal grants	4,424,073.06
Estimated area, including lands already patented, necessary to fill and complete all grants to railroads under existing laws	155,504,994.59

RECAPITULATION.

Estimated area of the grants of land made by Congress to States and Territories and to corporations from the year 1850 *to June* 30, 1880.

	Acres.
In Illinois	2,595,053
In Mississippi	1,137,130
In Alabama	2,807,648
In Florida	1,760,467
In Louisiana	1,256,430
In Arkansas	2,613,631
In Missouri	2,605,251
In Iowa	4,181,929
In Michigan	3,355,943
In Wisconsin	3,553,865
In Minnesota	9,830,450
In Kansas	8,223,380
In Nebraska	6,409,376
In Colorado	3,000,000
In Nevada	4,000,000
In California	16,387,000
In Oregon	5,800,000
In Dakota	8,000,000
In Wyoming	4,500,000
In Montana	17,000,000
In Idaho	1,500,000
In Washington	11,700,000
In Utah	1,850,000
In New Mexico	11,500,000
In Arizona	18,500,000
Total	154,067,553

The above estimate is for the quantity of land which will be given by the United States to the various roads if they are constructed.

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FORM OF PATENT FOR RAILROAD GRANT LANDS.

The following is the general form of patent used to convey title to grants of lands made to aid in the construction of railroads, but these are modified, of course, according to the statute authorizing the same:

The United States of America, to all to whom these presents shall come, greeting:

Whereas, by the act of Congress approved July 1, 1862, as amended by the act of July 2, 1864, "to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," authority is given to ——, a corporation existing under the laws of the State, "to construct a railroad and telegraph line," under certain conditions and stipulations, as expressed in said acts; and provision is made for granting to the said company "every alternate section of public land designated by odd numbers, to the amount of —— per mile on each side of the said railroad on the line thereof and within the limits of —— miles on each side of the said road, not sold, reserved, or otherwise disposed of by the United States, and to which a pre-emption or homestead claim may not have attached at the time the line of said road is definitely fixed;"

And whereas an official statement, bearing date ——, ——, from the Secretary of the Interior has been filed in the General Land Office, showing that the commissioners appointed by the President, under provisions of the sixth section of the said act of Congress approved July 2, 1864, have reported to him that the portion of the line of railroad and telegraph from ——, ——, has been constructed and fully completed and equipped in the manner prescribed by the acts of Congress relative to the Pacific Railroad and Telegraph Line; and the vice-president of the said —— company has applied for a conveyance of the title to the lands granted to said company by the said acts of Congress of ——, ——;

And whereas certain tracts have been selected under the acts aforesaid by —— ——, the agent for the said —— company, as shown by his original lists of selections, dated ——, ——, certified under dates of ——, ——, by the register and receiver at —— ——, the said tracts of land are particularly described as follows, to wit: —— —— of base line, and —— of —— meridian, —— township ——, range ——.

The said tracts, as described in the foregoing, make the aggregate area ——.

Now know ye, that the United States of America, in consideration of the premises and pursuant to the said acts of Congress, have given and granted and by these presents do give and grant unto the said —— —— company and to its assigns, the tracts of lands selected as aforesaid and described in the foregoing; yet excluding and excepting from the transfer by these presents "all mineral lands," should any such be found to exist in the tracts described in the foregoing, but this exclusion and exception, according to the terms of the statute, "shall not be construed to include coal and iron lands."

To have and to hold the said tracts, with the appurtenances, unto the said —— company and to its assigns forever, with the exclusion and exception as aforesaid.

In testimony whereof, I, —— ——, President of the United States, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, this —— day of ——, in the year of our Lord one thousand eight hundred and ——, and of the Independence of the United States the one hundred and ——.

By the President:

[SEAL.]

—— ——,

By —— ——,

Secretary.

—— ——,

Recorder of the General Land Office.

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CHAPTER XXI.

TO JUNE 30, 1882.

[See pages 949-962.]

TO JUNE 30, 1883.

[See page 1276.]

SCRIP.

TO JUNE 30, 1880.

FOR CONFIRMED PRIVATE LAND CLAIMS, OR EQUITABLE LAND CLAIMS, INDIANS, ETC.

Congress, in 1806, began the practice of ordering the issuing of indemnity scrip for confirmed private land and other land claims, which had been left entirely or partially unsatisfied as to location, by reason of non-location, conflict with other claims or grants, entries, or reduced by deficient surveys. This practice continued to 1872.

Many of these acts of Congress were for separate cases, were local or temporary, and were enacted from time to time, to meet reported cases.

Congress, June 2, 1858 (3 Stats., pp. 294, 295), made provision for all claims previously confirmed by Congress, and then remaining unsatisfied.

This act placed the labor and responsibility of ascertaining and satisfying these claims upon the executive officers of the Government. The scrip thus issued was and is locatable upon the public lands, under certain conditions and regulations, issued by the Commissioner of the General Land Office.

The following embraces the scrip issued by the General Land Office to June 30, 1880, other than bounty-land scrip for military service, hereinbefore mentioned under the head of "Bounty Lands"—in all 2,893,034.44 acres.

Chippewa half-breed scrip.

Under and pursuant to the seventh clause of the second article of the treaty of September 30, 1854, with the Chippewa Indians of Lake Superior and the Mississippi (10 Stats., p. 1110), Chippewa half-breed scrip was issued as follows: 1,172 pieces for 80 acres each, making an aggregate of 93,760 acres.

Red Lake and Pembina Chippewa half-breed scrip.

Under article 7 of supplemental treaty of April 12, 1864 (13 Stats., p. 469), 464 pieces of Red Lake and Pembina Chippewa half-breed scrip were issued for 160 acres each, making an aggregate of 74,240 acres.

SIOUX HALF-BREED SCRIP.

Under act of July 17, 1854 (10 Stats., p. 304), Sioux half-breed scrip was issued as follows: To each one of 640 half-breeds, five pieces described as follows: 1 A, 40 acres; 1 B, 40 acres; 1 C, 80 acres; 1 D, 160 acres; and 1 E, 160 acres; making 480 acres each, and an aggregate of 307,200 acres.

Under the same act, scrip was also issued as follows: To each one of 38 half-breeds, one piece of scrip for 40 acres, and two pieces for 160 acres; making 360 acres to each, and an aggregate of 13,680 acres.

	Acres.
Scrip issued by surveyor-general of Louisiana, under act of June 2, 1858	206,635.654
Scrip issued by surveyor-general of Florida, under act of June 2, 1858	3,750.000
Scrip issued by surveyor-general of Missouri, under acts of July 4, 1836, and June 2, 1858	283,567.400

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	Acres.
Scrip issued by the Commissioner of the General Land Office, pursuant to decrees of the United States Supreme Court, under act of June 22, 1860, and supplemental legislation	606,512.770
This issue relates to indemnity for private land claims in Louisiana. No estimate can safely be made of the amount yet to be issued under this decision.	
Scrip issued in satisfaction of the claims of Israel Dodge, Walter Fenwick, and Mackey Wherry, under act of June 21, 1860	15,870.610
Scrip issued in satisfaction of the claim of T. B. Valentine, under act of April 5, 1872, nearly all in 40-acre pieces	1,516.000
Scrip issued in satisfaction of the claim of Pascal L. Cerre, under act of January 26, 1857	3,004.510
Scrip issued in satisfaction of the claim of Samuel Ware, under act of December 28, 1876	640.000
Scrip issued in satisfaction of the claim of the heirs of Joseph Gerard, under act of February 10, 1855	1,920.000
Scrip issued by surveyor-general of Florida, in satisfaction of the claim of Fernando de la Maza Arredondo, under act of May 23, 1828	38,000.000
Scrip issued in satisfaction of the claim of Coleman Fisher, under act of May 14, 1834	640.000
Scrip issued by recorder of land titles for Missouri, under act of February 17, 1815	174,910.420
Scrip issued under fourteenth article of treaty of March 17, 1842, with Wyandot Indians	22,400.000
Scrip issued by surveyor-general of Louisiana, under act of June 29, 1854	2,671.060

Choctaw scrip issued under treaty of 1830, *the greater portion of which has been located and patented.*

		Acres.
Heads of families	1,159	
Amount each (acres)	320	
Total acreage		370,880
Children over 10 years	1,460	
Amount each (acres)	320	
Total acreage		467,200
Children under 10 years	1,192	
Amount each (acres)	160	
Total acreage		190,720
Total acres		1,028,800

In all, a grand total of 2,893,034.44 acres.

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CHAPTER XXII.

To June 30, 1882.

[See page 962.]

To June 30, 1883.

[See page 1277.]

GRADUATION ACT.

To June 30, 1880.

The graduation act of August 4, 1854, and amendments, was to "cheapen the price of lands long in market for the benefit of actual settlers and for adjoining farms." It graduated the price of public lands, which had been in market and remained unsold for ten years and upward, to actual settlers, the prices varying from $1 to 12½ cents per acre, according to the length of time the tracts were in market, respectively. All lands that had been in the market for ten years, and were unsold, were to be sold at $1 per acre; for fifteen years or upward, and remaining unsold, were to be sold at 75 cents per acre; for twenty years or upward, and remaining unsold, were to be sold at 50 cents per acre; for twenty-five years or upward, and remaining unsold, were to be sold at 25 cents per acre; for thirty years or more, and remaining unsold, were to be sold at 12½ cents per acre. Thousands of entries were made under the provisions of this act, and in pursuance of regulations made by the Commissioner of the General Land Office, the periods and principles of which were confirmed by act of Congress of March 3, 1855. These entries were of two classes: The first, consisting of such as were made by persons already residing upon and cultivating adjoining farms, and who entered the lands for the use of such farms; and the second, consisting of such as were made by parties who either already were settlers and cultivators of the entered tracts, or who contemplated at once becoming such. In entries of the first class, if on examination at the General Land Office they were found regular in every respect, as reported from the district land offices; if the preliminary affidavit of the person on which the entry was allowed was found to designate the original farm tract, and this to adjoin the tract entered for its use, according to law, the entries were patented and the patents delivered in regular course, without further proof being required.

In entries of the second class, proof that settlement and cultivation of the entered tract had been made as contemplated in the law was required to be produced before the patents were delivered. Many entries of this class were made, the proof of settlement and cultivation produced, and the patents delivered according to rule; but there were many other cases in which the required proof was not forthcoming, and in these the delivery of the patents was suspended to await its production. Under the confirmatory act of March 3, 1857, the patents were delivered, on application therefor, without the proof being required in all such cases, where the entry was allowed prior to the passage of that act, and where it was not found to have been fraudulently or evasively made. Subsequent to the passage of that act, and prior to the 2d June, 1862, when the graduation law was repealed, a large number of entries were allowed under that law, and in the course of business there came to be many patents for entries so allowed, the delivery of which was suspended for the reason that the required proof of settlement and cultivation was not forthcoming.

To this class of cases the confirmatory principles of the act of March 3, 1857, were made applicable by the act of February 17, 1873, and the issuing of patents has since continued.

The quantity of land sold under the graduation law of August 4, 1854, as shown from the General Land Office reports, is 25,696,419.73 acres.

Lands sold at graduation prices in the third quarter, ending September 30, 1862, after the repeal of the graduation law, June 2, 1862, and before district officers were aware of such repeal, are included in the above.

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CHAPTER XXIII.

To June 30, 1882.

[See page 962.]

To June 30, 1883.

[See pages 1277, 1278.]

COAL LANDS.

To June 30, 1880.

Prior to 1864 coal lands were not specifically noted for reservation or sale, but were disposed of as other public lands under settlement or other laws, until the passage of the pre-emption act of 1841.

The act of Congress of July 1, 1864, for the disposal of coal lands and town property on the public domain, authorized the sale of the coal lands which had been excluded from sale, as mines, by the pre-emption act of 1841. Under this act they became subject to pre-emption at the minimum of $20 per acre, after offering, under proclamation of the President, at public sale to the highest bidder, in suitable legal subdivisions.

March 3, 1865, an act was passed by Congress supplemental to the act of July 1, 1864, giving citizens of the United States, who were engaged in coal mining for commerce, the right to enter, at the proper district land office, 160 acres of land, or less, at $20 per acre.

The act of March 3, 1873, gave a pre-emption right of 160 acres of coal land to a person, and 320 acres to an association, upon payment of not less than $10 per acre, where the lands lie not more than 15 miles from a completed railroad, and $20 per acre where the lands lie within 15 miles of such a road; and further provided that when any association of not less than four persons have expended $5,000 in working and improving any mine, located within limits as above, they may make an additional entry of 640 acres at the several limit prices. (See secs. 2347–2352 R. S.; Regulations of General Land Office, April 15, 1880.)

The rectangular system of surveys is extended over coal lands, and they are sold in conformity with the legal subdivisions thereof.

The method of designation or classification, by noting character of land in field notes by deputy surveyor, and marking on plats, when known, or of proof at the district land office prior to time of filing, is similar to the method of segregation under the mineral act, and is given in detail in the Regulations of the General Land Office, April 15, 1880.

ESTIMATE OF AREA OF COAL MEASURE.

The estimated area of coal lands on the public domain, the property of the United States, is as follows:

	Acres.	Acres.
Washington Territory:		
Area	829,440	
Sold	3,350	
		826,090
Oregon:		
Area	414,720	
Sold	185	
		414,535
California:		
Area	247,820	
Sold	1,800	
		246,020

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	Acres.	Acres.
Colorado:		
Area	1,128,225	
Sold	600	
		1,127,625
Utah:		
Area	2,764,800	
Sold	2,180	
		2,762,620
New Mexico:		
Area	10,800	
Sold	720	
		10,080
Wyoming, at least		42,000
Dakota, at least		50,000
Montana, at least		50,000

Arizona, no coal yet discovered.
Nevada, no coal yet discovered.
Nebraska, the coal-bearing rocks cover an area of 3,600 square miles, but on account of the smaliness of the veins—none exceeding one foot—the coal is of no commercial value.
Indian Territory, the coal-bearing rocks cover an area of 13,600 square miles.
Arkansas, the coal-bearing rocks cover an area of 12,000 square miles.

Total acres 5,528,970

New discoveries in Colorado, Utah, Wyoming, and Dakota will increase the amount given above considerably.

ENTRIES UNDER THE COAL LAND ACTS.

From 1866 to June 30, 1880, under the coal land acts there have been 78 entries at district land offices, containing 10,750.24 acres, for which the United States received $146,999.25, as follows:

State or Territory.	Entries.	Acres.	Amount.
California	18	2,154.79	$32.972 75
Oregon	2	185.18	1,851 80
Utah	13	1,815.64	21,524 00
Washington	26	3,556.92	45,109 00
Wyoming	6	1,355.00	27,100 00
New Mexico	5	721.35	7,220 10
Colorado	8	961.36	11,221 60
Total	78	10,750.24	146,999 25

Cash sales of coal lands by fiscal years to June 30, 1880.

States and Territories.	1866.			1867.			1868.		
	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.
California	2	240.00	$4,800 00	1	160.00	$3,200 00	1	160.00	$3,200 00
Oregon									
Utah									
Washington									
Wyoming									
New Mexico									
Colorado									
Total	2	240.00	4,800 00	1	160.00	3,200 00	1	160.00	3,200 00

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Cash sales of coal lands by fiscal years to June 30, 1880—Continued.

States and Territories.	1869.			1870.			1871.		
	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.
California	4	200.00	$4,000 00	1	160.00	$3,200 00	2	274.79	$3,772 75
Oregon									
Utah									
Washington									
Wyoming									
New Mexico									
Colorado									
Total	4	200.00	4,000 00	1	160.00	3,200 00	2	274.79	3,772 75

States and Territories.	1872.			1873.			1874.		
	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.
California									
Oregon							1	160.00	$1,600 00
Utah									
Washington							3	484.00	4,848 30
Wyoming									
New Mexico									
Colorado									
Total							4	644.00	6,448 30

States and Territories.	1875.			1876.			1877.		
	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.
California	1	160.00	$1,600 00	2	400.00	$4,000 00	4	440.00	$5,200 00
Oregon	1	25.18	251 80						
Utah	4	576.76	7,535 20	1	122.40	1,224 00	4	480.00	4,800 00
Washington	10	1,399.77	13,997 70	3	480.00	6,400 00	3	400.00	4,000 00
Wyoming	3	440.00	8,800 00	2	760.00	15,200 00	1	155.00	3,100 00
New Mexico									
Colorado							1	80.00	1,600 00
Total	19	2,601.71	32,184 70	8	1,762.40	26,824 00	13	1,555.00	18,700 00

States and Territories.	1878.			1879.			1880.		
	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.
California									
Oregon									
Utah	1	160.00	$3,200 00				3	476.48	$4,764 80
Washington	1	40.00	800 00				6	753.15	15,063 00
Wyoming									
New Mexico							5	721.35	7,220 10
Colorado				2	200.80	$2,416 00	5	680.56	7,205 60
Total	2	200.00	4,000 00	2	200.80	2,416 00	19	2,631.54	34,253 50

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CHAPTER XXIV.

To June 30, 1882.

[See pages 969, 970.]

To June 30, 1883.

[ee page 1278.]

DONATION ACTS.

To June 30, 1880.

TERRITORY OF EAST FLORIDA, OREGON TERRITORY, WASHINGTON TERRITORY, AND TERRITORY OF NEW MEXICO.

August 4, 1842, in view of Indian difficulties therein, in "An act for the armed occupation and settlement of the unsettled part of the peninsula of East Florida," Congress provided "that any person being the head of a family, or a single man over eighteen years of age," able to bear arms, who had made or should "within one year from and after the passage of this act make an actual settlement within," a certain portion of the peninsula, should be entitled to one-quarter section of land for which he should receive a permit. The whole donation was limited to 200,000 acres of land.

This was the first of the donation acts to induce settlements on the public domain in dangerous or distant portions of the nation.

By an amendatory act of the 15th of June, 1844, settlers might erect their dwellings and reside upon other than the quarter section described in their permit, provided the lands upon which they erected their habitation should be paid for; and authority was given to certain settlers to perfect their title to the quarter sections described in their permits, by paying for the same. And by an act approved July 1, 1848, all persons to whom permits were granted, and who made settlement without having voluntarily relinquished and abandoned the same, but continued to reside south of the line specified in the act of 1842, were declared entitled "to a grant and patent for the land so occupied or settled by him, the same as if all the conditions and stipulations of said acts * * * had been fully and strictly complied with."

This act also provided for an agent to take testimony, and required him, within five months from the commencement of his duties, to transmit all proofs and report his opinion to the Commissioner of the General Land Office for decision. Accordingly, Hugh Archer, esq., of Florida, was appointed agent on the 18th of August, 1848.

His duties commenced on the 12th of October, 1848, and terminated on the 12th of March, 1849. By a clause in the general appropriation act of June 3, 1849, the provisions of the act of July 1, 1848, were extended until the 1st of October, 1849.

There were no entries made under the act of August 4, 1842, but it was amended after 1843. This act resulted in the patenting of 1,317 claims, as follows:

Number of entries made under the armed-occupation act of August 4, 1842, with the approximate acreage, and number of entries made in each land district in Florida.

Districts.	Year.	Number of entries.	Approximate acreage.
			Acres.
Saint Augustine	1842	10	1,600
Do	1843	358	57,280
Newnansville	1842	33	5,280
Do	1843	916	146,560
Total		1,317	210,720

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OREGON DONATION ACT.

The next donation act was passed for Oregon Territory September 27, 1850. The act provided for making surveys and donations of public lands in Oregon, and related to two classes of settlers. It granted to the first class of actual settlers of the public lands there, who were such prior to the 1st September, 1850, a donation of the quantity of a half section, or 320 acres, if a single man; and if married, the quantity of an entire section, or 640 acres, one half to the husband and the other to the wife in her own right; and to the second class, who were or should become settlers between the 1st December, 1850, and the 1st December, 1853, it granted the quantity of a quarter section, 160 acres, to a single man; and if married, the quantity of a half section, or 320 acres; one-half to the husband and the other to the wife, in her own right.

The first class of beneficiaries embraced white settlers or occupants, American half-breed Indians included, above the age of eighteen years, who were citizens of the United States residing in that Territory, and those not being citizens who should make their declaration of intention to become such on or before the 1st December, 1851.

The second class embraced white male citizens of the United States above the age of twenty-one years, or persons who had made a declaration of intention to become citizens, emigrating and settling in that Territory between the 1st December, 1850, and 1st December, 1853.

The act of February 14, 1853, extended this time to December 1, 1855. Emigrants becoming married within one year after arriving in the Territory, or within one year after becoming twenty-one years of age, were entitled to the advantages accorded to married men. Residence on and cultivation of the land for four consecutive years was necessary to insure a patent from the Government. Mineral lands were excluded from being located under the act.

The act of February 14, 1853, amendatory of the said act of 1850, provided that in lieu of the term of four years' continued occupation after settlement, required by said act, claimants should be permitted, after two years' continuous residence and occupation, to pay for their lands at the rate of $1.25 per acre, and subsequent legislation still further reduced this time to one year. The act expired by limitation December 1, 1855. It resulted as follows:

Number of donation certificates issued in Oregon, under the act of September 27, 1850, and supplemental legislation (9 Stats., p. 496)	7,317
Number of acres of land covered thereby	2,563,757.02

WASHINGTON TERRITORY DONATION ACT.

By the act of March 2, 1853, establishing the Territorial government of Washingington, part of the then Territory of Oregon was detached and constituted the Territory of Washington, and by the sixth section of the act of July 17, 1854, all the provisions of the donation law were extended to the latter Territory. The act expired December 1, 1855. The following statement shows the entries under the same:

Number of donation certificates in Washington Territory, under act of March 2, 1853, and supplemental legislation (10 Stats., p. 172)	985
Number of acres of land covered thereby	290,215.35

The year when the donees entered their respective claims, under the various acts of Congress, in Oregon and Washington Territory cannot be determined in the General Land Office, as some of the notifications are dated and some are not. These entries should all have been made as directed by the sixth section of said act of September 27, 1850, amended by the third section of the act of July 17, 1854 (10 Stats., p. 305). Those who failed to file their notifications as required by law, were relieved by the act of June 25, 1864 (13 Stats., p. 184).

NEW MEXICO TERRITORY DONATION ACT.

Congress, July 22, 1854, in the "act to establish the offices of surveyors-general of New Mexico, Kansas, and Nebraska," provided in the second section for a grant of 160

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acres of land to every white male citizen of the United States, or who had declared his intention to become such, above the age of twenty-one years, who was residing in the Territory of New Mexico prior to January 1, 1853, and at the date of the passage of the act of July 22, 1854. The same grant was made to the same classes of persons who removed or should remove to said Territory between January 1, 1853, and January 1, 1858. The applications were filed with the surveyor general, and afterward in the district land office. Actual settlement and cultivation for four years were made conditions of this grant, except where the grantee desire to pay cash, at $1.25 per acre, which was permitted under the seventh section of the act. This law is still in force.

The following table shows entries by the year under this act:

New Mexico donations, under the act of July 22, 1854 (10 *Stat.*, 308) *reported to the General Land Office up to June* 30, 1880.

Year when notification was filed.	No. of certificate.	Area.
		Acres.
1870	7	1,120.00
1873	29	4,519.15
1874	6	960.00
1876	7	1,120.00
1877	18	1,520.00
1880	68	10,865.84
Total	135	20,104.99

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CHAPTER XXV.

To June 30, 1882.

[See pages 970–978.]

To June 30, 1883.

[See pages 1278, 1279.]

TOWN-SITE AND COUNTY-SEAT ACTS.

To June 30, 1880.

Under the town-site acts there have been located on the public domain 420 towns, with an acreage of 144,131.23 acres.

Under the county-seat act eight counties have secured a total of 886.68 acres.

The benefit of the town-lot act has been taken by six towns, and a total of 643 blocks located thereunder, or 3,840 acres.

Under the law authorizing the President to reserve town sites, but one town has been reserved—the town of Sault Ste. Marie, Mich., containing 59 acres—was confirmed by the act of September 26, 1850. Under all acts, 148,916.91 acres.

TOWN SITES—THE FIRST ACTS.

The acts of Congress of June 13, 1812, and May 26, 1824, and subsequent laws, confirmed to the inhabitants of certain towns and villages in the Territory of Missouri, their holdings, which they had inhabited, cultivated, or possessed prior to December 20, 1803. This rule as established was uniformly followed in the approval of town holdings in the portions of the Nation which were acquired by purchase or annexations

TOWN-SITE LAWS.

The laws of the United States providing for the reservation and sale of town sites on the public lands are found in Title 32, Chapter VIII, of the Revised Statutes of the United States, sections 2380 to 2390, inclusive.

These laws are very liberal in their provisions, and contemplate not only the entry of land already settled upon for purposes of trade, for the benefit of the citizens of the town, but provide for the selection and reservation of land, whether surveyed or unsurveyed, for town sites "on the shores of harbors, at the junction of rivers, important portages, or natural or prospective centers of population," in advance of the settlement thereof, or of the surrounding country.

In the pre-emption law of 1841 (sec. 10, 5 Stats., p. 455, and sec. 2258 R. S.), the following classes of lands were reserved from pre-emption settlement and entry, viz: 1st. "Lands included within the limits of any incorporated town, or selected, as the site of a city or town"; and 2d. "Lands actually settled and occupied for purposes of trade and business, and not for agriculture."

The same provisions apply to lands subject to entry under the homestead law. (Act May 20, 1862, 12 Stats., p. 392; sec. 2289 R. S.)

The same reservation is made in direct terms, or by implication, in nearly all the acts of Congress providing for the various classes of scrip. (See cases of Seattle town site; the City of Chicago *vs.* Valentine; Superior City *vs.* Scrip, Secretary's decision, June 23, 1862.)

The objects and benefits to arise from this reservation from settlement and entry on lands within the corporate limits of a town are, to a great extent, set forth in the decision of Mr. Justice Miller, in Root *vs.* Shields. (1 Woolworth, C. C. Reports, 342.)

The act of March 3, 1877, entitled "An act respecting the limits of reservations for town sites upon the public domain", (19 Stats., p. 392), was passed to remedy the evil, in certain cases, of the incorporation by the State or Territorial legislature of a town with limits covering larger areas than the maximum quantity of 2,560 acres.

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The law provides three methods of acquiring title to town property:

First. Where the President of the United States has directed the reservation provided for by section 2380, Revised Statutes.

Second. In cases where towns have already been established, or where parties desire to found a town; and

Third. Under section 2387 of the Revised Statutes, the entry of land, settled and occupied as a town site, by the corporate authorities, if the town be incorporated, or, if unincorporated, by the county judge, for the use and benefit of the several occupants.

The manner in which these entries are to be made is fully prescribed by the statute, and need not be mentioned here in detail.

Under the provisions first mentioned, there is no limit prescribed by the law as to the area that shall be disposed of for the benefit of the town or its inhabitants, or of the quantity that may be purchased by any one person.

Under the second method the town is to be surveyed into lots and blocks, and a plat thereof constructed, the exterior limits of which shall not describe an area of exceeding 640 acres.

Under the third method the area that may be entered for the benefit of the town will depend upon the number of the occupants.

Where title is to be acquired under either the first or second method, the patent will issue from the United States directly to the party purchasing or to his assignee. Where an entry has been made under the third method, which is, probably, the least expensive manner of acquiring title, the patent will be issued to the mayor or trustees of the town, if incorporated, or to the judge if not incorporated, who receive the title as trustees for the benefit of the several occupants of the town. This trust is to be executed in accordance with the laws of the State or Territory in which the town is located.

The statutes referred to are the only general laws providing for the establishment and entry of town-sites upon the public domain.

The act of May 26, 1824 (sec. 2286, R. S.), provided for the pre-emption, at the minimum price, of a quarter section of land in each county or parish, respectively, for the establishment of seats of justice therein. Under these provisions several entries for county seats have been made in recent years.

The act of August 11, 1876 (19 Stats., p. 227), providing for the disposal of the Osage ceded lands in Kansas makes special provision for the disposal of lands for town sites and to town companies. But two applications have been presented under this law, namely, the towns of Parsons and Oswego, in the Independence land district.

Besides these, and prior to the enactment of the general laws, many towns upon the public lands had been established by special laws of Congress.

The act of March 3, 1863 (sec. 2380, R. S.), was for increasing the revenue by reservation and sale of town sites on public lands. The President was to reserve by proclamation town sites at points where his judgment might dictate, and the Secretary of the Interior was to cause the same to be surveyed into urban or suburban lots, be appraised, value fixed, and sold at public outcry to highest bidder; after this, to be held for private entry as Secretary should direct. Under this act, the register and receiver directed sales and made returns for the same, and the United States issued patent. (See Report Commissioner General Land Office, 1866.)

Under this act but one town has been established.

Under Sec. 2382 of the Revised Statutes six towns have filed the required plats, and the occupants have made entries as provided by law.

Under the act of 1867 (sec. 2387, R. S.), many of the most flourishing towns in the West have been entered.

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List of town sites on the public lands, the date of entry, and area, and the act under which the entries were made, as shown by the town-site docket, General Land Office, to June 30, 1880.

Date of entry.	Town site.	State or Territory.	Area in acres.	Act.
October 25, 1859	Onoeta	Minnesota	320	May 23, 1844.
October 17, 1861	Garnett	Kansas	320	Do.
January 26, 1872	Prescott	Arizona	322.44	March 2, 1867.
September 7, 1859	Ogden	Kansas	160	May 23, 1844.
June 9, 1857	Shelbyville	Minnesota	80	Do.
November 12, 1861	Burlingame	Kansas	320	Do.
April 22, 1858	Charleston	do	191.30	Do.
June 20, 1859	Ashland	do	320	Do.
July 19, 1861	Centralia	do	320	Do.
August 30, 1858	Le Sueur	Minnesota	120	Do.
November 3, 1860	Le Sueur City	do	280	Do.
August 4, 1860	Irving	Kansas	280	Do.
April 11, 1861	Crescent City	California	266.75	Do.
March 2, 1859	Burlington	Kansas	320	Do.
June 24, 1859	Berea	do	240	Do.
November 24, 1860	Belle Prairie	Minnesota	246.40	Do.
January 29, 1858	Prairie City	Kansas	320	Do.
July 20, 1858	do	do	320	Do.
February 25, 1859	Archer	Nebraska	255.97	Do.
December 11, 1856	Ashland	Wisconsin	280.53	Do.
September 16, 1857	Americus	Kansas	320	Do.
May 2, 1857	Black Jack	do	160	Do.
April 30, 1858	Brownville	do	320	Do.
August 12, 1859	Beatrice	Nebraska	320	Do.
April 28, 1858	Bloomington	Kansas	320	Do.
July 12, 1859	Canton	do	160	Do.
July 23, 1858	Cleveland City	Nebraska	289.50	Do.
August 30, 1858	Cincinnati	do	160	Do.
July 1, 1858	Clinton	Kansas	320	Do.
April 21, 1858	De Soto	do	80	Do.
August 9, 1859	Capioma	do	320	Do.
November 29, 1860	Geneva	do	320	Do.
July 20, 1858	do	Nebraska	320	Do.
October 24, 1857	Eldorado	do	320	Do.
November 27, 1860	Eldoro	Kansas	160	Do.
January 24, 1872	Elk City	do	160	March 2, 1867.
April 11, 1859	do	Minnesota	297.03	May 23, 1844.
July 11, 1860	Elizabethtown	Kansas	80	Do.
August 26, 1857	Elk Horn	Nebraska	400	Do.
February 4, 1858	Elk Horn City	do	320	Do.
August 27, 1858	Glen Rock	do	320	Do.
August 18, 1859	Hampton	Kansas	280	Do.
November 23, 1860	Iola	do	320	Do.
July 23, 1858	London	Nebraska	160	Do.
September 12, 1857	Leroy	Kansas	320	Do.
August 15, 1856	Irvington	Iowa	240	Do.
March 19, 1859	Hiawatha	Kansas	320	Do.
June 17, 1858	Georgetown	Colorado	396	March 2, 1867.
August 16, 1858	Falls City	Nebraska	320	May 23, 1844.
September 1, 1860	Saint Joseph	Minnesota	160	Do.
November 15, 1860	Saint Cloud	do	176.77	Do.
May 22, 1858	Salem	Nebraska	200	Do.
October 30, 1860	Maple Lake	Minnesota	197.28	Do.
May 5, 1859	Robinson	Kansas	320	Do.
November 3, 1860	Red Stone	Minnesota	320	Do.
January 11, 1859	Toledo	Kansas	320	Do.
January 19, 1859	Tecumseh	Nebraska	320	Do.
August 11, 1859	Topeka	Kansas	62.60	Do.
August 27, 1858	Table Rock	Nebraska	320	Do.
July 2, 1859	Wilmington	Kansas	320	Do.
June 25, 1858	Waubaunsee	do	297.25	Do.
October 6, 1860	Young America	Minnesota	172.40	Do.
June 22, 1859	Ponca	Nebraska	320	Do.
May 29, 1860	Potosi	Kansas	320	Do.
August 12, 1859	Padonia	do	320	Do.
August 3, 1859	Plymouth	do	320	Do.
May 27, 1858	Palmyra	do	320	Do.
December 14, 1875	Smith Centre	do	160	March 2, 1867.
January 14, 1858	Pleasant View	do	80	May 23, 1844.
September 1, 1858	Pawnee City	Nebraska	160	Do.
June 10, 1857	Paris	Kansas	160	Do.
July 12, 1859	Pottawatomie	do	320	Do.
November 14, 1860	Neosho Falls	do	320	Do.
September 14, 1859	Mound City	do	320	Do.
June 3, 1856	New Ulm	Minnesota	314.40	Do.
June 23, 1858	Nemaha Falls	Nebraska	200.55	Do.
January 13, 1859	Marion	Kansas	320	Do.
June 23, 1858	New Lexington	do	320	Do.

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List of town sites on the public lands, the date of entry, and area, &c.—Continued.

Date of entry.	Town site.	State or Territory.	Area in acres.	Act.
April 16, 1858	Nemaha City	Nebraska	320	May 23, 1844.
May 17, 1858	Olathe	Kansas	320	Do.
September 25, 1858	Palmetto	do	320	Do.
October 12, 1860	Fremont City	Minnesota	200	Do.
June 8, 1860	Columbus	Nebraska	313. 50	Do.
November 23, 1860	Arlington	Minnesota	120	Do.
May 3, 1859	Ohio City	Kansas	320	Do.
April 14, 1856	Mazeppa	Minnesota	320	Do.
July 3, 1856	Cannon City	do	284. 80	Do.
October 9, 1858	Decatur	Nebraska	312. 25	Do.
October 31, 1862	Geary City	Kansas	280	Do.
December 22, 1860	Cold Springs City	Minnesota	320	Do.
January 7 1860	Niobrara	Nebraska	340. 20	Do.
July 9, 1858	North Rock Bluffs	do	309. 30	Do.
October 28, 1858	Tecumseh	Kansas	175	Do.
September 18, 1858	Ashuelot	Iowa	320	Do.
September 27, 1877	Sun City	Kansas	163. 25	March 2, 1867.
March 14, 1857	Saint Clair	Minnesota	320	May 23, 1844.
June 11, 1858	Addison	Iowa	240	Do.
February 9, 1856	Traverse	Minnesota	320	Do.
November 8, 1856	Harrisburg	do	40	Do.
August 16, 1855	Chasca	do	264. 89	Do.
September 5, 1855	Oronoco	do	320	Do.
March 31, 1856	Minneiska	do	289. 15	Do.
August 5, 1856	Vernon Springs	Iowa	120	Do.
May 25, 1857	Wyoming	Nebraska	317. 08	Do.
June 8, 1858	Ossawatamie	Kansas	320	Do.
September 1, 1858	Fontenelle	Nebraska	320	Do.
July 30, 1858	Holton	Kansas	344. 28	Do.
April 5, 1858	Willow Springs	do	320	Do.
March 23, 1863	Moneka	do	320	Do.
June —, 1859	Eureka	California	120	Do.
August 30, 1856	Forest City	Iowa	240	Do.
October 18, 1858	Lexington	Kansas	320	Do.
June 29, 1864	Areata, or Union	California	120	Do.
April 22, 1858	Sumner	Kansas	285. 50	Do.
March 17, 1857	Omaha	Nebraska	298. 20	Do.
May 27, 1874	Central City	Colorado	629. 28	March 2, 1867.
April 11, 1873	Black Hawk	do	400	Do.
June 29, 1869	Lehi	Utah	1, 280	Do.
April 20, 1861	Monticello	Minnesota	267. 72	May 23, 1844.
April 18, 1861	Moritzious	do	268. 48	Do.
September 1, 1858	Kanosha	Nebraska	304. 20	Do.
December 14, 1861	Granada	Kansas	160	Do.
April 8, 1864	Middle Superior	Wisconsin	53. 50	Do.
October 27, 1857	Stanton	Kansas	134. 38	Do.
October 14, 1857	Greeley	do	320	Do.
June 3, 1859	Twin Mounds	do	160	Do.
September 27, 1862	Jacksonville	Oregon	114. 69	Do.
July 17, 1865	Walla Walla	Washington	40	Do.
April 19, 1858	Lafayette	Oregon	163. 46	Do.
October 11, 1865	Red Bluff	California	297. 38	Do.
March 21, 1878	Dalles	Oregon	38	Do.
January 18, 1864	Golden City	Colorado	320	Do.
January 18, 1869	Knight's Landing	California	208. 61	March 2, 1867
June 10, 1870	Guadalupe	Colorado	160	Do.
June 16, 1863	Salina	Kansas	320	May 23, 1844.
August 16, 1855	Winona	Minnesota	217. 40	Do.
October 7, 1873	Unionville	Nevada	80	March 2, 1867.
December 18, 1874	Piocho	do	400	Do.
May 6, 1865	Denver	Colorado	960	May 28, 1864 (special act).
October 24, 1864	Branciforte	California	320	May 23, 1844.
November 19, 1873	Phœnix	Arizona	320	March 2, 1867.
October 26, 1869	Clay Centre	Kansas	320	Do.
June 25, 1873	Dodge City	do	87	Do.
July 1, 1865	Empire City	Nevada	480	Do.
March 26, 1864	Carson City	do	320	May 23, 1844.
July 7, 1875	Arizona City, or Yuma	Arizona	1, 208. 37	March 2, 1867.
July 25, 1865	La Plata	California	120	May 23, 1844.
April 29, 1873	Genoa	Nevada	320	Do.
November 3, 1869	Silver City	do	332	March 2, 1867.
April 11, 1873	Green City	Colorado	80	Do.
February 10, 1873	Jenny Lind	California	40	Do.
February 28, 1873	Republic	Kansas	160	Do.
April 8, 1876	Belmont	Nevada	160	Do.
February 5, 1869	Nevada City	California	644. 68	Do.
November 4, 1872	Tularosa	New Mexico	320	Do.
February 29, 1876	Palomas	do	733. 07	Do.
April 11, 1873	Silver City	do	639. 60	Do.

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List of town sites on the public lands, the date of entry, and area, &c.—Continued.

Date of entry.	Town site.	State or Territory.	Area in acres.	Act.
May 15, 1868	Mendocino	California	70.70	March 2, 1867.
July 19, 1869	Deer Lodge	Montana	238.40	Do.
October 11, 1869	Auburn (first entry)	California	640	Do.
May 27, 1871	Trinidad	do	111.09	Do.
December 26, 1873	San Mateo	do	600.70	Do.
August 10, 1873	Mount Vernon	Colorado	160	Do.
August 27, 1873	Walsenburg	do	320	Do.
January 19, 1869	Pueblo	do	320	Do.
June 19, 1873	Sonora	California	600	Do.
May 6, 1872	Wellington	Kansas	320	Do.
October 7, 1869	Baxter Springs	do	160	Do.
March 2, 1869	Helena	Montana	1,880	Do.
November 21, 1871	Salt Lake City	Utah	5,730.45	Do.
June 4, 1864	Rockville	Minnesota	400	May 23, 1844.
March 23, 1870	Bozeman	Montana	40	March 2, 1867.
July 10, 1872	Radersburg	do	40	Do.
July 10, 1871	Winfield	Kansas	160	Do.
July 20, 1871	Arkansas City	do	480	Do.
July 26, 1872	Malvern	do	480	Do.
December 18, 1874	Sebastopol	California	121.45	Do.
March 28, 1871	Missoula	Montana	40	Do.
April 11, 1872	Green City	Kansas	640	Do.
July 13, 1874	Loma	Colorado	160	Do.
January 13, 1868	Boisé City	Idaho	442	Do.
April 4, 1878	Coalville	Utah	720	Do.
June 5, 1869	Nephi City	do	1,280	Do.
October 9, 1869	Brigham City	do	1,000	Do.
May 1, 1871	Toodle City	do	1,280	Do.
May 10, 1871	Hyrum City	do	640	Do.
May 10, 1871	Richmond City	do	840	Do.
	Kaysville	do		Do.
May 21, 1869	Provo City	do	1,600	Do.
November 4, 1870	Fillmore City	do	1,120	Do.
June 7, 1872	Independence	Kansas	520	Do.
February 10, 1873	Del Norte	Colorado	320	Do.
December 31, 1870	Beaver City	Utah	1,280	Do.
February 24, 1872	Adamsville	do	320	Do.
July 26, 1877	Portage	do	160	Do.
August 1, 1872	Spanish Fork City	do	840.91	Do.
June 5, 1869	Ephraim City	do	640	Do.
April 10, 1871	Saint George City	do	1,285.26	Do.
June 7, 1869	Levan	do	240	Do
April 15, 1871	Cedar City	do	320	Do.
June 4, 1869	Payson City	do	840	Do.
June 4, 1869	Meroni	do	360	Do.
May 19, 1869	Alpine City	do	480	Do.
June 5, 1869	Mona	do	160	Do.
May 31, 1869	Centerville	do	640	Do.
May 31, 1869	Bountiful	do	1,280	Do.
March 7, 1869	Farmington	do	320	Do.
August 12, 1870	South Park City	Colorado	320	Do.
May 29, 1871	American Fork City	Utah	1,020	Do.
July 9, 1872	Tucson	Arizona	1,280	Do.
September 28, 1876	Safford	do	160	Do.
January 18, 1869	Grass Valley	California	360	Do.
April 1, 1872	South Grass Valley	do	160	Do.
May 30, 1872	Pescadero	do	87.80	Do.
July 12, 1869	Dayton	Nevada	720	Do.
June 21, 1879	Stevensville	Montana	40	Do.
November 25, 1870	Colfax	California	160	Do.
May 20, 1869	Springville	Utah	800.42	Do.
June 22, 1871	Coffeyville	Kansas	231.23	Do.
July 2, 1872	Springville	Montana	80	Do.
December 14, 1871	King City	Kansas	160	Do.
June 2, 1869	Santaquin	Utah	480	Do.
June 2, 1869	Cedar Fort	do	599.40	Do.
September 18, 1869	Fairfield	do	440	Do.
April 28, 1873	Phillipsburg	Kansas	160	Do.
March 8, 1872	Clarksville	California	40	Do.
February 13, 1873	Angels	do	160	Do.
June 28, 1870	Shasta	do	540	Do.
May 20, 1872	Susanville	do	200	Do.
November 10, 1870	Ophir	do	120	Do.
June 1, 1871	Lancha Plana	do	160	Do.
April 8, 1873	Hornitas	do	640	Do.
November 18, 1871	San Rafael	do	165.19	Do.
December 16, 1877	Auburn (second entry)	do	200	Do.
March 4, 1872	San Juan	do	303.56	Do.
February 13, 1873	Altaville	do	400	Do.
July 7, 1871	Placerville	do	1,160	Do.

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List of town sites on the public lands, the date of entry, area, &c.—Continued.

Date of entry.	Town site.	State or Territory.	Area in acres.	Act.
May 31, 1871	Oroville	California	281.60	March 2, 1867.
October 20, 1870	Lakeport	do	143.09	Do.
November 29, 1870	Kelsey	do	160	Do.
January 28, 1871	San Luis Obispo	do	552.65	Do.
November 10, 1874	Jamestown	do	640	Do.
June 13, 1873	Rough and Ready	do	314	Do.
March 3, 1874	Yreka	do	511	Do.
November 25, 1874	Cheyenne	Wyoming	637.47	Do.
November 21, 1872	Winnemucca	Nevada	200	Do.
June 12, 1875	Panoca	do	360	Do.
February 20, 1872	Corinne	Utah	168	Do.
March 1, 1871	Jackson	California	600	Do.
March 1, 1871	Pine Grove	do	80	Do.
March 1, 1871	Fiddletown	do	160	Do.
March 1, 1871	Drytown	do	80	Do.
May 2, 1871	Volcano	do	80	Do.
May 30, 1871	El Dorado	do	440	Do.
May 30, 1871	Diamond Springs	do	203.29	Do.
July 5, 1871	Camp Seco	do	160	Do.
July 8, 1871	Dutch Flat	do	136.79	Do.
February 27, 1873	Mokelumne Hill	do	591.84	Do.
August 24, 1872	San Andreas	do	640	Do.
June 26, 1869	Pleasant Grove	Utah	640	Do.
June 23, 1869	North Ogden	do	640	Do.
June 23, 1869	Plain City	do	800	Do.
June 24, 1869	Ogden	do	2,480	Do.
July 2, 1869	Fountain Green	do	319.78	Do.
July 2, 1869	Spring City	do	440	Do.
July 2, 1869	Fair View	do	320	Do.
September 1, 1869	Mount Pleasant	do	1,279.84	Do.
April 27, 1870	Willard City	do	582.40	Do.
May 7, 1870	Midway	do	120	Do.
May 7, 1870	Heber City	do	480.54	Do.
May 7, 1870	Walesburg	do	40	Do.
August 22, 1870	Greenville	do	280	Do.
October 22, 1870	Minersville	do	160	Do.
November 1, 1870	Holden	do	120	Do.
November 4, 1870	Oak City	do	160.13	Do.
May 10, 1871	Smithfield	do	800	Do.
December 5, 1871	Ophir City	do	75.68	Do.
January 27, 1872	Lincoln Centre	Kansas	160	Do.
September 6, 1872	Great Bend	do	640	Do.
September 3, 1874	Columbia	California	640	Do.
June 6, 1872	Lewiston	Idaho	561.21	Do.
July 10, 1871	Wellsville	Utah	1,160	Do.
May 11, 1871	Millville	do	440	Do.
July 11, 1871	Providence	do	640	Do.
May 11, 1871	Hyde Park	do	640	Do.
May 15, 1871	Manti	do	1,280	Do.
May 25, 1871	Logan City	do	2,521.50	Do.
June 1, 1871	Kanara	do	200	Do.
June 1, 1871	Toqueville	do	240	Do.
June 1, 1871	New Harmony	do	120	Do.
June 24, 1871	Mendon City	do	480	Do.
July 3, 1871	Fayette	do	321.62	Do.
July 17, 1871	Rockport	do	120	Do.
January 12, 1872	Summit	do	80	Do.
January 12, 1872	Paragonah	do	200	Do.
October 14, 1871	Parowan	do	320	Do.
February 10, 1872	Harrisburg	do	120	Do.
February 10, 1872	Washington	do	160	Do.
January 13, 1872	Peoa	do	280	Do.
October 22, 1875	Silver City	Montana	40	Do.
October 7, 1873	Arapahoe	Nebraska	320	Do.
December 6, 1871	Oxford	Kansas	320	Do.
February 26, 1873	Jewell City	do	160	Do.
July 25, 1871	Neodesha	do	240	Do.
August 21, 1871	Elk Falls	do	320	Do.
April 19, 1872	Howard City	do	366.24	Do.
April 19, 1872	Camanche	California	40	Do.
October 19, 1872	Copperopolis	do	278.40	Do.
October 21, 1872	El Dorado	do	120	Do.
January 24, 1873	Coloma	do	400	Do.
January 24, 1873	Shingle Springs	do	40	Do.
September 23, 1872	Greenville	do	160	Do.
February 26, 1873	Greenwood	do	160	Do.
April 18, 1873	Georgetown	do	240	Do.
June 22, 1872	Draperville	Utah	280	Do.
July 3, 1872	Wales	do	320	Do.
July 6, 1872	Randolph	do	80	Do.

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List of town sites on the public lands, the date of entry, and area, &c.—Continued.

Date of entry.	Town site.	State or Territory.	Area in acres.	Act.
July 8, 1872	Goshen	Utah	160	March 2, 1867.
July 6, 1872	Ithica	do	160	Do.
July 9, 1872	Huntsville	do	80	Do.
July 12, 1872	Bear River City	do	339.50	Do.
March 12, 1873	Morgan City	do	880	Do.
January 21, 1873	West Wichita	Kansas	144	Do.
April 15, 1877	Parker City	do	200	Do.
February 23, 1876	Jewell Centre	do	160	Do.
July 22, 1873	Caldwell	do	116.23	Do.
June 28, 1873	Medicine Lodge	do	160	Do.
February 26, 1874	Elgin	do	137	Do.
August 20, 1873	Belle Plain	do	319.99	Do.
November 11, 1873	Kirwin	do	640	Do.
November 21, 1873	Larned	do	160	Do.
March 22, 1873	Woodbridge	California	72	Do.
April 23, 1873	Chinese Camp	do	160	Do.
April 28, 1873	Point Arena	do	240	Do.
July 10, 1873	Windsor	do	160	Do.
February 11, 1874	Springfield	do	120	Do.
July 1, 1874	Amador City	do	190.07	Do.
July 1, 1874	Sutter Creek	do	908.31	Do.
April 10, 1873	Taylorsville	do	160	Do.
July 14, 1873	Quincy	do	160	Do.
September 19, 1874	French Corral	do	480	Do.
August 1, 1873	Idaho Springs	Colorado	105.43	Do.
April 16, 1877	Trinidad	do	280	Do.
January 25, 1877	Ouray	do	300	Do.
January 2, 1880	Silver Cliff	do	320	Do.
July 13, 1872	Honeyville	Utah	319.98	Do.
June 24, 1873	Milton	do	80	Do.
June 24, 1873	Richville	do	160	Do.
June 24, 1873	Peterson	do	200.13	Do.
June 24, 1873	Enterprise	do	280	Do.
June 24, 1873	Porterville	do	160	Do.
April 9, 1873	Scipio	do	160	Do.
June 24, 1873	Croyden	do	320	Do.
May 26, 1873	Salem	do	640	Do.
February 17, 1874	Richfield	do	540	Do.
September 12, 1876	Bismarck	Dakota	240	Do.
December 11, 1875	Osborne	Kansas	80	Do.
January 12, 1875	McPherson	do	320	Do.
April 16, 1874	Coffeyville	do	409.18	Do.
June 4, 1873 / July 12, 1877	Concordia (2 entries)	do	515.15	Do.
December 27, 1871	North Peabody	do	320	Do.
January 13, 1875	North San Juan	California	400.97	Do.
January 13, 1872	Sebastapol	do	240	Do.
February 3, 1875	Cherokee	do	78.47	Do.
March 9, 1875	North Bloomfield	do	40	Do.
November 11, 1875	San Juan Capistrano	do	567	Do.
December 13, 1875	Vallicito	do	109.30	Do.
December 15, 1875	Murphy	do	640	Do.
April 25, 1876	Phillipsburg	Montana	35.65	Do.
July 28, 1876	Fort Benton	do	185.69	Do.
February 22, 1876	Weaverville	California	516.94	Do.
September 9, 1876	Smartsville	do	165	Do.
April 13, 1877	Bridgeport	do	160	Do.
October 13, 1876	Camptonville	do	160	Do.
January 27, 1877	Confidence	do	189.23	Do.
October 15, 1875	Lake City	Colorado	260	Do.
April 7, 1876	Silverton	do	320	Do.
November 10, 1871	Heneferville	Utah	240	Do.
October 31, 1879	Schellbourne	Nevada	160	Do.
July 25, 1876	Butte	Montana	183.83	Do.
June 30, 1877	Tybo	Nevada	120	Do.
October 23, 1877	Poney	Montana	120	Do.
October 6, 1879	Corvallis	do	40	Do.
June 28, 1876	Franklin	Idaho	640	Do.
June 22, 1876	Malad City	do	280	Do.
June 17, 1879	Oxford	do	200	Do.
April 9, 1880	Tombstone	Arizona	320	Do.
May 12, 1877	Gaylord	Kansas	80	Do.
June 12, 1878	Anthony	do	320	Do.
January 30, 1880	Stockton	do	320	Do.
July 14, 1877	La Grange	California	50	Do.
December 11, 1878	West Point	do	120	Do.
August 26, 1879	Goodyear's Bar	do	80	Do.
November 5, 1879	Sheep Ranch	do	137.59	Do.
December 5, 1877	Coulterville	do	225.63	Do.
March 4, 1880	Strawberry Valley	do	320	Do.

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List of town sites on the public lands, the date of entry, and area, &c.—Continued.

Date of entry.	Town site.	State or Territory.	Area in acres.	Act.
March 6, 1879	Glenwood	Utah	520	March 2, 1867.
March 1, 1879	Monroe	do	560	Do.
October 16, 1879	Glendale	do	120	Do.
October 16, 1879	Rockville	do	320	Do.
October 16, 1879	Virgin City	do	200	Do.
October 16, 1879	Grafton	do	80	Do.
October 16, 1879	Kanab	do	640	Do.
October 16, 1879	Mount Carmel	do	40	Do.
October 16, 1879	Duncan's Retreat	do	120	Do.
March 22, 1876	Rosita	Colorado	360	Do.
October 7, 1869	Virginia City	Montana	569.72	Do.
November 30, 1860	Saint Lawrence	Minnesota	166.40	May 23, 1844.
December 22, 1856	Saint Charles	do	120	Do.
October 20, 1855	Rome	do	284.50	Do.
July 10, 1874	Vancouver	Washington	129.20	March 2, 1867.

COUNTY SEATS.

The act of May 26, 1824 (see sec. 2286, R. S.), authorizes the pre-emption of quarter sections of public land, at $1.25 per acre, for the establishment of seats of justice (court-houses) in counties.

Date of entry.	County.	State or Territory.	Area in acres.	Act.
October 7, 1854	Green County	Iowa	160	May 26, 1824.
January 10, 1857	Sibley County	Minnesota	160	Do.
June 26, 1863	Polk County	Oregon	160	Do.
September 15, 1871	Merrick County	Nebraska	80	Do.
October 26, 1872	Hamilton County	do	160	Do.
April 3, 1878	San Juan County	Washington	153.45	Do.
July 30, 1857	Washington County	Oregon	33.23	Do.

ACT AUTHORIZING THE PRESIDENT TO RESERVE—SEC. 2380, R. S.

Town site.	State or Territory.	Act.
Port Angeles	Washington	March 3, 1863.

TOWN LOT ACT—SEC. 2382, R. S.

Town.	State or Territory.	No. of lots.	Act.
Petaluma	California		July 1, 1864.
Virginia City	Nevada	251 blocks.	Do.
Gold Hill	do	179 blocks.	Do.
Le Grand	Oregon	107	Do.
Baker City	do	80	Do.
Sparta	do	32	Do.

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CHAPTER XXVI.

To June 30, 1882.

[See pages 978–1015.]

To June 30, 1883.

[See pages 1279–1282.]

MINES ON THE PUBLIC DOMAIN.

To June 30, 1880.

PRECIOUS METALS AND OTHER VALUABLE DEPOSITS.

The precious-metal bearing States and Territories of the public domain are California, Colorado, Oregon, Nevada, Idaho, Montana, Wyoming, Utah, New Mexico, Arizona, Dakota, and Washington.

Lead and copper lands in Arkansas, Missouri, Iowa, Michigan, Minnesota, and Wisconsin were sold under special mining laws, the mineral being conveyed with the soil, and are included in cash entries.

Under the acts of 1866 and 1872, and the placer act, there have been patented to June 30, 1880, 3,978 lode or vein claims, containing 38,435.11 acres, at $5 per acre, realizing $197,778, and 1,303 placer claims, containing 110,186.03 acres, at $2.50 per acre, realizing $288,767; total, 5,281 claims, containing 148,621.14 acres, and realizing $486,545.

MINERAL RESERVATIONS IN NORTHWEST TERRITORY.

In the ordinance of May 20, 1785, for the disposal of lands in the "Western Territory," it is ordered that there shall be reserved "one-third part of all gold, silver, lead, and copper mines, to be sold, or otherwise disposed of as Congress shall hereafter direct," the deed to be given by the Commissioners of the Loan Office, with a clause of reservation in the words of the act.

The mineral resources of the country at that time were but little known. Our present Western precious metal regions, and the base-metal belt of the Mississippi, were almost entirely within the domain of France and Spain. The copper regions of Lake Superior had just come into possession of the United States by the definitive treaty of peace with Great Britain. Some gold and lead had been found in the Southern colonies—now States—but not on public domain, and economic minerals were but little known or used. The reserving clause in the ordinance of 1785 suggests the reservations as to minerals, by way of royalty or sovereign dues, in some of the crown charters for colonization in America, and further shows the existing doubt as to the policy of the Government in relation to holding, leasing, or selling mines and mineral lands.

CONGRESSIONAL ACTION.

By resolution of April 16, 1800, Congress authorized the President to employ an agent to collect material information relative to the copper mines on the south side of Lake Superior. This contained a clause "and to ascertain whether the Indian title to such lands as might be required for the use of the United States in case they should deem it expedient to work the said mines, had been extinguished." Thus Congress at this period seems to have had in mind the direct working and control of mines by the United States.

March 3, 1807, Congress, by section 5 of an act for the sale of certain lands now in Ohio and Indiana, provided that lead mines in Indiana, with as many contiguous sec-

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tions of land to each as the President might deem necessary, should be reserved for future disposal by the United States; and—

Any grant which may hereafter be made for a tract of land containing a lead mine which has been discovered previous to the purchase of such tract from the United States shall be considered fraudulent and null; and the President of the United States shall be, and is hereby, authorized to lease any lead mine which has been or may hereafter be discovered in the Indiana Territory, for a term not exceeding five years.

This inaugurated the policy of the United States of leasing mineral lands.

It will be noted that this reserving clause contained a proviso for reserving lands for mine easements. These reserved adjacent sections were afterwards used by the lessees for dumpage-grounds, and the timber thereupon used for smelting. The leases provided for this.

Congress, March 25, 1816, in an act relating to settlers on the public lands of the United States, provided—

That in all cases where the tract of land applied for includes either a lead mine or salt spring, no permission to work the same shall be granted without the approbation of the President of the United States.

This provision of law was continued by two separate acts until March 3, 1819.

The House of Representatives, February 8, 1823, by resolution, asked for information in regard to the mining regions of the West. The President in reply transmitted such information as he at that time had (see Ex. Doc. 128, first session Eighteenth Congress). This Congressional inquiry and the reply related to lands containing base metal and iron.

By act of March 3, 1829, Congress conferred authority on the President to expose to sale as other public lands "the reserved lead mines and contiguous lands in the State of Missouri," with this qualification, that at least six months' public notice should be given, "with a brief description of the mineral region in Missouri and the lands to be offered for sale, showing the number and the localities of the different mines (then) known, the probability of discovering others, the quality of the ore, the facilities for working it, the further facilities, if any, for manufactures of shot, sheet lead, and paints, and the means and expense of transporting the whole to the principal markets of the United States."

February 6, 1839, the House of Representatives—

Resolved, That the President be requested to cause to be prepared a plan for disposal of the public mineral lands, having reference as well to the amount of revenue to be derived from them, and their value as public property, as to the equitable claims of individuals upon them; and that he communicate to Congress all the information in the possession of the Treasury Department relative to their location, value, productiveness, and occupancy, and that he cause such further information to be collected and surveys to be made as may be necessary for this purpose.

Dr. David Dale Owen explored the Territories of Iowa and Wisconsin, by order of the President, under this resolution. (See report Dr. Owen, Ex. Doc. No. 239, First session Twenty-sixth Congress.)

In the pre-emption act September 4, 1841, section 10 provided that "No lands on which are situated any known salines or mines shall be liable to entry under and by virtue of the provisions of this act."

In United States *v.* Gear (3 How., 120), the Supreme Court of the United States, 1845, held that the act of June 26, 1834, did not subject lead mines to ordinary sale or pre-emption in certain districts thereby created.

EXECUTIVE ACTION AS TO MINES.

President Polk, December 2, 1845, in his first annual message said:

The present system of managing the mineral lands of the United States is believed to be radically defective. More than a million acres of the public lands, supposed to contain lead and other minerals, have been reserved from sale, and numerous leases upon them have been granted to individuals upon a stipulated rent. The system of granting leases has proved to be not only unprofitable to the Government, but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty between the Government and the lessees. According to

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the official records, the amount of rents received by the Government for the years 1841, 1842, 1843, and 1844, was $6,354.74, while the expenses of the system during the same period, including salaries of the superintendents, agents, clerks, and incidental expenses, were $26,111.11, the income being less than one-fourth of the expense. To this pecuniary loss may be added the injury sustained by the public in consequence of the destruction of timber, and the careless and wastful manner of working the mines. The system has given rise to much litigation between the United States and individual citizens, producing irritation and excitement in the mineral region, and involving the Government in heavy additional expenditures. It is believed that similar losses and embarrassments will continue to occur while the present system of leasing these lands remains unchanged. These lands are now under the superintendence and care of the War Department, with the ordinary duties of which they have no proper or natural connection. I recommend the repeal of the present system, and that these lands be placed under the superintendence and management of the General Land Office as other public lands, and be brought into market and sold upon such terms as Congress in their wisdom may prescribe, reserving to the Government an equitable percentage of the gross amount of mineral product, and that the pre-emption principle be extended to resident miners, and settlers upon them, at the minimum price which may be established by Congress.

April 18, 1876, the Attorney-General of the United States, in an opinion respecting the mineral lands on Isle Royal, Lake Superior, held, that "salines, gold, silver, lead, and copper mines" were reserved for "future disposal of Congress."

CASH SALES OF MINERAL LANDS ORDERED.

By act approved 11th July, 1846, Congress ordered "the reserved lead mines and contiguous lands in the States of Illinois and Arkansas and" then "Territories of Wisconsin and Iowa" to be exposed to sale as other public lands, with the exception: that six months' notice be given, with brief description of the mineral region, as required by the act of 1829 respecting Missouri; stipulating further that such lands should not be subject to pre-emption until after public offering, and subject to private entry; that upon proof to the register and receiver of any tract containing lead ore, and of being so worked, no bid should be received at less than $2.50 per acre, but if not sold at that price, nor entered at private sale within twelve months thereafter, to be subject to sale as other public lands. (See D. D. Owen's survey.)

By an act of 1st March, 1847, Congress ordered the organization of the Lake Superior district in the upper peninsula of Michigan, directed that a geographical examination and survey be made of those lands, and conferred authority on the President for the public sale, after six months' notice, of such land as contained "copper, lead, or other valuable ores," with description of locality of mines, &c., the minimum price at public sale to be $5 per acre, and where not thus disposed of at public auction, to be subject to private sale at that price. (See Foster and Whitney's survey.)

By the act of 3d March, 1847, the Chippewa land district in Wisconsin was organized, a geological examination and survey ordered, and the lands disposed of in like manner to those in the Lake Superior district, in Michigan.

Congress March 3, 1849, created the Department ("Home Department") of the Interior, and thereafter the supervision of mineral lands was transferred to the General Land Office in that Department.

MINERAL LANDS IN CHARGE OF THE WAR DEPARTMENT.

The acts of July 11, 1846, and March 1 and 3, 1847, made a radical change in the method of disposition of mineral lands on the public domain, abolished leases, and substituted cash sales. The act of 1849 transferred the charge of these lands from the War Department, where they had been since the ordinance of Congress of 1785, to the Department of the Interior.

August 28, 1850, the Attorney-General of the United States held that public lands containing "iron ore merely" are not the "mineral lands" referred to in the second section of the act of March 1, 1847 (act for the sale of copper, lead, or other valuable ores in Lake Superior district).

The act of 26th September, 1850, ordered the mineral lands in the Lake Superior dis-

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trict in Michigan, and Chippewa district in Wisconsin, to be offered at public sale in the same manner, at the minimum, and with same rights of pre-emption as other public lands, but not to interfere with leased rights.

THE DISCOVERY OF GOLD IN CALIFORNIA.

The discovery of gold at Coloma, Cal., by John W. Marshall, January 19, 1848, necessitated a change in the mineral laws of the United States. Copper, lead, and iron had prior to this been the minerals for which the laws were made. In the ordinance of 1785 gold and silver were reserved out of abundant caution, but now gold had actually been discovered on the public domain, and legislation was necessary.

EXECUTIVE RECOMMENDATIONS.

President Fillmore, in his annual message of December 2, ~~1849~~ 1850, said:

I also beg leave to call your attention to the propriety of extending at an early day our system of land laws, with such modifications as may be necessary, over the State of California and the Territories of Utah and New Mexico. The mineral lands of California will, of course, form an exception to any general system which may be adopted. Various methods of disposing of them have been suggested. I was at first inclined to favor the system of leasing, as it seemed to promise the largest revenue to the Government and to afford the best security against monopolies, but further reflection and our experience in leasing the lead mines and selling lands upon credit have brought my mind to the conclusion that there would be great difficulty in collecting the rents, and that the relation of debtor and creditor between the citizens and the Government would be attended with many mischievous consequences. I therefore recommend that instead of retaining the mineral lands under the permanent control of the Government, they be divided into small parcels and sold, under such restrictions as to quantity and time as will insure the best price and guard most effectually against combinations of capitalists to obtain monopolies.

December 3, 1849, the Secretary of the Interior, Hon. Thomas Ewing, calling attention of Congress to the discovery of gold in California, said:

The right to the mines of precious metals, which, by the laws of Spain, remained in the Crown, is believed to have been also retained by Mexico while she was sovereign of the territory, and to have passed by her transfer to the United States. It is a right of the sovereign in the soil as perfect as if it had been expressly reserved in the body of the grant; and it will rest with Congress to determine whether, in those cases where lands duly granted contain gold, this right shall be asserted or relinquished. If relinquished, it will require an express law to effect the object, and if retained, legislation will be necessary to provide a mode by which it shall be exercised. For it is to be observed that the regulation permitting the acquisition of a right in the mines by registry or by denouncement was simply a mode of exercising by the sovereign the proprietary right which he had in the treasure as it lay in and was connected with the soil. Consequently, whenever that right was transferred by the transfer of the eminent domain, the mode adopted for its exercise ceased to be legal, for the same reason that the Spanish mode of disposing of the public lands in the first instance ceased to be legal after the transfer of the sovereignty.

Thus it appears that the deposits of gold, wherever found in the Territory, are the property of the United States. Those, however, which are known to exist upon the lands of individuals are of small comparative importance, by far the larger part being upon unclaimed public lands. Still our information respecting them is yet extremely limited; what we know in general is that they are of great extent and extraordinary productiveness, even though rudely wrought.

* * * * * * *

No existing law puts it in the power of the Executive to regulate these mines, or protect them from intrusion. Hence, in addition to our own citizens, thousands of persons, of all nations and languages, flock in and gather gold, which they carry away to enrich themselves, leaving the lands the less in value by what they have abstracted, and they render for it no remuneration, direct or indirect, to the Government or people of the United States. Our laws, so strict in the preservation of public property that they punish our own citizens for cutting timber upon the public lands, ought not to permit strangers, who are not and who never intend to become citizens, to enter at pleasure on these lands, and take from them the gold which constitutes nearly all their value.

Some legal provision is necessary for the protection and disposition of these mines, and it is a matter worthy of much consideration how they should be disposed of so as best to promote the public interest and encourage individual enterprise. In the

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division of these lands regard should be had to the convenience of working every part of them containing gold, whether in the alluvion merely or in the fixed rocks. And, that such division may be made in the best manner practicable to promote the general interest and increase the value of the whole, a geological and mineralogical exploration should be connected with the linear surveys, which should be made with the assistance and under the supervision of a skillful engineer of mines.

The mining ordinances of Spain provide a mode of laying out the mines, which applies only to districts where veins of ore occur in the rocks, and where it is to be mined by following the metaliferous dike or stratum in the direction of its dip, and along its line of strike. But the gold which is found in the alluvion in California is continuous over a great extent of country, and it may be wrought upon any lot having surface earth and access to water. This district may be, therefore, divided into small lots, with a narrow front on the margin of the streams, and extending back in the form of a parallelogram. Where gold is found in the rocks *in situ*, the lots to embrace it should be larger, and laid off according to the Spanish method with regard to dip and strike. But so various are the conditions under which the precious metals may be found by a careful geological exploration, that the mode of laying off the ground cannot be safely anticipated, but must be left to the direction, on the spot, of a skillful engineer, whose services will be indispensable.

The division, disposition, and management of these mines will require much detail; but, if placed on a proper footing, they may be made a source of considerable revenue. It is due to the Nation at large that this rich deposit of mineral wealth should be made productive, so as to meet, in process of time, the heavy expense incurred in its acquisition. It is also due to those who become the lessees or purchasers of the mines that they should be furnished by the Government with such scientific aid and directions as may enable them to conduct their operations not only to the advantage of the Treasury, but also with convenience and profit to themselves. This scientific aid cannot be procured by individuals, as our people have little experience in mining, and there is not, in the United States, a school of mines, or any in which mining is taught as a separate science.

If the United States sell the mineral lands for cash, and transfer at once all title to the gold which they contain, but a very small part of their value will probably be realized. It would be better, in my opinion, to transfer them by sale or lease, reserving a part of the gold collected as rent or seignorage.

After mature reflection, I am satisfied that a mint at some convenient point will be advantageous to the miner, and the best medium for the collection and transmission of the gold reserved. Gamboa, a Spanish author of much science and practical observation, and at one time president of the Royal Academy of Mexico, strongly recommended the establishment of a mint in their principal mining district, as a means of collecting and transmitting the rents reserved by the Crown, and especially to give a legitimate currency to the miners, that they might not be compelled from necessity to barter their bullion in violation of law. The same reasons would apply here with equal force.

When the land is properly divided, it will, in my opinion, be best to dispose of it, whether by lease or sale, so as to create an estate to be held only on condition that the gold collected from the mine shall be delivered into the custody of an officer of the branch mint. Out of the gold so deposited, there should be retained for rent and assay, or coinage, a fixed per cent., such as may be deemed reasonable, and the residue passed to the credit of the miner, and paid to him at his option in coin or stamped bullion, or its value in drafts on the Treasury or mint of the United States. The gold in the mine, and after it is gathered, until brought into the mint, should be and remain the property of the United States. The barter, sale, gift, or exportation of any portion of it before it shall have been delivered at the mint, and so coined, or assayed and stamped, or its concealment with intent to avoid the payment of rent or seignorage, should involve a forfeiture of the gold itself, and also of the mine. The terms of lease or sale should be favorable to the miner, and the law should be stringent to enforce the payment of seignorage and rents.

So far as the surface deposits extend, I am of opinion that leases will, for yet a further reason, be preferable to the sales of lands. If sold, they will pass at once into the hands of large capitalists; if leased, industrious men without capital may become the proprietors, as they can work the mines and pay the rent out of the proceeds. But where gold is found in the rocks in place, the case is different. These must necessarily fall at once into the hands of large capitalists or joint stock companies, as they cannot be wrought without a heavy investment.

Some persons, whose opinions are entitled to much weight, apprehend difficulty in collecting the rents, if the mode of disposition which I suggest be adopted; but this, I think, is without a full consideration of the condition of the country and the means of enforcement. Gold, unless coined or stamped at the mint, could not circulate in California against a legal provision, and subject to a penalty such as is suggested. It could not be carried across the continent without risk of loss or detection, which

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would make the value of insurance equal to the rent. In any other direction it must pass the ports of California, and be there liable to detection.

Since the discovery of the mines, gold in California has not ranged higher than $16 per ounce; its actual value is a fraction over $18. The difference between its true value and the highest price at which it has sold, or would probably ever sell, except to houses transacting an open, regular and legal business, is therefore *one-ninth*, being more than half the amount that ought to be reserved as rent or seignorage.

If the penalty suggested above should be provided for an attempted evasion, and the ordinary advantages given to the officer or other person who should detect the fraud, as in case of smuggling, it would not be the interest of any one to become a dealer in the prohibited article at a small profit and great risk; nor would the miner risk a sale at a small advance of price, to be obtained at the hazard of a heavy forfeiture. The absolute security of the lawful business, the safety of the fund when deposited in the Treasury of the United States, and the small profit and great risk of attempted frauds, would be reasonable security against them.

The property of the United States in the mines of quicksilver, derived from Spain through Mexico, with the eminent domain, is, as I have shown, the same as that to the gold, already considered. Indeed, the laws of Spain asserted more sternly and guarded more strictly the rights of the Crown to that metal than to gold and silver. This arose from the scarcity of quicksilver, it being found in sufficient quantities to be worth mining in but few known places on the globe; while its necessary use in separating silver from its matrix, makes it an essential ingredient in silver mining operations.

CONGRESSIONAL ACTION AS TO THE PRECIOUS METALS ON THE PACIFIC SLOPE.

Congress, in the act of 27th September, 1850, creating the office of surveyor-general of Oregon, and providing for surveys and making donations to settlers, directs that "no mineral lands, nor lands reserved for salines, shall be liable to any claim under and by virtue of the provisions" of that act. This embraces the present Washington Territory. Then, in the 14th article of the treaty with Peru, concluded on 26th July, 1851, it is agreed upon that "Peruvian citizens shall enjoy the same privileges in frequenting the mines, and in digging or working for gold upon the public lands situated in the State of California, as are or may hereafter be accorded by the United States of America to the citizens or subjects of the most friendly nations."

Subsequently Congress, in providing by the act of 3d March, 1853, "for the survey of public lands in California, the granting pre-emption rights therein, and for other purposes," directed that "none other than township lines shall be surveyed where the lands are mineral or are deemed unfit for cultivation;" excluding in express terms "mineral lands" from the pre-emption act of 4th September, 1841, and further interdicting "any person" from obtaining "the benefits of this act by a settlement or location on mineral lands."

By the fourth section of the act of 22d July, 1854, to establish "the offices of surveyors-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," it is directed that "none of the provisions of that act shall extend to mineral or school lands, salines, military or other reservations, or lands settled on and occupied for purposes of trade and commerce and not agriculture."

The Attorney-General's opinion of February 14, 1860, states that Congress had not then made any provision concerning mineral lands in California, except reserving from pre-emption and donation.

The act of July 4, 1866, giving authority for varying surveys in Nevada from "rectangular form to suit the circumstances of the country," reserves from sale "in all cases lands valuable for mines of gold, silver, quicksilver, or copper."

LOCAL MINING LAWS IN CALIFORNIA.

From the discovery of rich gold fields in California, January 19, 1848, to July 26, 1866, there was no mining law of the United States relating to the precious metals on the public domain other than those above set out; and the mineral lands of the United States, copper, lead, &c., had all been disposed of, under the above laws,

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in blocks conforming to legal subdivisions of the surveys, the soil carrying with it the minerals.

In California the Spanish and Mexican law and miners' usage were the law. The fee of the land was in the United States, but the occupancy or equitable title was recognized by Congress, by resolution of February 27, 1865, which first called attention thereto.

Local usage and regulations governed mining camps and towns and regulated the size and conditions of working mining claims. These regulations first applied to placer mining, and afterwards extended over and included quartz claims. The rush of emigrants to California after Marshall's discovery was first from Oregon, Mexico, and the Sandwich Islands. Then followed the emigrants from the older States of the Union. The Mexican miner and Georgia gold-washer joined hands, and local usage, consent, and mutual agreement made law.

In 1847 the population of California was estimated at 15,000. In 1850 it was 100,000, and the average increase annually for five or six years was 50,000 souls. There was no Territorial or Congressional form of government. The military of the United States were in control, enforcing the laws found in existence there when the country came to the United States under the treaty of Guadalupe Hidalgo, in 1848, and thus continued until December 20, 1849, the date of the organization of the State government.

The condition of the placer mining regions of California in 1848 is shown by the following report made to the Adjutant-General United States Army, by Col. R. B. Mason, First United States Dragoons.

REPORT OF COL. R. B. MASON ON THE GOLD-FIELDS OF CALIFORNIA.

HEADQUARTERS TENTH MILITARY DEPARTMENT,
Monterey, Cal., August 17, 1848.

SIR: I have the honor to inform you that, accompanied by Lieut. W. T. Sherman, Third Artillery, acting Assistant Adjutant-General, I started on the 12th of June last to make a tour through the northern part of California. My principal purpose, however, was to visit the newly-discovered gold placer in the valley of the Sacramento.

I had proceeded about 40 miles when I was overtaken by an express, bringing me intelligence of the arrival at Monterey of the United States storeship Southampton, with important letters from Commodore Shubrick and Lieutenant-Colonel Burton. I returned at once to Monterey, and dispatched what business was most important, and on the 17th resumed my journey. We reached San Francisco on the 20th, and found that all, or nearly all, its male population had gone to the mines. The town, which a few months before was so busy and thriving, was then almost deserted. On the evening of the 24th, the horses of the escort were crossed to Sansolito in a launch, and on the following day we resumed the journey, by way of Bodega and Sonoma, to Sutter's Fort, where we arrived on the morning of the 2d of July. Along the whole route mills were lying idle, fields of wheat were open to cattle and horses, houses vacant, and farms going to waste. At Sutter's there was more life and business. Launches were discharging their cargoes at the river, and carts were hauling goods to the fort, where already were established several stores, a hotel, &c. Captain Sutter had only two mechanics in his employ—a wagon-maker and blacksmith—whom he was then paying $10 per day. Merchants pay him a monthly rent of $100 per room, and whilst I was there a two-story house in the fort was rented as a hotel for $500 a month.

At the urgent solicitation of many gentlemen, I delayed there to participate in the first public celebration of our national anniversary at that fort, but on the 5th resumed the journey and proceeded 25 miles up the American Fork, to a point on it now known as the lower mines, or Mormon diggings. The hillsides were thickly strewn with canvas tents and bush arbors. A store was erected, and several boarding shanties in operation. The day was intensely hot; yet about 200 men were at work in the full glare of the sun, washing for gold, some with tin pans, some with close-woven Indian baskets, but the greater part had a rude machine known as the cradle. This is on rockers 6 or 8 feet long, open at the foot, and at its head has a coarse grate and sieve; the bottom is rounded, with small cleets nailed across. Four men are required to work this machine; one digs the gravel in the bank close by the stream, another carries it to the cradle and empties it on the grate, a third gives a violent rocking motion to the machine, whilst a fourth dashes water on from the stream itself. The sieve keeps the coarse stones from entering the cradle, the current of water washes off the earthy matter, and the gravel is gradually carried out at the foot of the machine,

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leaving the gold mixed with fine heavy black sand above the first cleets. The sand and gold, mixed together, are then drawn off through auger holes into a pan below, are dried in the sun, and afterwards separated by blowing off the sand. A party of four men thus employed at the lower mines averaged $100 a day. The Indians, and those who have nothing but pans or willow baskets, gradually wash out the earth and separate the gravel by hand, leaving nothing but the gold mixed with sand, which is separated in the manner before described. The gold in the lower mines is in fine bright scales, of which I send several specimens.

As we ascended the south branch of the American Fork the country became more broken and mountainous, and at the saw-mill, 25 miles above the lower washings, or 50 miles from Sutter's, the hills rise to about 1,000 feet above the level of the Sacramento plain. Here a species of pine occurs, which led to the discovery of the gold. Captain Sutter, feeling the great want of lumber, contracted, in September last, with a Mr. Marshall to build a saw-mill at that place. It was erected in the course of the past winter and spring—a dam and race constructed; but when the water was let on the wheel, the tail race was found to be too narrow to permit the water to escape with sufficient rapidity. Mr. Marshall, to save labor, let the water directly into the race, with a strong current, so as to wash it wider and deeper. He effected his purpose, and a large bed of mud and gravel was carried to the foot of the race. One day Mr. Marshall when walking down the race to this deposit of mud, observed some glittering particles at its upper edge; he gathered a few, examined them, and became satisfied of their value. He then went to the fort, told Captain Sutter of his discovery, and they agreed to keep it secret until a certain grist-mill of Sutter's was finished. It however got out and spread like magic. Remarkable success attended the labors of the first explorers, and in a few weeks hundreds of men were drawn thither. At the time of my visit, but little more than three months after its first discovery, it was estimated that upwards of 4,000 people were employed. At the mill there is a fine deposit, or bank of gravel, which the people respect as the property of Captain Sutter, although he pretends to no right to it, and would be perfectly satisfied with the simple promise of a pre-emption, on account of the mill which he has built there, at considerable cost. Mr. Marshall was living near the mill, and informed me that many persons were employed above and below him, that they used the same machines as at the lower washings, and that their success was about the same, ranging from 1 to 3 ounces of gold per man daily. This gold too is in scales, a little coarser than those of the lower mines. From the mills Mr. Marshall guided me up the mountain, on the opposite or north bank of the South Fork, where, in the beds of small streams, or ravines, now dry, a great deal of the coarse gold has been found. I there saw several parties at work, all of whom were doing very well. A great many specimens were shown me, some as heavy as 4 or 5 ounces in weight; and I send three pieces, labeled No. 5, presented by a Mr. Spence. You will perceive that some of the specimens accompanying this hold, mechanically, pieces of quartz, that the surface is rough, and evidently molded in the crevice of a rock. This gold cannot have been carried far by water, but must have remained near where it was deposited from the rock that once bound it. I inquired of many people if they had encountered the metal in its matrix, but in every instance they said they had not, but that the gold was invariably mixed with washed gravel, or lodged in the crevices of other rocks. All bore testimony that they had found gold in greater or less quantities in the numerous small gullies or ravines that occur in that mountainous region. On the 7th of July I left the mill and crossed to a small stream emptying into the American Fork, 3 or 4 miles below the saw-mill. I struck this stream (now known as Weber's Creek) at the washings of Suñal & Co. They had about 30 Indians employed, whom they pay in merchandise. They were getting gold of a character similar to that found in the main fork, and doubtless in sufficient quantities to satisfy them. I send you a small specimen, presented by this company, of their gold. From this point we proceeded up the stream about 8 miles, where we found a great many people and Indians; some engaged in the bed of the stream, and others in the small side valleys that put into it. These latter are exceedingly rich, and 2 ounces were considered an ordinary yield for a day's work. A small gutter, not more than 100 yards long by 4 feet wide and 2 or 3 feet deep, was pointed out to me as the one where two men, William Daly and Perry McCoon, had, a short time before, obtained in seven days $17,000 worth of gold.

Captain Weber informed me that he knew that these two men had employed four white men and about a hundred Indians, and that, at the end of one week's work, they paid off their party and had left with $10,000 worth of this gold. Another small ravine was shown me from which had been taken $12,000 worth of gold. Hundreds of similar ravines, to all appearances, are as yet untouched. I could not have credited these reports had I not seen, in the abundance of the precious metal, evidence of their truth. Mr. Neligh, an agent of Commodore Stockton, had been at work about three weeks in the neighborhood, and showed me, in bags and bottles, over $2,000 worth of gold; and Mr. Lyman, a gentleman of education and worthy of every credit, said he had been engaged, with four others, with a machine on the American Fork,

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just below Sutter's saw-mill, that they worked eight days, and that his share was at the rate of $50 a day; but, hearing that others were doing better at Weber's place, they had removed there, and were then on the point of resuming operations.

I might tell of hundreds of similar instances; but, to illustrate how plentiful the gold was in the pockets of common laborers, I will mention a simple occurrence which took place in my presence when I was at Weber's store. This store was nothing but an arbor of bushes, under which he had exposed for sale goods and groceries suited to his customers. A man came in, picked up a box of seidlitz powders, and asked its price. Captain Weber told him it was not for sale. The man offered an ounce of gold, but Captain Weber told him it only cost 50 cents, and he did not wish to sell it. The man then offered an ounce and a half, when Captain Weber *had* to take it. The prices of all things are high; and yet Indians, who before hardly knew what a breech-cloth was, can now afford to buy the most gaudy dresses.

The country on either side of Weber's Creek is much broken up by hills, and is intersected in every direction by small streams or ravines, which contain more or less gold. Those that have been worked are barely scratched, and, although thousands of ounces have been carried away, I do not consider that a serious impression has been made upon the whole. Every day was developing new and rich deposits, and the only apprehension seemed to be that the metal would be found in such abundance as seriously to depreciate in value.

On the 8th of July I returned to the lower mines, and on the following day to Sutter's, where, on the 10th, I was making preparations for a visit to the Feather, Yubah, and Bear Rivers, when I received a letter from Commodore A. R. Long, United States Navy, who had just arrived at San Francisco from Mazatlan, with a crew for the sloop-of-war Warren, and with orders to take that vessel to the squadron at La Paz. Captain Long wrote to me that the Mexican Congress had adjourned without ratifying the treaty of peace, that he had letters for me from Commodore Jones, and that his orders were to sail with the Warren on or before the 20th of July. In consequence of these, I determined to return to Monterey, and accordingly arrived here on the 17th of July. Before leaving Sutter's, I satisfied myself that gold exists in the bed of the Feather River, in the Yubah and Bear, and in many of the small streams that lie between the latter and the American Fork; also that it had been found in the Cosumnes to the south of the American Fork. In each of those streams the gold is found in small scales, whereas in the intervening mountains it occurs in coarse lumps.

Mr. Sinclair, whose rancho is 3 miles above Sutter's, on the north side of the American, employs about 50 Indians on the North Fork not far from its junction with the main stream. He had been engaged about five weeks when I saw him, and up to that time his Indians had used simply closely-woven willow baskets. His net proceeds (which I saw) were about $16,000 worth of gold. He showed me the proceeds of his last week's work—fourteen pounds avoirdupois of clean washed gold.

The principal store at Sutter's Fort, that of Brannant & Co., had received in payment for goods $36,000 worth of this gold from the 1st of May to the 10th of July; other merchants had also made extensive sales. Large quantities of goods were daily sent forward to the mines, as the Indians, heretofore so poor and degraded, have suddenly become consumers of the luxuries of life. I before mentioned that the greater part of the farmers and rancheros had abandoned their fields to go to the mines; this is not the case with Captain Sutter, who was carefully gathering his wheat, estimated at 40,000 bushels. Flour is already worth at Sutter's $36 a barrel, and soon will be $50. Unless large quantities of bread-stuffs reach the country, much suffering will occur; but as each man is now able to pay a large price, it is believed the merchants will bring from Chili and Oregon a plentiful supply for the coming winter.

The most moderate estimate I could obtain from men acquainted with the subject was that upwards of 4,000 men were working in the gold district, of whom more than half were Indians, and that from $30,000 to $50,000 worth of gold, if not more, was daily obtained. The entire gold district, with very few exceptions of grants made some years ago by the American authorities, is on land belonging to the United States. It was a matter of serious reflection with me how I could secure to the Government certain rents or fees for the privilege of procuring this gold; but, upon considering the large extent of country, the character of the people engaged, and the small scattered force at my command, I resolved not to interfere, but permit all to work freely, unless broils and crimes should call for interference. I was surprised to learn that crime of any kind was very unfrequent, and that no thefts or robberies had been committed in the gold district. All live in tents, in bush houses, or in the open air, and men have frequently about their persons thousands of dollars' worth of this gold; and it was to me a matter of surprise that so peaceful and quiet a state of things should continue to exist. Conflicting claims to particular spots of ground may cause collisions, but they will be rare, as the extent of country is so great, and the gold so abundant, that for the present there is room and enough for all; still the Government is entitled to rents for this land, and immediate steps should be devised to collect them, for the longer it is delayed the more difficult it will become. One plan I would

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suggest is to send out from the United States surveyors, with high salaries, bound to serve specified periods; a superintendent to be appointed at Sutter's Fort, with power to grant licenses to work a spot of ground, say 100 yards square, for one year at a rent of from $100 to $1,000, at his discretion; the surveyors to measure the grounds and place the renter in possession. A better plan, however, will be to have the district surveyed and sold at public auction to the highest bidder, in small parcels, say from 20 to 40 acres. In either case there will be many intruders, whom for years it will be almost impossible to exclude.

The discovery of these vast deposits of gold has entirely changed the character of Upper California. Its people, before engaged in cultivating their small patches of ground and guarding their herds of cattle and horses, have all gone to the mines, or are on their way thither; laborers of every trade have left their work-benches, and tradesmen their shops; sailors desert their ships as fast as they arrive on the coast, and several vessels have gone to sea with hardly enough hands to spread a sail; two or three are now at anchor in San Francisco with no crews on board. Many desertions, too, have taken place from the garrisons within the influence of the mines; 26 soldiers have deserted from the post of Sonoma, 24 from that of San Francisco, and 24 from Monterey. For a few days the evil appeared so threatening that great danger existed that the garrisons would leave in a body; and I refer you to my orders of the 25th of July to show the steps adopted to meet this contingency. I shall spare no exertions to apprehend and punish deserters; but I believe no time in the history of our country has presented such temptations to desert as now exist in California. The danger of apprehension is small, and the prospect of higher wages certain; pay and bounties are trifles, as laboring men at the mines can now earn in *one day* more than double a soldier's pay and allowances for a month, and even the pay of a lieutenant or captain cannot hire a servant. A carpenter or mechanic would not listen to an offer of less than $15 or $20 a day. Could any combination of affairs try a man's fidelity more than this? And I really think some extraordinary mark of favor should be given to those soldiers who remain faithful to their flag throughout this tempting crisis. No officer can now live in California on his pay. Money has so little value, the prices of necessary articles of clothing and subsistence are so exorbitant, and labor so high, that to hire a cook or servant has become an impossibility, save to those who are earning from $30 to $50 a day. This state of things cannot last forever; yet, from the geographical position of California, and the new character it has assumed as a mining country, prices of labor will always be high, and will hold out temptations to desert. I therefore have to report, if the Government wish to prevent desertions here on the part of men, and to secure zeal on the part of officers, their pay must be increased very materially. Soldiers both of the volunteer and regular service discharged in this country should be permitted at once to locate their land warrants in the gold district. Many private letters have gone to the United States giving accounts of the vast quantity of gold recently discovered, and it may be a matter of surprise why I have made no report on this subject at an earlier date. The reason is, that I could not bring myself to believe the reports that I heard of the wealth of the gold district until I visited it myself. I have no hesitation now in saying that there is more gold in the country drained by the Sacramento and San Joaquin Rivers than will pay the cost of the present war with Mexico a hundred times over. No capital is required to obtain this gold, as the laboring man wants nothing but his pick, shovel, and tin pan, with which to dig and wash the gravel; and many frequently pick gold out of the crevices of rock with their butcher knives in pieces from one to six ounces.

Mr. Dye, a gentleman residing in Monterey, and worthy of every credit, has just returned from Feather River. He tells me that the company to which he belonged worked seven weeks and two days, with an average of 50 Indians (washers), and that their gross product was 273 pounds of gold. His share, one-seventh, after paying all expenses, is about 37 pounds, which he brought with him and exhibits in Monterey. I see no laboring man from the mines who does not show his two, three, and four pounds of gold. A soldier of the artillery company returned here a few days ago from the mines, having been absent on furlough 20 days; he made by trading and working during that time $1,500. During these 20 days he was traveling 10 or 11 days, leaving but a week, in which he made a sum of money greater than he receives in pay, clothes, and rations during a whole enlistment of five years. These statements appear incredible, but they are true.

Gold is believed also to exist on the eastern slopes of the Sierra Nevada, and when at the mines, I was informed by an intelligent Mormon that it had been found near the Great Salt Lake by some of his fraternity. Nearly all the Mormons are leaving California to go to the Salt Lake, and this they surely would not do unless they were sure of finding gold there in the same abundance as they now do on the Sacramento.

The gold "placer" near the mission of San Fernando has long been known, but has been but little wrought for want of water. This is a spur that puts off from the

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Sierra Nevada (see Fremont's map), the same in which the present mines occur. There is, therefore, every reason to believe that in the intervening space of 500 miles (entirely unexplored) there must be many hidden and rich deposits.

The placer gold is now substituted as currency of this country; in trade it passes freely at $16 per ounce; as an article of commerce its value is not yet fixed. The only purchase I made was of the specimen No. 7, which I got of Mr. Neligh at $12 the ounce. That is about the present cash value in the country, although it has been sold for less. The great demand for goods and provisions made by this sudden development of wealth has increased the amount of commerce at San Francisco very much, and it will continue to increase.

I would recommend that a mint be established at some eligible point on the bay of San Francisco, and that machinery, and all the apparatus and workmen, be sent by sea. These workmen must be bound by high wages, and even bonds, to secure their faithful services; else the whole plan may be frustrated by their going to the mines as soon as they arrive in California. If this course be not adopted, gold to the amount of many millions of dollars will pass yearly to other countries, to enrich their merchants and capitalists. Before leaving the subject of mines, I will mention that on my return from the Sacramento I touched at New Almoden, the quicksilver mine of Mr. Alexander Forbes, consul of her Britannic Majesty at Tepic. This mine is in a spur of mountains 1,000 feet above the level of the bay of San Francisco, and is distant in a southern direction from the Pueblo San Jose about 12 miles. The ore (cinnabar) occurs in a large vein dipping at a strong angle to the horizon. Mexican miners are employed in working it, by driving shafts and galleries about 6 feet by 7, following the vein.

The fragments of rock and ore are removed on the backs of Indians in raw-hide sacks. The ore is then hauled in an ox wagon from the mouth of the mine down to a valley well supplied with wood and water, in which the furnaces are situated. These furnaces are of the simplest construction, exactly like a common bake-oven, in the crown of which is inserted a whaler's trying kettle; another inverted kettle forms the lid. From a hole in the lid a small brick channel leads to an apartment or chamber, in the bottom of which is inserted a small iron kettle. This chamber has a chimney.

In the morning of each day the kettles are filled with mineral (broken in small pieces), mixed with lime; fire is then applied, and kept up all day. The mercury, volatilized, passes into the chamber, is condensed on the sides and bottom of the chamber, and flows into the pot prepared for it. No water is used to condense the mercury.

During a visit I made last spring, four such ovens were in operation, and yielded in the two days I was there 656 pounds of quicksilver, worth at Mazatlan $1.50 per pound. Mr. Walkinshaw, the gentleman now in charge of this mine, tells me that the vein is improving, and that he can afford to keep his people employed even in these extraordinary times. This mine is very valuable of itself, and becomes the more so, as mercury is extensively used in obtaining gold. It is not at present used in California for that purpose, but will be at some future time. When I was at this mine last spring, other parties were engaged in searching for veins; but none have been discovered that are worth following up, although the earth in that whole range of hills is highly discolored, indicating the presence of this ore. I send several beautiful specimens, properly labeled. The amount of quicksilver in Mr. Forbes's vats on the 15th of July was about 25,000 pounds.

I inclose you herewith sketches of the country through which I passed, indicating the position of the mines, and the topography of the country in the vicinity of those I visited.

Some of the specimens of gold accompanying this were presented for transmission to the Department by the gentlemen named below; the numbers on the topographical sketch, corresponding to the numbers on the labels of the respective specimens, show from what part of the gold region they were obtained:

1. Capt. J. A. Sutter.
2. John Sinclair.
3. William Glover, R. C. Kirby, Ira Blanchard, Levi Fairfield, Franklin H. Ayer; Mormon Diggings.
4. Chas. Weber.
5. Robert Spence.
6. Suñal & Co.
7. Robert D. Neligh.
8. C. E. Picket, American Fork, Columa.
9. E. C. Kemble.
10. T. H. Green, from San Fernando, near Los Angeles.

A. Two ounces purchased from Mr. Neligh.

B. Sand found in washing gold, which contains small particles.

11. Captain Frisbie, Dry Diggings, Weber's Creek.

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12. Cosumnes.
13. Cosumnes, Hartnell's Ranch.
14. A small specimen, supposed to be platina, found mixed with the finer particles of the gold.

I have the honor to be your obedient servant,

R. B. MASON,
Colonel First Dragoons, Commanding.

General R. JONES,
Adjutant-General, U. S. A., Washington, D. C.

MINING DISTRICT UNDER LOCAL USAGE—HOW ORGANIZED.

As an illustration of how a miner's camp, and placer mining district as well, was organized in California in the early days and is at the present time, to a certain extent, in many portions of the precious-metal mining States and Territories, the following laws and regulations for the internal government of the encampment of Jacksonville, Cal., in 1850, are herewith given.

The residents of the camp or town, twenty or thirty in number, held a meeting in front of Colonel Jackson's store on the 20th of January, 1850, and proceeded to organize a placer mining district. This local law, it will be noticed, assumed both civil and criminal jurisdiction, there being no legal tribunals of justice, and this course was necessary for the maintenance of social order:

Mining Camp at Jacksonville, Cal.—Organization and Rules.

ARTICLE I. The officers of this district shall consist of an alcalde and sheriff, to be elected in the usual manner by the people, and continue in office at the pleasure of the electors.

ART. II. In case of the absence or disability of the sheriff the alcalde shall have power to appoint a deputy.

ART. III. Civil causes may be tried by the alcalde, if the parties desire it; otherwise they shall be tried by a jury.

ART. IV. All criminal cases shall be tried by a jury of eight American citizens, unless the accused should desire a jury of twelve persons, who shall be regularly summoned by the sheriff and sworn by the alcalde, and shall try the case according to the evidence.

ART. V. In the administration of law, both civil and criminal, the rule of practice shall conform as near as possible to that of the United States, but the forms and customs of no particular State shall be required or adopted.

ART. VI. Each individual locating a lot for the purpose of mining shall be entitled to twelve feet of ground in width, running back to the hill or mountain and forward to the center of the river or creek, or across a gulch or ravine (except in cases hereinafter provided for), lots commencing in all cases at low-water mark and running at right angles with the stream where they are located.

ART. VII. In cases where lots are located according to Article VI and the parties holding them are prevented by the water from working the same, they may be represented by a pick, shovel, or bar, until in a condition to be worked; but should the tool or tools aforesaid be stolen or removed, it shall not dispossess those who located it, provided he or they can prove that they were left as required; and said location shall not remain unworked longer than one week, if in condition to be worked; otherwise it shall be considered as abandoned by those who located it (except in cases of sickness).

ART. VIII. No man or party of men shall be permitted to hold two locations, in a condition to be worked at the same time.

ART. IX. No party shall be permitted to throw dirt, stones, or other obstructions upon located ground adjoining them.

ART. X. Should a company of men desire to turn the course of a river or stream for the purpose of mining they may do so (provided it does not interfere with those working below them), and hold and work all the ground so drained, but lots located within said ground shall be permitted to be worked by their owners, so far as they could have been worked without the turning of the river or stream; and this shall not be construed to affect the rights and privileges heretofore guaranteed or prevent redress by suit at law.

ART. XI. No person coming direct from a foreign country shall be permitted to locate or work any lot within the jurisdiction of this encampment.

ART. XII. Any person who shall steal a mule, or other animal of draught or burden, or shall enter a tent or dwelling and steal therefrom gold dust, money, provisions,

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goods, or other articles amounting in value to one hundred dollars or over, shall, on conviction thereof, be considered guilty of felony, and suffer death by hanging. Any aider or abettor therein shall be punished in like manner.

ART. XIII. Should any person willfully, maliciously, and premeditatedly take the life of another, on conviction of the murder, he shall suffer death by hanging.

ART. XIV. Any person convicted of stealing tools, clothing, or other articles, of less value than one hundred dollars, shall be punished and disgraced by having his head and eyebrows close shaved and shall leave the encampment within twenty-four hours.

ART. XV. The fee of the alcalde for issuing a writ or search-warrant, taking an attestation, giving a certificate or any other instrument of writing shall be five dollars; for each witness he may swear, two dollars; and one ounce of gold dust for each and every case tried before him.

The fee of the sheriff in each case shall be one ounce of gold dust and a like sum for each succeeding day employed in the same case. The fee of the jury shall be half an ounce in each case.

A witness shall be entitled to four dollars in each case.

ART. XVI. Whenever a criminal convict is unable to pay the costs of the case, the alcalde, sheriff, jurors, and witnesses shall render their services free of remuneration.

ART. XVII. In case of the death of a resident of this encampment, the alcalde shall take charge of his effects and dispose of them for the benefit of his relatives or friends, unless the deceased otherwise desire it.

ART. XVIII. All former acts and laws are hereby repealed and made null and void, except where they conflict with claims guaranteed under said laws.

ABNER PITTS, JR., *Secretary*.

JACKSONVILLE, *January* 20, 1850.

THE PRESENT METHOD OF ORGANIZING A MINING DISTRICT.

This, of course, was in the early days when there was neither State nor county organization. At this date the following system of organization of mining districts, quartz or placer, obtains: Meetings of two or more miners or others are held. The metes and bounds of the district, quartz or placer, are agreed upon. A code of rules and regulations is made for location and size of claims, a compliance with which gives possessory title to claims. A recorder is elected, who charges a fee for recording, and the district is organized. This proceeding is protected by State or Territorial law, and confirmed by the United States mining laws, which require that claimants shall comply with the local regulations of miners. Thus the titles to properties which may yield millions are initiated.

EXECUTIVE AND DEPARTMENTAL RECOMMENDATIONS.

The Secretary of the Interior, Hon. Caleb B. Smith, in his annual report for 1861 called the attention of Congress to the fact that—

The valuable and extensive mineral lands owned by the Government in California and New Mexico have hitherto produced no revenue. All who chose to do so have been permitted to work them without limitation. It is believed that no other government owning valuable mineral lands has ever refused to avail itself of the opportunity of deriving a revenue from the privilege of mining such lands. They are the property of the whole people, and it would be obviously just and proper to require those who reap the advantages of mining them to pay a reasonable amount as a consideration for the advantages enjoyed.

And, again, in his report for 1862, he urged attention to this subject, and referred to the report of the Commissioner of the General Land Office. The Secretary suggested two systems of disposal. The Commissioner of the General Land Office, in his annual report for 1862, after a review of the area of the precious-metal bearing territory and the yield from the mines, gave the following opinion:

An immense revenue may readily be obtained by subjecting the public mines either to lease under quarterly payments or quarterly tax as seigniorage upon the actual product, under a well-regulated and efficient system, which would stimulate the energies of miners and capitalists by securing to such classes an undisputed interest in localities so specified, and, when the conditions as to payment for the usufruct are complied with, for unlimited periods, and while effecting this with beneficial results to them would relieve the necessities of the Republic.

In 1863 the Commissioner of the General Land Office again called attention to the mineral lands, recommending legislation for—

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Opening the mines and minerals of the public domain, the property of the nation, to the occupancy of all loyal citizens, subject, as far as compatible with moderate seigniorage, to existing customs and usages, conceding to the discoverer for a small sum a right to one mine, placer, or lead (quartz), with a pre-emptive right in the same district to an additional claim, both to be held for the term of one year, for testing the value.

Collectors of internal revenue were to be the collectors of royalty.

December 6, 1864, President Lincoln called the attention of Congress to the mineral lands, and also to the report of the Secretary of the Interior on the subject. The Secretary of the Interior in his report asks for an appropriation to enable the Department to have made a scientific examination of the principal mining localities, and of the mineral regions generally. Former geological and mineralogical surveys of the public domain had been done under the direction of the Commissioner of the General Land Office and the Interior Department.

The Commissioner of the General Land Office, in his report for 1864, entered at length into a description of the precious-metal bearing regions. He repeated the recommendation contained in his report for 1863 (see above), in regard to method of disposition of these lands.

The Commissioner of the General Land Office, in his report for 1865, again showed the necessity for Congressional action.

The Secretary of the Interior, in his report for 1865, said:

The organization of a bureau of mining was recommended in the last annual report of this Department. The attention of Congress is again invited to the subject. All lands denominated mineral which do not bear the precious metals should be brought into market, and thus placed under the guardianship of private owners. * * * Individual proprietorship, it is conceded, would stimulate the development of coal fields, petroleum, deposits of iron, lead, and of other gross metals, and mineral formations. There can, therefore, be no sufficient reason for withholding such mineral lands from market. Congress has not legislated with a view to securing an income from the product of the precious metals from the public domain. It is estimated that two or three hundred thousand able-bodied men are engaged in such mining operations on the public lands, without authority of law, who pay nothing to the Government for the privilege, or for the permanent possession of property worth, in many instances, millions to the claimants.

The existing financial condition of the Nation obviously requires that all our national resources and the product of every industrial pursuit, should contribute to the payment of the public debt. The wisdom of Congress must decide whether the public interest would be better promoted by a sale in fee of these mineral lands, or by raising a revenue from their annual product.

RETROSPECT OF MINING LEGISLATION PRIOR TO 1866.

The mining laws of the United States began with the reservation, in the ordinance of May 20, 1785, of one-third part of all gold, silver, lead, and copper mined; next came the Indiana act of March 3, 1807, authorizing the lease of lands containing lead, with lease of adjoining land for easements, and forest lands for wood for smelting purposes, for a term of not more than five years. The authority to make leases and to collect rents from the same, was in charge of the War Department (until March 4, 1849), which had a corps of employés, headed by a superintendent, to overlook the business, watch wastage, and receive rents; the act of March 25, 1816—the occupancy and trespass act—provided that the working of lead mines on the public lands was only to be granted after approval by the President.

The first sale of mineral lands was that of the reserved lead mines and contiguous lands in the State of Missouri, under act of March 3, 1829. They were to be exposed for sale as other public lands, at $2.50 per acre; but lead and other mineral lands on the public domain, elsewhere than in Missouri, were still reserved from sale.

The act of July 1, 1846, ordered the reserved lead mines and contiguous lands in Illinois, Arkansas, and the Territories of Wisconsin and Iowa, to be sold as other public lands, after six months' public notice, following the Missouri act of 1829, with the addition of the provision that the lands should be offered and held subject to pri-

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vate entry before pre-emptions were allowed. The register and receiver were to take proof as to character of lands, whether mineral (*i. e.*, containing lead) or agricultural.

The act of March 1, 1847, opened for sale lands containing copper, lead, and other valuable ores after geographical examination and survey, and provided that there should be public advertisement of six months, and then public sale at not less than $5 per acre, those not disposed of at public auction to be subject to private sale at $5 per acre.

The act of March 3, 1847, ordered sale of mineral lead lands in Chippewa District, in Wisconsin, and the act of 1850 ordered sale of the remaining mineral lands in Lake Superior District in Michigan, in the same manner, at the same minimum, and with the same rights of pre-emption, as other public lands.

From the period of 1785 to the discovery of the great gold fields of California, in 1848, the legislation of the Congress of the United States as to survey, lease, and sale of mineral lands, had been for lead, copper, and other base metals, and applied to the territory in the region of the great lakes in the now States of Michigan, Wisconsin, Minnesota, Iowa, and Illinois, embracing the lead mines at Galena and the point now known as Dubuque (where a miner of that name in 1788 first worked lead mines, and subsequently, under permit from Carondelet, the Spanish governor-general) and the present State of Missouri. Under these various laws, the copper, lead, and iron lands (also the silver lands since discovered) of the above-mentioned regions were sold. Since the discovery of gold in paying quantities in California, in 1848, there has been produced in the United States the sum of $1,980,463,792 in gold and silver. All but about $1,000,000 of this sum (which would represent the gold and silver extracted in the States other than public-land States) has been extracted from the lands of the public domain.

The following estimate of the yearly production of gold and silver from 1848 to 1880, is from the reports of the Director of the Mint:

Estimate of the production of the precious metals in the United States from 1848 *to* 1880, *by fiscal years.*

[See page 980.]

Date.	Gold.	Silver.	Total gold and silver.
1848	$10, 000, 000	.....	$10, 000, 000
1849	40, 000, 000	$50, 000	40, 050, 000
1850	50, 000, 000	50, 000	50, 050, 000
1851	55, 000, 000	50, 000	55, 050, 000
1852	60, 000, 000	50, 000	60, 050, 000
1853	65, 000, 000	50, 000	65, 050, 000
1854	60, 000, 000	50, 000	60, 050, 000
1855	55, 000, 000	50, 000	55, 050, 000
1856	55, 000, 000	50, 000	55, 050, 000
1857	55, 000, 000	50, 000	55, 050, 000
1858	50, 000, 000	50, 000	50, 050, 000
1859	50, 000, 000	100, 000	50, 100, 000
1860	46, 000, 000	150, 000	46, 150, 000
1861	43, 000, 000	2, 000, 000	45, 000, 000
1862	39, 200, 000	4, 500, 000	43, 700, 000
1863	40, 000, 000	8, 500, 000	48, 500, 000
1864	46, 000, 000	11, 000, 000	57, 000, 000
1865	53, 225, 000	11, 250, 000	64, 475, 000
1866	53, 500, 000	10, 000, 000	63, 500, 000
1867	51, 725, 000	13, 500, 000	65, 225, 000
1868	48, 000, 000	12, 000, 000	60, 000, 000
1869	49, 500, 000	12, 000, 000	61, 500, 000
1870	50, 000, 000	16, 000, 000	66, 000, 000
1871	43, 000, 000	23, 000, 000	66, 000, 000
1872	36, 000, 000	28, 750, 000	64, 750, 000
1873	36, 000, 000	35, 750, 000	71, 750, 000
1874	33, 490, 902	37, 324, 594	70, 815, 496
1875	33, 467, 856	31, 727, 560	65, 195, 416
1876	39, 929, 166	38, 783, 016	78, 712, 182
1877	46, 897, 390	39, 793, 573	86, 690, 963
1878	51, 206, 360	45, 281, 385	96, 487, 745
1879	38, 899, 858	40, 812, 132	79, 711, 990
1880	36, 000, 000	37, 700, 000	73, 700, 000
Total	1, 520, 041, 532	460, 422, 260	1, 980, 463, 792

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The ordinance of 1785, for the sale of the Western Territory, reserved one-third part of gold and silver from the public lands. The present gold and silver regions of the West were then in the province of Spain. The laws of the United States, excepting the comprehensive word "mineral," as applied to reserved lands, and the pre-emption act of September 4, 1841, the Oregon act of September 27, 1851, and other incidental mention prior to that time, were silent as to gold, silver, and cinnabar.

The act of March 3, 1853, creating the office of surveyor-general of California, excepted, in express terms, mineral lands from lands subject to entry under the pre-emption act of September 4, 1841, and no person was to have the benefit of the act by settlement or location on mineral lands.

The act of July 22, 1854, relating to the surveyor-general's office in New Mexico, &c., provided by the fourth section for the exemption of mineral lands from the operations of the acts named. This was the status at the period of the passage of the first general mining law of the United States, July 26, 1866.

THE CONDITION OF THE PRECIOUS-METAL BEARING REGIONS PRIOR TO 1866.

In the precious-metal-bearing regions on the public domain in California, Oregon, Nevada, Colorado, and the Territories, there had grown up a system of local regulations governing the location, size, and possession of mining claims, with water rights appurtenant thereto. These regulations were not uniform, but varied with different localities, and at first related only to placer claims. Quartz mining was a secondary stage, and regulations for this system were established as soon as required. Mineral districts were organized by the miners of each particular locality at meetings held for the purpose, and for each district an officer, known as the recorder, was elected, whose duty it was to record, in a book kept for that purpose, all notices of mining locations or claims filed with him. It was generally made essential to the validity of a claim that it should be recorded. These regulations at first rested entirely upon the consent of the miners; but they became recognized as customs by the courts, and were held to be binding in all matters relating to the possessory title to mining claims. In the civil codes enacted by the State or Territorial legislatures these local rules were respected and generally specifically recognized. They sprung from the sterling good sense of the American miner, and were adapted to the wants and necessities of a great industry for which there would otherwise have been no protection. They protected millions of property and aided in opening up a region of incalculable wealth. Prospectors, under this code of laws, with pick, pan, and shovel, on mountain side, amidst winter's rugged grasp, on the plains, under sunny skies, in the quiet nooks and flowery ravines of the lower slopes of the Sierras, lifted from the matrix of nature the golden treasure, and toiled on as safely protected in their property as if in the midst of the highest civilization.

These laws protected and controlled the possession, and provided for the distribution of hundreds of millions of dollars of property, and affected the people of a half million square miles of territory. (For a list of mining districts, deputy mineral surveyors, &c., see Preliminary Report Land Commission, 1880, and Reports General Land Office from 1866 to 1880.)

The Congress of the United States by the act of general mining, July 26, 1866, and the supplemental act of May 10, 1872, confirmed these local usages.

THE MINING ACT OF JULY 26, 1866.

The act of July 26, 1866, ordered that "the mineral lands of the public domain, both surveyed and unsurveyed," were "to be free and open to exploration and occupation by all citizens of the United States, and those declaring their intention to become citizens, subject to such regulations as may be prescribed by law," and "subject also to the local customs or rules of miners in the several mining districts, so far as the same may not be in conflict with the laws of the United States."

The second section of this act provided "that whenever any person or association

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of persons claim a vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, or copper, having previously occupied and improved the same according to the local custom or rules of miners in the district where the same is situated, and having expended in actual labor and improvements not less than $1,000," such claimants, where there is no conflict, after filing in "the local land office a diagram of the same," according to local laws, customs, and miners' rules, can "enter such tract and receive a patent therefor, granting such mine, together with the right to follow such vein or lode, with its dips, angles, and variations, to any depth."

The other sections of the law prescribed with specialty the mode of consummating individual rights, surveys, &c.; also in reference to conflicts, rights of way, priority "of possession," right to the use of water for mining, agricultural, manufacturing, or other purposes; to homesteads existing prior to the date of the act, which are used for agriculture, on which valuable mines are not discovered, the law conferring authority on the Secretary of the Interior for setting apart, after survey, the agricultural lands so as to subject them to pre-emption and sale.

PLACER-MINING ACT, JULY 9, 1870.

July 9, 1870, Congress provided for a class of "placer" mining not recognized in the lode act of July 26, 1866 (see Stats. at Large). This act provided for the survey and sale of the placer-mining lands of the United States at $2.50 per acre.

THE MINING ACT OF MAY 10, 1872.

The mining act of May 10, 1872, amended the original mining act of 1866, and constituted mineral lands a distinctive class subject to special conditions of sale and affixed prices differing wholly from the requirements in these respects as to other lands. It provided for the survey and sale of mineral lands, fixing the price of placer lands at $2.50 per acre and $5 for lode claims, and repealed, in effect, the ditch and water rights' act of July 26, 1866. The present laws for the disposition of of the mineral lands of the United States are found in chapter 6, of the Revised Statutes, title "Mineral Lands and Mining Resources," and in the Regulations of the General Land Office of date April 1, 1879.

PROVISIONS OF THE EXISTING MINING LAW.

Under section 2318, Revised Statutes, lands valuable for minerals are reserved from sale except as otherwise expressly directed by law. Section 2319 provides for their location by citizens of the United States or those who have declared their intention to become such. The law covers claims for lands bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, and for the above and other valuable and economic minerals, found in lodes of quartz or other rock in place, titles can be obtained from the United States under the existing laws at $5 per acre.

Claims cannot exceed 1,500 feet in length along the vein or lode, and 300 feet on each side of the middle of the vein at the surface, the end lines of the claims to be parallel.

No vein or lode claim located after May 10, 1872, can exceed a parallelogram 1,500 feet in length by 600 in width. The size below this maximum may be regulated by State or Territorial laws or the rules of the several mining districts.

No local regulation or State or Territorial law can limit a vein or lode claim located since May 10, 1872, to less than 1,500 feet along the vein or course thereof, whether the location is made by one or more persons, nor can surface rights be limited to less than 50 feet in width, unless adverse rights existing on the 10th day of May, 1872, render such lateral limitations necessary. This saving clause is essential from the fact that in many of the mining States and Territories, the local rules did not permit the location of surface ground. There are now three classes of location recognized—those made prior to July 26, 1866; those between that date and May 10, 1872; and those made since May 10, 1872. The variety in size and quantity of locations cannot here

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be detailed at length. Under the United States mining law, the maximum of a quartz lode or vein claim is 1,500 by 600 feet, and the minimum 1,500 by 50 feet, being about 20.66 acres maximum, or 1.72 acres minimum. Cost of surveys, &c., are paid by the claimants, and the land is paid for at $5 for each acre or fraction of an acre.

Locations are made under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable, and not inconsistent with the laws of the United States. The United States has the authority and can provide a general and uniform system of location, areas, &c., entirely superseding the various State, Territorial, and district laws. Some of the mining States and Territories have adopted the United States mining law of May 10, 1872, as to area; others protect other forms and areas of location by law. (For a full statement of the various methods of locations, holdings, miners' rules, &c., see Preliminary Report of Public Land Commission and Testimony, 1880, which gives the methods prevailing, and the legal status in California, Oregon, Nevada, Colorado, Idaho, Dakota, Arizona, Montana, Utah, Washington, Wyoming, and New Mexico.)

COST OF PATENTS TO THE UNITED STATES AND CLAIMANTS.

It costs the United States on an average $20 to patent each mining claim. During the year ending June 30, 1880, there were issued 886 patents to mining claims. All of the work appertaining thereto, involving an examination of the evidence accompanying the entry papers, including that relating to contests, was executed by the mineral division of the General Land Office, at a cost to the government for salaries of $17,600, an average of about $20, in each case. Where the survey and papers have been properly prepared, and no controversy exists, the cost in a particular case will not exceed $3.

The cost to the claimant is as problematical as that of a lawsuit. He is required to pay the expense of survey, including platting and other office work of the surveyor-general's office, which will average about $160; also, fees to the register and receiver, $10, and expense of publication of notice, averaging $30; in all, $200. Practically, however, it is estimated that the average cost to the claimant falls but little, if any, short of $1,000 in each case.

PLACER CLAIMS—PATENTS THEREFOR.

The proceedings to obtain patent for placer claims, including all forms of deposit, are essentially similar to the proceedings prescribed for obtaining patents for lode or vein claims. But placer claims, when on surveyed lands and conforming to legal subdivisions, require no further plat or survey, and 40-acre subdivisions may be cut into 10-acre lots and sold as placer claims. Where placer claims cannot be conformed to legal subdivisions, survey and plat must be made as on unsurveyed lands; but where such claims are located previous to the public surveys, and do not conform to legal subdivisions, survey, plat, and entry thereof may be made according to the boundaries thereof, provided the location is in all respects legal.

These lands are sold at $2.50 for each acre or fraction of an acre.

No location of a placer claim made after July 9, 1870, can exceed 160 acres for any one person or association of persons.

All placer-mining claims located after May 10, 1872, must conform as nearly as practicable with the United States system of public surveys and the subdivisions of such surveys, and no such locations can include more than 20 acres for each individual claimant. The act of July 9, 1870, absolutely required locations made after its passage to conform to legal subdivisions, but the act of May 10, 1872, modified this requirement by making such conformation necessary only where practicable.

The foregoing provisions of law are construed to mean that after the 9th day of July, 1870, no location of a placer claim can be made to exceed 160 acres, whatever may be the number of locators associated together, or whatever the local regulations of the district may allow; and that from and after May 10, 1872, no location made by

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an individual can exceed 20 acres, and no location made by an association can exceed 20 acres for each person. In order to locate 160 acres, eight *bona-fide* locators are required. No local laws or mining regulations can restrict a placer location to less than 20 acres, although the locator is not compelled to take so much.

Mill sites must be located on non-mineral lands not contiguous to the vein or lode, and not exceed five acres, and may be included in the patent for a mine at $5 per acre. (See sec. 2337 R. S.)

Tunnel rights, in tunnels run for the development of a vein or lode or for the discovery of mines, are provided. Proprietors of a mining tunnel, run in good faith, are entitled to the possessory right of all blind lodes cut, discovered, or intersected by such tunnel, which were not previously known to exist, within 3,000 feet of the face or point of commencement of such tunnel, to the same extent as if such lodes had been discovered on the surface, and other parties are prohibited, after the commencement of the tunnel, from prospecting for and making location on *the line thereof* and within said distance of 3,000 feet, unless such lodes appear upon the surface or were previously known to exist. (See sec. 2323 R. S.)

For requirements necessary to obtain the benefit of this law, see pages 16–17, "Regulations General Land Office, April 1, 1879."

IRON HELD TO BE A VALUABLE MINERAL.

Iron has been held, along with many other minerals when on the public domain, to come within section 2325 of the Revised Statutes, under the denomination of valuable deposits, and can be paid for at the rate of $2.50 or $5 per acre, depending upon whether the deposit is in placer or lode form.

THE POLICY OF THE UNITED STATES IN RELATION TO MINERAL LANDS.

The policy of the United States in relation to the sale and disposition of the mineral lands of the public domain—beginning with its reservation of portions of the metal therefrom, next occupancy rights, then leases, followed by public offering and private entry and sale, thereafter culminating in the several mineral acts of 1866, 1870, and 1872—now permits their free exploration and development by citizens, or persons who have declared their intention to become citizens; and a nominal price for the lands (placer $2.50, and quartz, gold, silver, cinnabar, or other valuable deposits $5 per acre) is charged should the owner of the possessory title desire to procure a fee-simple title. This price barely covers expenses of making title on the part of the United States. The material wealth added to the circulating medium by extraction from the earth through individuals or corporations, together with costs of mining and extraction, and the great and dangerous risks to fortune caused thereby, are considered equivalents for the value of the land. The United States protects exploration and developments by the miner on the public domain. As an evidence of the liberality of the Nation in this respect, coal lands are sold at from $10 to $20 per acre. Twenty acres of coal land at $20 per acre cost the purchaser $400, while 20 acres of lode mineral land on the Comstock lode at $5 per acre are sold for $100, and, as in the case of the Consolidated Virginia and California mines, may yield more than $60,000,000.

NUMBER OF LOCATIONS AND OF PATENTS.

In the twelve States and Territories containing the precious metals and forming part of the public domain there are known to have been made more than 200,000 mining locations, yet the total number to June 30, 1880, of lode, vein, or other valuable deposit claims to which titles have been obtained by compliance with the mining laws is but 3,978, containing 38,435.11 acres at $5 per acre, and for which the United States has received $197,778. The total number of placer-mining claims patented in the same region by the United States is 1,303, containing 110,186.03 acres, at $2.50 per acre, and for which the United States has received $288,767. In all a total number of 5,281 lode and placer claims have been patented to June 30, 1880, containing in all 148,621.14 acres, for which the Government received a total of $486,545.

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ESTIMATE OF AREA OF WESTERN PRECIOUS-METAL REGIONS.

The estimated area of the entire precious-metal bearing region of the public domain is 65,000,000 acres, within which lie the veins, lodes, or deposits of precious and valuble minerals. Deducting the 148,621.14 acres already patented, and the grand total remaining, the property of the Nation exceeds 64,800,000 acres, all situated and lying in the States and Territories named in the tables hereto attached, and being south of the Dominion of Canada (British Possessions), west of the Missouri River, and north of the boundary line between Mexico and this country. All of this is independent of the unexplored area within the unorganized Territory of Alaska, which in the future may form no unimportant portion of our precious-metal-bearing country. The above estimate, however, includes a vast number of located claims held and worked under a possessory title alone, there being no statute compelling the claimants to purchase the fee from the Government. For many of these claims applications for patent have been made, but proceedings are suspended either on account of litigation in the courts, initiated in the manner and within the time prescribed by the statute, or by reason of failure of claimants to produce satisfactory evidence of compliance with law and right to purchase and make entry. The difficulties of obtaining patent under existing laws are so great, and the practice of levying blackmail is so extensive, that many mine owners prefer to rely upon their possessory title rather than purchase the fee from the Government.

PATENTS ISSUED.

Statement of the number of placer mining claims patented in the several precious metal-bearing States and Territories of the public domain from 1867 *to June* 30, 1880, *together with the acreage and amount paid therefor, under the several mining acts of July* 26, 1866, *July* 9, 1870, *and May* 10, 1872.

States and Territories.	1867.			1870.			1871.		
	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount.
California	1	80.70	$405 00	2	71.16	$185 00	36	385.84	$9,632 50
Oregon				2	250.00	625 00	6	446.47	1,373 00
Nevada									
Idaho									
Montana				1	26.24	67 50	14	1,187.37	2,447 50
Wyoming									
Utah									
Colorado									
Dakota									

States and Territories.	1872.			1873.			1874.		
	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount.
California	79	8,680.57	$20,837 00	130	10,748.32	$26,973 50	104	9,562.67	$23,979 50
Oregon	5	324.06	814 50	4	147.97	445 00	7	288.48	677 50
Nevada									
Idaho									
Montana	29	2,566.27	6,479 50	66	3,822.08	9,671 50	42	2,714.91	6,842 50
Wyoming									
Utah									
Colorado	4	482.75	1,207 50	24	1,932.05	4,842 50	13	477.01	1,200 00
Dakota									

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Statement of the number of placer mining claims patented, &c.—Continued.

States and Territories.	1875.			1876.			1877.		
	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount.
California	107	12,439.51	$29,874 00	57	6,789.05	$16,982 00	67	6,371.49	$16,030 00
Oregon	10	697.39	1,745 50	8	468.94	1,276 00	7	386.59	987 50
Nevada	3	400.00	1,000 00	1	160.00	400 00	1	1,280.00	3,200 00
Idaho									
Montana	40	1,970.15	4,904 50	17	875.47	2,207 00	12	498.57	1,254 00
Wyoming				4	320.00	1,050 00			
Utah	1	8.20	22 50	1	32.28	82 50			
Colorado	12	1,248.16	3,272 00	17	1,038.34	2,762 00	17	1,203.83	3,275 00
Dakota							5	25.07	67 50

States and Territories.	1878.			1879.			1880.		
	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount.
California	95	11,409.17	$28,615 50	72	4,719.32	$14,142 00	36	4,266.55	$11,005 00
Oregon	7	414.18	1,055 00	1	20.00	50 00	3	71.90	182 50
Nevada									
Idaho	1	19.86	50 00	2	36.15	185 00			
Montana	15	907.19	2,285 00	15	831.16	2,132 50	17	1,268.09	3,197 50
Wyoming									
Utah				2	40.00	310 00			
Colorado	12	118.31	2,807 50	23	1,799.01	4,632 50	30	2,593.80	6,516 50
Dakota	17	154.17	330 00	4	61.80	172 00	1	1.66	5 00

RECAPITULATION.

States and Territories.	No. of placers.	Total acres.	Total amount.
California	786	79,620.00	$199,661 00
Oregon	59	3,561.08	9,306 50
Nevada	5	1,840.00	4,600 00
Idaho	3	56.01	235 00
Montana	263	16,677.50	42,099 00
Wyoming	4	320.00	1,050 00
Utah	4	80.48	725 00
Colorado	152	10,943.26	30,515 50
Dakota	27	242.70	574 50
Total	1,303	110,186.03	288,767 00

Statement of the number of quartz vein or lode, or other valuable deposit mining claims patented in the several precious metal bearing States and Territories of the public domain from 1867 *to June* 30, 1880, *together with the acreage and amount paid therefor, under the several mining acts of July* 26, 1866, *July* 9, 1870, *and May* 10, 1872.

States and Territories.	1867.			1868.			1869.		
	Lodes.	Acres.	Amount.	Lodes.	Acres.	Amount.	Lodes.	Acres.	Amount.
California	4	138.68	$700 00	2	147.09	$740 00	6	207.84	$1,045 00
Oregon									
Nevada	3	16.19	90 00	26	287.19	1,485 00	34	255.16	1,320 00
Idaho									
Montana				9	53.93	290 00	7	50.52	280 00
Wyoming									
Utah									
Colorado				3	3.42	25 00	27	39.42	245 00
New Mexico									
Arizona									
Dakota									

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Statement of the number of quartz vein or lode, or other valuable deposit, &c.—Continued.

States and Territories.	1870.			1871.			1872.		
	Lodes.	Acres.	Amount.	Lodes.	Acres.	Amount.	Lodes.	Acres.	Amount.
California	6	348.15	$1,755 00	13	740.00	$3,725 00	54	1,182.46	$6,020 00
Oregon				1	13.76	70 00	4	13.76	70 00
Nevada	44	249.53	1,295 00	23	115.23	595 00	26	179.93	925 00
Idaho									
Montana	5	45.70	240 00	2	13.77	75 00	16	73.76	420 00
Wyoming									
Utah				8	49.28	270 00	36	171.46	940 00
Colorado	61	104.93	670 00	72	117.32	775 00	123	189.38	1,340 00
New Mexico	1	20.66	105 50						
Arizona							3	45.63	248 00
Dakota									

States and Territories.	1873.			1874.			1875.		
	Lodes.	Acres.	Amount.	Lodes.	Acres.	Amount.	Lodes.	Acres.	Amount.
California	84	1,950.57	$10,090 00	81	2,123.69	$9,650 00	88	2,753.86	$14,040 00
Oregon									
Nevada	63	459.27	2,370 00	73	741.86	3,450 00	70	706.92	3,620 00
Idaho	1	7.23	40 00	1	5.50	30 00	5	68.50	350 00
Montana	20	85.00	500 00	24	277.98	1,505 00	25	632.40	3,275 00
Wyoming									
Utah	46	252.76	1,365 00	34	84.16	460 00	31	296.58	1,375 00
Colorado	188	342.89	2,145 00	114	222.36	1,500 00	138	453.53	2,645 00
New Mexico				2	13.77	70 00	1	20.66	105 00
Arizona	13	163.49	845 00	6	116.40	600 00	7	133.59	680 00
Dakota									

States and Territories.	1876.			1877.			1878.		
	Lodes.	Acres.	Amount.	Lodes.	Acres.	Amount.	Lodes.	Acres.	Amount.
California	61	1,701.45	$8,320 00	76	1,696.60	$7,955 00	59	1,167.02	$5,875 00
Oregon									
Nevada	77	872.18	4,450 00	68	737.76	3,865 00	83	814.40	4,180 00
Idaho									
Montana	30	307.40	1,605 00	35	372.02	2,045 00	72	837.96	4,365 00
Wyoming	1	8.89	45 00						
Utah	57	455.87	1,840 00	63	375.91	2,010 00	67	617.94	3,160 00
Colorado	173	818.37	4,534 00	139	676.88	3,755 00	242	1,403.79	7,570 00
New Mexico	1	20.66	105 00				2	31.01	160 00
Arizona	10	169.32	870 00	18	207.23	1,065 00	7	97.26	500 00
Dakota							3	17.90	92 00

States and Territories.	1879.			1880.		
	Lodes.	Acres.	Amount.	Lodes.	Acres.	Amount.
California	73	1,427.41	$6,675 00	65	508.97	$2,700 00
Oregon	1	20.25	105 00	1	20.66	105 00
Nevada	81	855.17	4,350 00	33	407.28	2,075 00
Idaho						
Montana	51	535.77	2,875 00	26	308.94	1,595 00
Wyoming						
Utah	72	675.10	3,040 00	59	406.06	2,117 00
Colorado	185	1,149.60	6,265 00	207	1,398.47	7,535 00
New Mexico	1	20.66	105 00	2	40.88	210 00
Arizona	12	203.92	1,050 00	9	180.44	915 00
Dakota	15	124.43	670 00	7	46.59	245 00

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RECAPITULATION.

Lode claims patented from 1867 *to June* 30, 1880.

States and Territories.	Number of patents.	Acres.	Received by United States.
California	672	16,094.23	$79,690 00
Oregon	7	68.43	350 00
Nevada	704	6,596.07	34,070 00
Idaho	7	81.23	420 00
Montana	322	3,605.54	18,990 00
Wyoming	1	8.89	45 00
Utah	473	3,384.92	16,577 00
Colorado	1,672	6,920.36	39,004 00
New Mexico	10	168.24	860 00
Arizona	85	1,318.28	6,765 00
Dakota	25	188.92	1,007 00
Number of claims patented	3,978	38,435.11	197,778 00
Number of placer claims patented from 1866 to June 30, 1880	1,303	110,186.03	288,767 00
Number of vein or lode claims patented from 1866 to June 30, 1880	3,978	38,435.11	197,778 00
Total	5,281	148,621.14	486,545 00

Washington Territory, although having no mining claims patented, contains valuable deposits of the precious metals.

REFERENCES HEREUNDER.

For lists of patents issued for mining claims from July 26, 1866, to August 1, 1877, see Copp's Hand Book of Mining Law; also, annual reports Commissioner General Land Office, from 1868 to 1879.

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Revised Statutes of the United States, chap. 6; title, "Mineral Lands and Mining Resources."

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Mineral Resources west of the Rocky Mountains, annual reports for 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876. Rossiter W. Raymond, United States Commissioner of Mining Statistics.

Preliminary Report and Testimony, United States Public Land Commission, February, 1880.

The Land of Gold, Hinton R. Helper.

Sights in the Gold Mines, Wood, 1852.

Messages of the Presidents of the United States from 1829 to 1874.

Reports of the War Department of the United States to 1849, on lease of lead and mineral lands.

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Message of the President of the United States, January 24, 1850, transmitting information in answer to a resolution of the House of December 31, 1849, on the subject of California and New Mexico. Ex. Doc., House, No. 17, Thirty-first Congress, first session.

Reports of Foster & Whitney, D. D. Owen, J. Evans.

Lester's Land Laws, Regulations, and Decisions, 2 vols.

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Zabriskie's Land Laws.

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Morrison's Mining Digest; Morrison's Mining Rights.

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Sickels' Mining Decisions, 1880, A. L. Bancroft & Co., San Francisco.
Blanchard and Weeks's leading cases in Mines, Minerals, and Mining Water Rights.
Weeks on Mineral Lands.
Skidmore's Mining Decisions.
De Fooz on the Laws of Mines.
Yates's Legal Titles to Mining Claims and Water Rights in California.
Land Laws in California, Oregon, Texas, &c.; Joseph M. White, 2 vols.
Land Laws and Decisions; J. Vance Lewis, 2 vols.

FORM OF PATENT FOR PLACER CLAIM.

General Land Office, No. 4,458. Mineral certificate No. 448.

The United States of America to all to whom these presents shall come, greeting:

Whereas, in pursuance of the provisions of the Revised Statutes of the United States, chapter six, title thirty-two, there has been deposited in the General Land Office of the United States the certificate of the register of the land office at Helena, in the Territory of Montana, whereby it appears that, in pursuance of the said Revised Statutes of the United States, James G. Hammond did, on the ninth day of June, A. D. 1879, enter and pay for certain placer mining premises, being mineral entry number four hundred and forty-eight (448) in the series of said office, embracing the west half of the southeast quarter and the southeast quarter of the southwest quarter of section twenty-three (23), and the northeast quarter of the northeast quarter of section twenty-eight (28), in township ten (10) north, of range four (4) east of the principal meridian, containing one hundred and sixty (160) acres of land, more or less, as shown by the official survey and plat of said township; said placer mining claim or lot of land being situate in the Summit Valley mining district, in the county of Lewis and Clarke, and Territory of Montana, in the district of lands subject to sale at Helena, and commonly known as the "Jennie Placer Mine."

Now know ye, that the United States of America, in consideration of the premises and in conformity with said Revised Statutes of the United States, have given and granted, and by these presents do give and grant, unto the said James G. Hammond, and to his heirs and assigns, the said placer mining premises above described as the west half of the southeast quarter and the southeast quarter of the southwest quarter of section twenty-three (23), and the northeast quarter of the northeast quarter of section twenty-eight (28), in township ten (10) north, of range four (4) east of the principal meridian.

To have and to hold said mining premises, together with all the rights, privileges, immunities and appurtenances of whatsoever nature thereunto belonging, unto the said James G. Hammond, and to his heirs and assigns forever; subject, nevertheless, to the following conditions and stipulations:

First. That the grant hereby made is restricted in its exterior limits to the boundaries of the said legal subdivisions, as hereinbefore described, and to any veins or lodes of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, which may hereafter be discovered within said limits, and which are not claimed or known to exist at the date hereof.

Second. That should any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, be claimed or known to exist within the above-described premises at the date hereof, the same is expressly excepted and excluded from these presents.

Third. That the premises hereby conveyed may be entered by the proprietor of any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, for the purpose of extracting and removing the ore from such vein, lode, or deposit, should the same, or any part thereof, be found to penetrate, intersect, pass through, or dip into the mining ground or premises hereby granted.

Fourth. That the premises hereby conveyed shall be held subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local laws, customs, and decisions of courts.

Fifth. That in the absence of necessary legislation by Congress, the legislature of Montana may provide rules for working the mining claim or premises hereby granted, involving easements, drainage, and other necessary means to the complete development thereof.

In testimony whereof, I, Rutherford B. Hayes, President of the United States of

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America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the tenth day of December, in the year of our Lord one thousand eight hundred and eighty, and of the Independence of the United States the one hundred and fifth.

By the President:

[SEAL.]

R. B. HAYES,
By WM. H. CROOK,
Secretary.

S. W. CLARK,
Recorder of the General Land Office.

Recorded, vol. 54, pages 41 and 42.

FORM OF PATENT FOR VEIN OR LODE CLAIM.

General Land Office No. 4398.—Mineral Certificate No. 419.

The United States of America, to all to whom these presents shall come, greeting:

Whereas, in pursuance of the provisions of the Revised Statutes of the United States, chapter six, title thirty-two, there have been deposited in the General Land Office of the United States the plat and field notes of survey of the claim of John W. Roe upon the Brooklyn lode, accompanied by the certificate of the register of the land-office at Salt Lake City, in the Territory of Utah, whereby it appears that, in pursuance of the said Revised Statutes of the United States, John W. Roe did, on the thirty-first day of December, A. D. 1879, enter and pay for said mining claim or premises, being mineral entry No. 419, in the series of said office, designated by the Surveyor-General as lot No. 60, embracing a portion of the unsurveyed public domain, in the Ophir Mining District in the county of Tooele and Territory of Utah, in the district of lands subject to sale at Salt Lake City, containing one (1) acre and eighty-four hundredths ($\frac{84}{100}$) of an acre of land, more or less, and, according to the returns on file in the General Land Office, bounded, described, and platted as follows, with magnetic variation at sixteen (16) degrees and thirty-five (35) minutes east, to wit:

Beginning at corner No. 1, a cottonwood post, four (4) inches in diameter, marked "U. S. L. 60, No. 1"; thence north sixty-five (65) degrees thirty (30) minutes west, fifty (50) feet to centre of southwesterly boundary of the claim, from which discovery bears north twenty-six (26) degrees east, at the distance of four hundred (400) feet, ninety-eight and seven-tenths ($98\frac{7}{10}$) feet to a point on easterly boundary of lot No. 63, made for the Noyes lode, from which corner No. 1 of lot No. 63 bears south fourteen (14) degrees west at the distance of seventeen and seven-tenths ($17\frac{7}{10}$) feet, one hundred (100) feet to corner No. 2, a cottonwood post four (4) inches in diameter, in mound of stones, marked "U. S. L. 60, No. 2," from which U. S. Mineral Monument No. 6 bears south ten (10) degrees west at the distance of nine hundred and ninety-eight (998) feet; thence from said corner No. 2 north twenty-six (26) degrees east, six (6) feet to a point on easterly boundary of said lot No. 63, from which corner No. 1 of said lot No. 63 bears south fourteen (14) degrees west, at the distance of twenty-three and eight-tenths ($23\frac{8}{10}$) feet, eight hundred (800) feet to corner No. 3, a cottonwood post four (4) inches in diameter, marked "U. S. L. 60, No. 3"; thence south sixty-five (65) degrees thirty (30) minutes east, one hundred (100) feet to corner No. 4, a cottonwood post four (4) inches in diameter, marked "U. S. L. 60, No. 4"; thence south twenty-six (26) degrees west, eight hundred (800) feet to the place of beginning, containing one (1) acre and eighty-four hundredths ($\frac{84}{100}$) of an acre of land more or less, and embracing eight hundred (800) linear feet of the Brooklyn lode, to wit, four hundred (400) linear feet northeasterly and four hundred (400) linear feet southwesterly from discovery on said lode, as represented by yellow shading in the following plat: [Here follows diagram of claim, shaded in yellow.]

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the said Revised Statutes of the United States, have given and granted, and by these presents do give and grant unto the said John W. Roe and to his heirs and assigns, the said mining premises hereinbefore described as lot No. 60, embracing a portion of the unsurveyed public domain, with the exclusive right of possession and enjoyment of all the land included within the exterior lines of said survey not herein expressly excepted from these presents, and of eight hundred (800) linear feet of the said Brooklyn vein, lode, ledge, or deposit for the length hereinbefore described, throughout its entire depth, although it may enter the land adjoining, and also of all other veins, lodes, ledges, or deposits throughout their entire depth, the tops or apexes of which lie inside the exterior lines of said survey at the surface extended downward vertically, although such veins, lodes, ledges, or deposits in their

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downward course may so far depart from a perpendicular as to extend outside the vertical side lines of said survey: *Provided*, That the right of possession hereby granted to such outside parts of said veins, lodes, ledges, or deposits shall be confined to such portions thereof as lie between vertical planes drawn downward through the end lines of said survey at the surface, so continued in their own direction that such vertical planes will intersect such exterior parts of said veins, lodes, ledges, or deposits: *And provided further*, That nothing in this conveyance shall authorize the grantee herein, his heirs or assigns, to enter upon the *surface* of a mining claim owned or possessed by another: To have and to hold said mining premises, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said John W. Roe, and to his heirs and assigns forever, subject, nevertheless, to the following conditions and stipulations:

First. That the grant hereby made is restricted to the land hereinbefore described as lot No. 60, with eight hundred (800) linear feet of the Brooklyn vein, lode, ledge, or deposit for the length aforesaid throughout its entire depth as aforesaid, together with all other veins, lodes, ledges, or deposits throughout their entire depths as aforesaid, the tops or apexes of which lie inside the exterior lines of said survey.

Second. That the premises hereby conveyed, with the exception of the surface, may be entered by the proprietor of any other vein, lode, ledge, or deposit, the top or apex of which lies outside the exterior limits of said survey, should the same in its downward course be found to penetrate, intersect, extend into, or underlie the premises hereby granted, for the purpose of extracting and removing the ore from such other vein, lode, ledge, or deposit.

Third. That the premises hereby conveyed shall be held subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local laws, customs, and decisions of courts.

Fourth. That in the absence of necessary legislation by Congress, the legislature of Utah may provide rules for working the mining claim or premises hereby granted, involving easements, drainage, and other necessary means to its complete development.

In testimony whereof, I, Rutherford B. Hayes, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the tenth day of December, in the year of our Lord one thousand eight hundred and eighty, and of the Independence of the United States the one hundred and fifth.

By the President:

[SEAL.]

R. B. HAYES,
By WM. H. CROOK,
Secretary.

S. W. CLARK,
Recorder General Land Office.

Recorded, vol. 54, pages 43 to 45, inclusive.

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CHAPTER XXVII.

TO JUNE 30, 1882.

[See pages 1015–1047.]

TO JUNE 30, 1883.

[See pages 1282–1284.]

HOMESTEADS.

TO JUNE 30, 1880.

ACT OF MAY 20, 1862, AND AMENDMENTS TO JUNE 30, 1880.

The general policy of Congress in the disposition of the public domain after 1783 is traced in the first part of this work down to about the year 1841, concluding with the pre-emption act. The homestead bill, or the granting of free homes from and on the public domain, became a national question in 1852. The Free Soil Democracy, at Pittsburg, Pa., August 11, 1852, in National Convention, nominated John P. Hale, of New Hampshire, and George W. Julian, of Indiana, for President and Vice-President, and adopted the following as the 12th plank or resolution in their platform:

That the public lands of the United States belong to the people, and should not be sold to individuals, nor granted to corporations, but should be held as a sacred trust for the benefit of the people, and should be granted in limited quantities, free of cost, to landless settlers.

Thereafter it became a national question until its passage in 1862, and was in the platforms of political parties. It was petitioned for and against. Public sentiment was aroused. It was a serious innovation and would cause an almost entire change in the settlement laws. Instead of the public lands being sold for cash, for profit, or being taken, first, under the pre-emption system, which eventuated in cash purchases, they were to be given to actual settlers who would occupy, improve, and cultivate them for a term of years, and then receive a patent free of acreage charges, with fees paid by the homesteader sufficient to cover cost of survey and transfer of title.

It was the third and most important step in the history of the public land system. Once adopted, no person could estimate its moral, social, and political effects.

The public land system for eighty years prior to 1862 had attracted the attention of the ablest men in the Nation. The chairmen of committees in Congress charged with its care were able and inquiring men. This third change and new system was the result of experience and investigation by some of the profoundest men of the age. Philosophers rung the changes upon it. Political economists had foretold its failure, or had dwelt upon the evil effects of large holdings. Prior to this time, large purchases from the Government or States had usually resulted in the bankruptcy of the holders. (For tables showing the decrease of the area of farms in the land States and Territories, from decade to decade, see "Compendium of eighth and ninth censuses.")

The land system has had the benefit of the marvelous ability of Alexander Hamilton, the experience of Mr. Jefferson, Mr. Madison, Albert Gallatin, the officers of the Treasury Department, the Commissioners of the General Land Office after 1812—who were, in many instances, men of great ability and practical sense—the Secretaries of the Interior after 1849, Congressional committees by reports and investigations, the rulings of Departments and courts, the aid of numerous able land attorneys, and finally the complaints or commendations of settlers relative to existing laws, with their petitions for or against measures—the most potent of all agencies with Congress.

The rich and fertile lands of the Mississippi Valley were fast filling up with settlers. Agricultural lands in the Middle States, which, after the year 1824, were bought for $1.25 per acre, now sold at from $50 to $80 per acre. Former purchasers of these Government lands in the Middle, Western, and Southern States, were selling their early purchases for this great advance, and moving west, to Iowa, Wisconsin,

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Minnesota, and Missouri, and there again taking cheap Government lands under the pre-emption laws.

The western emigration caused a rush—a migration of neighborhoods in many localities of the older Western States. Following the sun, their pillar of fire, these State founders moved westward, a resistless army of agents of American civilization, and there was a demand for homes on the public lands, and a strong pressure for the enactment of a law which should confine locators to small tracts, and require actual occupation, improvement, and cultivation.

CONGRESSIONAL ACTION ON THE HOMESTEAD LAW.

A fierce political battle now ensued, beginning in 1854, and continuing until 1862, the year of the passage of the law. The demand of the settlers was incessant and constant. January 20, 1859, in the House of Representatives, a bill relating to pre-emption was pending. Mr. Galusha A. Grow, of Pennsylvania, moved to amend as follows:

Be it further enacted, That from and after the passage of this act no public land shall be exposed to sale by proclamation of the President, unless the same shall have been surveyed, and the return of such survey duly filed in the Land Office, for ten years or more before such sale.

A motion now followed to refer the bill and amendments to the Committee of the Whole. Defeated. Yeas, 90; nays, 92.

On the motion to incorporate the above clause with the pre-emption act, the yeas were 98 and the nays 81, and it was so ordered.

The bill, as amended, was put upon its passage, and defeated. Yeas, 91; nays, 95.

February 1, 1859, the question before the House was House bill No. 72, a bill to secure homesteads to actual settlers, being in the words following:

A BILL to secure homesteads to actual settlers on the public domain.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his intention to become such, as required by the naturalization laws of the United States, shall, from and after the passage of this act, be entitled to enter, free of cost, one quarter-section of vacant and unappropriated public lands which may, at the time the application is made, be subject to private entry, at $1.25 per acre, or a quantity equal thereto, to be located in a body, in conformity with the legal subdivisions of public lands, and after the same shall have been surveyed.

SEC. 2. *And be it further enacted,* That the person applying for the benefit of this act shall, upon application to the register of the land-office in which he or she is about to make such entry, make affidavit before the said register that he or she is the head of a family, or is twenty-one years or more of age, and that such application is made for his or her exclusive use and benefit, and those specially mentioned in this act, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever; and upon making the affidavit as above required, and filing the affidavit with the register, he or she shall thereupon be permitted to enter the quantity of land already specified: *Provided, however,* That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time thereafter, the person making such entry, or, if he be dead, his widow, or, in case of her death, his heirs or devisee, or in case of a widow making such entry, her heirs or devisee, in case of her death, shall prove by two creditable witnesses that he, she, or they, have continued to reside upon and cultivate such land, and still reside upon the same, and have not alienated the same, or any part thereof, then, in such case, he, she, or they, if at that time a citizen of the United States, shall, on payment of ten dollars, be entitled to a patent, as in other cases provided for by law: *And provided, further,* In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and the fee shall inure to the benefit of said infant child or children, and the executor, administrator or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicil, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States.

SEC. 3. *And be it further enacted,* That the register of the land-office shall note all such applications on the tract-books and plats of his office, and keep a register of all

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such entries, and make a return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. *And be it further enacted,* That all lands acquired under the provisions of this act shall in no event become liable to the satisfaction of any debt or debts contracted prior to the issuing the patent therefor.

SEC. 5. *And be it further enacted,* That if, at any time after the filing the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land-office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said entry for more than six months at any time, then, and in that event, the land so entered shall revert back to the Government, and be disposed of as other public lands are now by law, subject to an appeal to the General Land Office.

SEC. 6. *And be it further enacted,* That no individual shall be permitted to make more than one entry under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land-offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one-half to be paid by the person making the application, at the time so doing, and the other half on the issue of the certificate by the person to whom it may be issued: *Provided,* That nothing in this act shall be so construed as to impair or interfere in any manner whatever with existing pre-emption rights.

The previous question having been ordered, the House proceeded to vote upon the bill without debate.

A motion to lay on the table was lost; yeas 77, nays 113; and the bill was then passed; yeas 120, nays 76.

Yeas.

Maine.—Abbott, Foster, Gilman, Morse, Washburn.
New Hampshire.—Cragin, Pike, Tappan.
Vermont.—Morrill, Royce, Walton.
Massachusetts.—Buffinton, Burlingame, Chaffee, Comins, Davis, Dawes, Gooch, Hall, Knapp, Thayer.
Rhode Island.—Brayton, Durfee.
Connecticut.—Bishop, Clark, Dean.
New York.—Andrews, Barr, Burroughs, C. B. Cochrane, John Cochrane, Corning, Dodd, Fenton, Goodwin, Granger, Haskin, Hatch, Hoard, Kelsey, Maclay, Matteson, Morgan, Morse, Murray, Olin, Palmer, Parker, Pottle, Russell, Spinner, Taylor, Ward.
New Jersey.—Adrian, Clawson, Robbins, Wortendyke.
Pennsylvania.—Covode, Dick, Florence, Grow, Hickman, Keim, Morris, Phillips, Purviance, Reilly, Roberts, Stewart, Kunkel.
Tennessee.—Jones.
Kentucky.—Jewett.
Ohio.—Bingham, Bliss, Burns, Cockerill, Cox, Giddings, Groesbeck, Hall, Harlan, Horton, Lawrence, Leiter, Miller, Pendleton, Sherman, Stanton, Tompkins, Vallandigham, Wade.
Indiana.—Case, Colfax, Davis, Foley, Gregg, Kilgore, Pettit, Wilson.
Illinois.—Farnsworth, Hodges, Kellogg, Lovejoy, Morris, Smith, Washburne.
Michigan.—Howard, Leach, Wallbridge, Waldron.
Wisconsin.—Billinghurst, Potter, Washburn.
Minnesota.—Cavanaugh, Phelps.
Iowa.—Curtis, Davis.
Missouri.—Craig.
California.—McKibbin, Scott.—Total, 120.

Nays.

Pennsylvania.—Leidy.
Delaware.—Whiteley.
Maryland.—Bowie, Davis, Harris, Kunkel, Ricaud, Stewart.
Virginia.—Bocock, Caskie, Edmundson, Faulkner, Garnett, Goode, Hopkins, Jenkins, Letcher, Millson, Smith.
North Carolina.—Branch, Craige, Gilmer, Ruffin, Scales, Shaw, Vance, Winslow.
South Carolina.—Bonham, Boyce, Keitt, McQueen, Miles.
Georgia.—Crawford, Gartrell, Hill, Jackson, Seward, Stephens, Trippe, Wright.
Alabama.—Cobb, Curry, Dowdell, Houston, Moore, Shorter, Stallworth.

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Mississippi.—Barksdale, Lamar, McRae, Singleton.
Louisiana.—Eustis.
Texas.—Reagan.
Arkansas.—Greenwood.
Tennessee.—Atkins, Avery, Maynard, Ready, Smith, Watkins, Wright, Zollicoffer.
Kentucky.—Burnett, Marshall, Mason, Peyton, Underwood.
Ohio.—Nichols.
Indiana.—English, Hughes, Niblack.
Illinois.—Marshall, Shaw.
Missouri.—Anderson, Clark, Woodson.—Total, 76.

In the Senate, February 17, 1859, Mr. Wade, of Ohio, moved to postpone all prior orders and take up the homestead bill, which had passed the House.

Mr. Wade's motion was adopted.

YEAS.—Messrs. Bright, Broderick, Chandler, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Gwin, Hale, Hamlin, Harlan, Johnson of Tennessee, King, Pugh, Rice, Seward, Shields, Simmons, Smith, Stuart, Trumbull, Wade, and Wilson—26.

NAYS.—Messrs. Allen, Bayard, Benjamin, Bigler, Brown, Chestnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Hammond, Hunter, Iverson, Lane, Mallory, Mason, Pearce, Reid, Slidell, Toombs, and Ward—23.

Mr. Hunter, of Virginia, moved that the homestead bill be laid aside so as to take up the diplomatic and consular appropriation bill.

Pending debate upon Mr. Hunter's motion, the hour of twelve o'clock arrived, and the Vice-President decided that the Cuba bill, having been assigned for that hour, was now before the Senate.

Mr. Wade moved to postpone the twelve o'clock order, and continue the consideration of the homestead bill. It was adopted.

YEAS.—Messrs. Bell, Bright, Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Johnson of Tennessee, King, Pugh, Rice, Seward, Simmons, Smith, Stuart, Trumbull, Wade, and Wilson—27.

NAYS.—Messrs. Allen, Bates, Benjamin, Bigler, Brown, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Arkansas, Lane, Mallory, Mason, Pearce, Reid, Sebastian, Slidell, Toombs, Ward, and Yulee—26.

The question, as stated by the Vice-President, was now upon Mr. Hunter's motion to set it aside, and take up the consular and diplomatic appropriation bill.

The vote on Mr. Hunter's motion resulted as follows:

YEAS.—Messrs. Allen, Bates, Bayard, Benjamin, Bigler, Brown, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Arkansas, Kennedy, Lane, Mallory, Mason, Pearce, Reid, Sebastian, Slidell, Toombs, Ward, and Yulee—28.

NAYS.—Messrs. Bell, Bright, Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Houston, Johnson of Tennessee, King, Pugh, Rice, Seward, Simmons, Smith, Stuart, Trumbull, Wade, and Wilson—28.

The vote being a tie, the Vice-President, Mr. Breckinridge, voted in the affirmative, and the homestead bill was laid aside.

February 19 Mr. Wade moved to set aside all prior orders and take up the homestead bill. This motion was negatived by the following vote:

YEAS.—Messrs. Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Hale, Hamlin, Harlan, Johnson of Tennessee, Jones, King, Pugh, Rice, Seward, Shields, Simmons, Stuart, Trumbull, Wade, and Wilson—24.

NAYS.—Messrs. Allen, Bates, Bayard, Benjamin, Bigler, Bright, Brown, Chestnut, Clay, Clingman, Crittenden, Davis, Fitch, Fitzpatrick, Green, Hammond, Houston, Hunter, Iverson, Kennedy, Mallory, Mason, Pearce, Polk, Reid, Sebastian, Slidell, Smith, Toombs, Ward, and Yulee—31.

February 25, upon the occasion of a motion by Mr. Slidell to postpone all prior orders and take up the bill for the purchase of Cuba, Mr. Doolittle, of Wisconsin, resisted, and called upon the friends of homesteads to vote it down, so that he himself might submit a motion to take up the homestead bill.

The vote was then taken, and the motion to take up the Cuba bill was adopted:

YEAS.—Messrs. Allen, Bayard, Bell, Benjamin, Bigler, Brown, Chestnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson,

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Jones, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Smith, Stuart, Toombs, Ward, Wright, and Yulee—35.

NAYS.—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Johnson of Tennessee, Kennedy, King, Pearce, Seward, Simmons, Trumbull, Wade, and Wilson—24.

Ten o'clock in the evening Mr. Doolittle moved to set aside the Cuba bill and take up the homestead bill.

Mr. Doolittle's motion was lost.

YEAS—Messrs. Broderick, Cameron, Clark, Chandler, Collamer, Doolittle, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Johnson of Tennessee, King, Seward, Simmons, Trumbull, Wade, and Wilson—19.

NAYS—Messrs. Allen, Benjamin, Bayard, Bigler, Brown, Chestnut, Clay, Clingman, Douglas, Fitch, Fitzpatrick, Green, Gwin, Hunter, Iverson, Johnson of Arkansas, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Toombs, Ward, and Wright—29.

And this ended attempts at legislation on the subject at that session of Congress.

March 6, 1860, in the House of Representatives, Mr. Lovejoy, of Illinois, from the Committee on Public Lands, reported the following bill (previously introduced by Mr. Grow), which was read twice and committed to the Committee of the Whole.

A BILL to secure homesteads to actual settlers on the public domain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his intention to become such, as required by the naturalization laws of the United States, shall, from and after the passage of this act, be entitled to enter, free of cost, one hundred and sixty acres of unappropriated public lands, upon which said person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents, or less, per acre; or eighty acres of such unappropriated lands, at two dollars and fifty cents per acre; to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed.

SEC. 2. *And be it further enacted,* That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one years or more of age, and that such application is made for his or her exclusive use and benefit, and those specially mentioned in this act, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever; and upon filing the affidavit with the register or receiver, he or she shall thereupon be permitted to enter the quantity of land specified: *Provided, however,* That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry—or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death—shall prove by two credible witnesses that he, she, or they have resided upon and cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid; then, in such case, he, she, or they, if at that time a citizen of the United States, shall, on payment of ten dollars, be entitled to a patent, as in other cases provided for by law: *And provided further,* That in case of the death of both father and mother, leaving an infant child, or children, under twenty-one years of age, the right and fee shall inure to the benefit of said infant child, or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicil, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

SEC. 3. *And be it further enacted,* That the register of the land office shall note all such applications on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. *And be it further enacted,* That all lands acquired under the provisions of this act shall in no event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

SEC. 5. *And be it further enacted,* That if, at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years

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aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said entry for more than six months at any time, then, and in that event, the land so entered shall revert to the Government.

SEC. 6. *And be it further enacted*, That no individual shall be permitted to make more than one entry under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one-half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate, by the person to whom it may be issued: *Provided*, That nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing pre-emption rights: *And provided further*, That all persons who may have filed their applications for a pre-emption right prior to the passage of this act shall be entitled to all privileges of this act.

Subsequently a motion was made by Mr. Lovejoy to reconsider the vote by which the bill had been referred to the Committee of the Whole. On Monday, March 12, Mr. Lovejoy called up this motion, and under the operation of the previous question it was agreed to, 106 to 67, as follows:

YEAS—Messrs. Adrain, Aldrich, Ashley, Babbitt, Bingham, Blake, Buffinton, Burlingame, Campbell, Carey, Carter, Case, John Cochrane, Colfax, Conkling, Cooper, Corwin, Covode, Cox, James Craig, Curtis, John G. Davis, Dawes, Delano, Duell, Dunn, Edgerton, Elliot, Fenton, Ferry, Florence, Foster, Fouke, Frank, French, Gooch, Graham, Grow, Gurley, Hale, Hall, Haskin, Helmick, Hoard, Holman, Howard, Hutchins, Junkin, Francis W. Kellogg, William Kellogg, Kilgore, Killinger, Larrabee, De Witt C. Leach, Lee, Logan, Loomis, Lovejoy, Maclay, Marston, Charles D. Martin, McClernand, McKean, McKnight, Millward, Moorhead, Morrill, Edward Joy Morris, Morse, Olin, Pendleton, Perry, Porter, Potter, Pottle, Rice, Riggs, Christopher Robinson, James C. Robinson, Royce, Schwartz, Scott, Scranton, Sedgwick, Sherman, Somes, Spinner, Stanton, Stout, Stratton, Tappan, Thayer, Tompkins, Train, Trimble, Vallandigham, Vandever, Verree, Waldron, Walton, Cadwalader C. Washburn, Ellihu B. Washburne, Israel Washburn, Wells, Windom, and Woodruff—106.

NAYS—Messrs. Green Adams, Thomas L. Anderson, William C. Anderson, Avery, Barksdale, Bocock, Bonham, Brabson, Branch, Bristow, Burch, Burnett, Clopton, Cobb, Carry, Reuben Davis, De Jarnette, Edmundson, English, Etheridge, Garnett, Gartrell, Gilmer, Hardeman, J. Morrison Harris, Hatton, Hill, Hindman, Houston, Hughes, Jackson, Jenkins, Jones, Keitt, Lamar, Landrum, Leake, Love, Mallory, Elbert S. Martin, Maynard, McQueen, McRae, Miles, Millson, Montgomery, Nelson, Niblack, Noell, Peyton, Pryor, Pugh, Reagan, Ruffin, Sickles, Simms, Singleton, William Smith, William N. H. Smith, Stevenson, Stokes, Underwood, Vance, Webster, Whiteley, Woodson, and Wright—67.

So the motion was reconsidered, and the bill was before the House. Mr. Lovejoy moved that the bill be engrossed and read a third time. Mr. Branch (N. C.) moved to lay the bill on the table. Lost, 62 to 112.

The House refused to lay the bill on the table; and it was read a third time and passed.

Yeas.

Maine.—Foster, French, Morse, Perry, Somes, Israel Washburn.
New Hampshire.—Marston, Tappan.
Vermont.—Morrill, Royce, Walton.
Massachusetts.—Buffinton, Dawes, Delano, Elliot, Gooch, Rice, Thayer, Train.
Connecticut.—Burnham, Ferry, Loomis, Woodruff.
Rhode Island.—Christopher Robinson.
New York.—Barr, Briggs, Carter, John Cochrane, Conkling, Duell, Fenton, Frank, Graham, Haskin, Hoard, Humphrey, Lee, Maclay, McKean, Olin, Pottle, Sickles, Spinner, Van Wyck, Wells.
New Jersey.—Adrain, Riggs, Stratton.
Pennsylvania.—Babbitt, Campbell, Covode, Florence, Grow, Hale, Hall, Hickman, Junkin, Killinger, McKnight, McPherson, Millward, E. Joy Morris, Schwartz, Scranton, Verree.
Ohio.—Ashley, Bingham, Blake, Carey, Corwin, Cox, Edgerton, Gurley, Helmick,

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Howard, Hutchins, Charles D. Martin, Pendleton, Sherman, Stanton, Tompkins, Trimble, Vallandigham.

Michigan.—Cooper, Francis W. Kellogg, DeWitt C. Leach, Waldron.

Indiana.—Case, Colfax, John G. Davis, Dunn, English, Holman, Kilgore, Niblack, Porter, Wilson.

Illinois.—Fouke, Wm. Kellogg, Logan, Lovejoy, McClernand, James C. Robinson, E. B. Washburne.

Wisconsin.—Larrabee, Potter, C. C. Washburn.

Iowa.—Curtis, Vandever.

Minnesota.—Aldrich, Windom.

California.—Burch, Scott.

Oregon.—Stout.

Missouri.—James Craig. Total, 115.

Nays.

Pennsylvania.—Montgomery.

Delaware.—Whiteley.

Maryland.—H. Winter Davis, J. M. Harris, Hughes, Webster.

Virginia.—Bocock, De Jarnette, Edmundson, Garnett, Jenkins, Leake, Elbert S. Martin, Wilson, Pryor, William Smith.

North Carolina.—Branch, Gilmer, Ruffin, William N. H. Smith, Vance.

South Carolina.—Bonham, Keitt, McQueen, Miles.

Georgia.—Gartrell, Hardeman, Hill, Jackson, Jones, Love, Underwood.

Alabama.—Clopton, Cobb, Curry, Houston, Suydenham Moore, Pugh.

Mississippi.—Barksdale, Reuben Davis, Lamar, McRea, Singleton.

Louisiana.—Landrum.

Arkansas.—Hindman.

Texas.—Hamilton, Reagan.

Missouri.—Thomas L. Anderson, Noell, Woodson.

Tennessee.—Avery, Etheridge, Hatton, Maynard, Nelson, Stokes, Wright.

Kentucky.—Green Adams, William C. Anderson, Bristow, Burnett, Mallory, Peyton, Simms, Stevenson. Total, 65.

This bill was sent to the Senate, and referred to the Committee on Public Lands, and on the 17th of April, Mr. Johnson, of Tennessee, the chairman of that committee, reported a substitute for the House bill, granting homesteads to actual settlers, at 25 cents per acre, but not including pre-emptors then occupying the public lands. When this bill came before the Senate for action, Mr. Wade, of Ohio, moved to amend, by substituting the House bill, which was lost—

YEAS—Messrs. Anthony, Bingham, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Foot, Foster, Grimes, Hale, Hamlin, King, Rice, Seward, Simmons, Sumner, Ten Eyck, Toombs, Trumbull, Wade, Wilkinson, and Wilson—26.

NAYS—Messrs. Bayard, Bigler, Bragg, Bright, Brown, Chestnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hemphill, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Lane, Latham, Mason, Nicholson, Polk, Powell, Pugh, Saulsbury, Sebastian, Slidell, Wigfall, and Yulee—31.

The Senate, May 10, 1860, passed Mr. Johnson's bill, 44 to 8, the nays being Messrs. Bragg, Clingman, Hamlin, Hunter, Mason, Pearce, Powell, and Toombs. The House refused to concur; the Senate refused to recede, and the result was a protracted conference on the part of the committees of the two Houses. They finally came to an agreement on June 19th, by the House accepting the Senate bill with slight amendments. On that day Mr. Schuyler Colfax reported to the House as follows:

Mr. COLFAX. I rise to a question of privilege. I am instructed by the committee of conference on the disagreeing votes of the two Houses on the homestead bill, to report that, after twelve meetings of the three different conferences that have been appointed, they this morning finally agreed. I hold in my hand the report of the committee, which can be read if any gentleman desires it. But perhaps it would render the report clearer and more intelligible if I should briefly state its leading features. The Senate bill all the members of the House are familiar with. The conferees upon the part of the House finding, after the most earnest efforts, that it would be utterly impossible for them to induce the Senate to agree to the House bill, have been discussing what changes could be made in the Senate bill, so as to render it acceptable enough for the House to accept, rather than the whole should fail. They have finally agreed upon a report as follows: In the first place, I will say that the bill, as it passed the Senate, provided that the pre-emptors now upon the public lands might remain there two years before they should be required to purchase their lands, but should then pay

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for them at the rate of $1.25 per acre, thus removing them entirely from within the purview of the benefits which would apply to the settlers hereafter upon the public lands. This point the House conferees refused to accede to, and if persisted in, we should have again reported a disagreement. Finally, however, a compromise was arranged on this point, and to protect the pre-emptors now on the Government land, which was to be advertised this fall for sale, we changed the Senate bill so as to protect them for at least two years from land sales, and to allow them then to secure their homes at *one-half* the Government price, namely, sixty-two-and-a-half cents per acre. I need scarcely add, that, if the Senate could have been induced to give them the benefit of their twenty-five-cent-per-acre provision, we should have insisted on it inflexibly; but what I have stated is the very lowest point that could be obtained. The second change we have made in the Senate bill is in relation to the scope of land coming under the operations of the law. The House bill embraced all the Government land, offered or unoffered, except such as was specially reserved. The Senate bill confined its provisions to land subject to private entry, exclusively. As I have explained on a former occasion, the expression "subject to private entry" means such as are left after the lands have been once regularly brought into market, exposed to public sale, and the speculators have taken such as they see fit to purchase. The difference between these two bills seemed so radical as to be incapable of adjustment; and the scope of farming land covered by the Senate bill was so limited, there being but little, if any, in Minnesota, Kansas, Nebraska, California, Oregon, and Washington, that the House conferees declined to accept it. But on this, too, we finally effected a compromise. By our report, all the land subject to private entry is included, and, *in addition*, all the odd-numbered sections of the surveyed public lands, which have not been opened to public sale—a most material and beneficent enlargement of the Senate bill. We were offered, after this agreement, whichever half of the unoffered lands we chose, and we took the odd-numbered sections. The reason for this was, that the 16th section of a township, being reserved for school purposes by our land laws, the four *adjoining* sections to it, on the north, west, east, and south, are sections 9, 15, 17, and 21, all odd-numbered sections, which are thus saved for homestead settlers, who have reserved for them 18 out of the 35 disposable sections in each township of six miles square.

On all these lands actual settlers, who are heads of families, are allowed, after having occupied the land for five years, to purchase at 25 cents per acre, which is about the average cost price of the public lands to the Government. We struggled, of course, to include all young men over 21 who are not heads of families, and to adopt the free homestead principle of the House bill; but on these points the Senate was inflexible, and we took what we did because it was the very best we could get. The Senate bill originally provided that the homestead settler might acquire title to his land at any time by paying full Government prices; but desiring to promote actual settlement, we now provide that he cannot do this till after he has been on the land six months. When he stays, or his family if he deceases, the full five years, he obtains it at 25 cents per acre. The Senate have also agreed to strike out the eighth section of their bill, which made it imperative upon the President to expose all public lands to sale within two years after they shall have been surveyed, which we held would be peculiarly oppressive upon the pioneers who had gone to the frontier to settle upon the public lands, and to which we could never have consented. Now, Mr. Speaker, I desire to state, in conclusion, that the compromise we have made upon the subject is not in accordance with what I should desire to have passed, if I had the power to frame the bill myself; but it is the very utmost we could obtain from the Senate, as now constituted. The Senators who served with us on the conference have been notified by me, and also by my colleague (Mr. Windom, of Minnesota), that we regard this as but a single step in advance toward a law which we shall demand from the American Congress, enacting a comprehensive and liberal homestead policy. This we have agreed to as merely an *avant courrier*. We shall demand it at the next session of Congress, and until it is granted—until all the public lands shall be open to all the people of the United States; and I state this publicly, that no one shall regard us as estopped hereafter, because we accepted this half-way measure rather than to allow the whole to fail. I should have added that all persons, whether citizens or those who have only declared their intentions, are allowed to go on the lands under this bill, but are required to perfect their naturalization before the five years expire and the patent issues. I now demand the previous question on concurring in the report of the committee, and passing the bill as thus amended.

Mr. FARNSWORTH. I desire to ask the gentleman from Indiana whether this bill confines its benefits to those who are heads of families.

Mr. COLFAX. It does, because we failed, despite our utmost efforts, in procuring its extension to all; but we shall appeal to the young men to demand of those who make and who execute the laws that the system inaugurated by this bill shall be widened so as to admit them to its benefits; and I will join them in this demand.

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Mr. GROW. I just desire to say that we have taken this bill, not because it is what we want, but on the principle that "half a loaf is better than no bread."

The House agreed to the report of the committee, 115 to 51, as follows:

YEAS—Messrs. Ashley, Babbitt, Barr, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Brayton, Briggs, Buffinton, Burch, Burlingame, Burnham, Butterfield, Campbell, Carey, Carter, Case, Horace F. Clark, Cobb, Colfax, Corwin, Covode, Cox, Curtis, John G. Davis, Dawes, Delano, Duell, Dunn, Edgerton, Edwards, Elliot, Ely, Ferry, Florence, Foster, Frank, French, Gooch, Graham, Grow, Gurley, Hale, Hall, Haskin, Helmick, Hoard, Wm. Howard, Humphrey, Hutchins, Junkin, Francis W. Kellogg, Wm. Kellogg, Kenyon, Killinger, DeWitt C. Leach, Lee, Longnecker, Loomis, Maclay, Marston, McKean, McKnight, McPherson, Millward, Moorhead, Morrill, Edward Joy Morris, Isaac N. Morris, Morse, Niblack, Nixon, Olin, Palmer, Pendleton, Perry, Pettit, Phelps, Porter, Potter, Rice, Riggs, Christopher Robinson, Royce, Sedgwick, Sherman, Somes, Spaulding, Spinner, Stanton, William Stewart, Stout, Tappan, Taylor, Thayer, Theaker, Tompkins, Train, Trimble, Vandever, Van Wyck, Verree, Wade, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Wells, Windom, and Woodruff—115.

NAYS—Messrs. Green Adams, William C. Anderson, Ashmore, Avery, Barksdale, Bocock, Bonham, Boyce, Brabson, Branch, Burnett, Clopton, Burton Craige, Crawford, Curry, De Jarnette, Gilmer, Hardeman, J. Morrison Harris, John T. Harris, Hatton, Houston, Jenkins, Jones, Keitt, Landrum, James M. Leach, Leake, Love, Mallory, Maynard, McQueen, Miles, Millson, Suydenham Moore, Nelson, Peyton, Quarles, Reagan, Ruffin, William Smith, William N. H. Smith, Stevenson, Stokes, Thomas, Underwood, Vance, Webster, Winslow, Woodson, and Wright—51.

The Senate agreed to the report of the conference committee, 36 to 2—Messrs. Bragg and Pearce.

The following is the bill as it was finally reported by the conference committee and passed both Houses:

AN ACT to secure homesteads to actual settlers on the public domain, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family and a citizen of the United States shall, from and after the passage of this act, be entitled to enter one quarter-section of vacant and unappropriated public lands, or any less quantity, to be located in a body, in conformity with the legal subdivisions of the public lands, after the same shall have been surveyed, upon the following conditions: That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver of said land office that he or she is the head of a family, and is actually settled on the quarter-section, or other subdivision not exceeding a quarter-section, proposed to be entered, and that such application is made for his or her use and benefit, or for the use and benefit of those specially mentioned in this section, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he or she has never at any previous time had the benefit of this act; and upon making the affidavit as above required, and filing the same with the register, he or she shall thereupon be permitted to enter the quantity of land already specified: *Provided, however,* That no final certificate shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if, at the expiration of such time, the person making such entry, or, if he be dead, his widow, or, in case of her death, his child or children, or in case of a widow making such entry, her child or children, in case of her death, shall prove, by two credible witnesses, that he, she, or they—that is to say, some member or members of the same family—has or have erected a dwelling-house upon said land, and continued to reside upon and cultivate the same for the term of five years, and still reside upon the same (and that neither the said land or any part thereof has been alienated); then, in such case, he, she, or they, upon the payment of 25 cents per acre for the quantity entered, shall be entitled to a patent, as in other cases provided by law: *And provided further,* In case of the death of both father and mother, leaving a minor child or children, the right and the fee shall inure to the benefit of said minor child or children, and the guardian shall be authorized to perfect the entry for the beneficiaries, as if there had been a continued residence of the settler for five years: *Provided,* That nothing in this section shall be so construed as to embrace or in any way include any quarter-section or fractional quarter-section of land upon which any pre-emption right has been acquired prior to the passage of this act: *And provided further,* That all entries made under the provisions of this section, upon *lands which have not been offered for public sale, shall be confined to and upon sections designated by odd numbers.*

SEC. 2. *And be it further enacted,* That the register of the land office shall note all such

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applications on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 3. *And be it further enacted,* That no land acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts until after the issuing of the patent therefor.

SEC. 4. *And be it further enacted,* That if, at any time after filing the affidavit, as required in the first section of this act, and before the expiration of the five years aforesaid, it shall be proved, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have sworn falsely in any particular, or shall have voluntarily abandoned the possession and cultivation of the said land for more than six months at any time, or sold his right under the entry, then, and in either of those events, the register shall cancel the entry, and the land so entered shall revert to the Government, and be disposed of as other public lands are now by law, subject to an appeal to the Secretary of the Interior. And in no case shall any land, the entry whereof shall have been canceled, again be subject to occupation, or entry, or purchase, until the same shall have been reported to the General Land Office, and, by the direction of the President of the United States, again advertised and offered at public sale.

SEC. 5. *And be it further enacted,* That if any person, now or hereafter a resident of any one of the States or Territories, and not a citizen of the United States, but who at the time of making such application for the benefit of this act *shall have filed a declaration of intention,* as required by the naturalization laws of the United States, and shall have become a citizen of the same before the issuing of the patent as provided for in this act, such person shall be entitled to all the rights conferred by this act.

SEC. 6. *And be it further enacted,* That no individual shall be permitted to enter more than one quarter-section or fractional quarter-section, and that in a compact body; but entries may be made at different times, under the provisions of this act; and that the Secretary of the Interior is hereby required to prepare and issue, from time to time, such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive, upon the filing of the first affidavit, the sum of 50 cents each and a like sum upon the issuing of the final certificate. But this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver: *Provided,* That nothing in this act shall be so construed as to impair the existing pre-emption, donation, or graduation laws, or to embrace lands which have been reserved to be sold or entered at the price of $2.50 per acre; *but no entry under said graduation act, shall be allowed until after proof of actual settlement and cultivation or occupancy for at least three months,* as provided for in sec. 3 of the said act.

SEC. 7. *And be it further enacted,* That each actual settler upon lands of the United States, which have not been offered at public sale, upon filing his declaration or claim, as now required by law, shall be entitled to two years from the commencement of his occupation or settlement; or, if the lands have not been surveyed, two years from the receipt of the approved plat of such lands at the district land office, within which to complete the proofs of his said claim, and to enter and pay for the land so claimed, at minimum price of such lands; and where such settlements have already been made in good faith, the claimant shall be entitled to the said period of two years from and after the date of this act: *Provided,* That no claim of pre-emption shall be allowed for more than 160 acres, or one-quarter section of land, nor shall any such claim be admitted under the provisions of this act, unless there shall have been at least three months of actual and continuous residence upon and cultivation of the land so claimed from the date of settlement, and proof thereof made according to law: *Provided further,* That any claimant under the pre-emption laws may take less than 160 acres by legal subdivisions: *Provided further,* That all persons who are *pre-emptors,* on the date of this act, shall, *upon the payment to the proper authority of 62½ cents per acre, if paid within two years from the passage of this act,* be entitled to a patent from the Government, as now provided by the existing pre-emption laws.

SEC. 8. *And be it further enacted,* That the 5th section of the act entitled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved the 3d of March, in the year 1857, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

SEC. 9. *And be it further enacted,* That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefit of the first section of this act from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time after an actual settlement of six months, and before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases provided by law.

SEC. 10. *And be it further enacted,* That all lands lying within the limits of a State

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which have been subject to sale at private entry, and which remain unsold after the lapse of thirty years, shall be, and the same are hereby, ceded to the State in which the same may be situated; *Provided*, These cessions shall in no way invalidate any inceptive pre-emption right or location, or any entry under this act, nor any sale or sales which may be made by the United States before the lands hereby ceded shall be certified to the State, as they are hereby required to be, under such regulations as may be prescribed by the Secretary of the Interior: *And provided further*, That no cessions shall take effect until after the States, by legislative act, shall have assented to the same.

VETO OF THE HOMESTEAD BILL.

June 23 the President Buchanan returned the bill to the Senate with his veto, as follows:

To the Senate of the United States:

I return, with my objections, to the Senate, in which it originated, the bill entitled "An act to secure homesteads to actual settlers on the public domain and for other purposes," presented to me on the 20th instant.

This bill gives to every citizen of the United States "who is the head of a family," and to every person of foreign birth residing in the country who has declared his intention to become a citizen, though he may not be the head of a family, the privilege of appropriating to himself one hundred and sixty acres of Government land, of settling and residing upon it for five years; and should his residence continue until the end of this period he shall then receive a patent on the payment of twenty-five cents per acre, or one-fifth of the present Government price. During this period the land is protected from all the debts of the settler.

This bill also contains a cession to the States of all the public lands within their respective limits "which have been subject to sale at private entry, and which remain unsold after the lapse of thirty years." This provision embraces a present donation to the States of twelve millions two hundred and twenty-nine thousand seven hundred and thirty-one acres, and will, from time to time, transfer to them large bodies of such lands which, from peculiar circumstances, may not be absorbed by private purchase and settlement.

To the actual settler this bill does not make an absolute donation; but the price is so small that it can scarcely be called a sale. It is nominally twenty-five cents per acre; but considering this is not to be paid until the end of five years, it is, in fact, reduced to about eighteen cents per acre, or one-seventh of the present minimum price of the public lands. In regard to the States, it is an absolute and unqualified gift.

I. This state of the facts raises the question whether Congress, under the Constitution, has the power to give away the public lands, either to States or individuals. On this question I expressed a decided opinion in my message to the House of Representatives, of the 24th February, 1859, returning the agricultural college bill. This opinion remains unchanged. The argument then used applies, as a constitutional objection, with the greater force to the present bill. There it had the plea of consideration, growing out of a specific beneficial purpose; here, it is an absolute gratuity to the State without the pretext of consideration. I am compelled, for want of time, in these last hours of the session, to quote largely from this message.

I presume the general proposition will be admitted, that Congress does not possess the power to make donations of money, already in the Treasury, raised by taxes on the people, either to States or individuals.

But it is contended that the public lands are placed upon a different footing from money raised by taxation, and that the proceeds arising from their sale are not subject to the limitations of the Constitution, but may be appropriated or given away by Congress, at its own discretion, to States, corporations, or individuals, for any purpose they may deem expedient.

The advocates of this bill attempt to sustain their position upon the language of the second clause of the third section of the fourth article of the Constitution, which declares that "the Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." They contend that by a fair interpretation of the words "dispose of" in this clause, Congress possesses the power to make this gift of public lands to the States for purposes of education.

It would require clear and strong evidence to induce the belief that the framers of the Constitution, after having limited the powers of Congress to certain precise and specific objects, intended, by employing the words "dispose of," to give that body unlimited power over the vast public domain. It would be a strange anomaly indeed, to have created two funds, the one by taxation, confined to the execution of the enumerated powers delegated to Congress, and the other from the public lands, applicable to all subjects, foreign and domestic, which Congress might designate. That this fund should be "disposed of," not to pay the debts of the United States,

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nor "to raise and support armies," nor "to provide and maintain a navy," nor to accomplish any one of the other great objects enumerated in the Constitution, but be diverted from them to pay the debts of the States, to educate their people, and to carry into effect any other measure of their domestic policy—this would be to confer upon Congress a vast and irresponsible authority, utterly at war with the well-known jealousy of the Federal power which prevailed at the formation of the Constitution. The natural intendment would be that, as the Constitution confined Congress to well-defined specific powers, the funds placed at their command, whether in land or money, should be appropriated to the performance of the duties corresponding with these powers. If not, a Government has been created, with all its other powers carefully limited, but without any limitation in respect to the public lands.

But I cannot so read the words "disposed of" as to make them embrace the idea of "giving away." The true meaning of words is always to be ascertained by the subject to which they are applied, and the known general intent of the law-giver. Congress is trustee under the Constitution for the people of the United States to "dispose of" their public lands, and I think I may venture to assert with confidence that no case can be found in which a trustee in the position of Congress has been authorized to "*dispose of*" property by its owner, where it has ever been held that these words authorized such trustee to give away the fund intrusted to his care. No trustee, when called upon to account for the disposition of the property placed under his management before any judicial tribunal, would venture to present such a plea in his defense. The true meaning of these words is clearly stated by Chief-Justice Taney in delivering the opinion of the court (19 Howard, p. 436). He says, in reference to this clause of the Constitution, "It begins its enumeration of powers by that of disposing; in other words, making sale of the lands, or raising money from them, which, as we have already said, was the main object of the cession (from the States), and which is the first thing provided for in the article." It is unnecessary to refer to the history of the times to establish the known fact that this statement of the Chief-Justice is perfectly well founded. That it never was intended by the framers of the Constitution that these lands should be given away by Congress is manifest from the concluding portion of the same clause. By it, Congress has power not only "to dispose of" the territory, but of the "other property of the United States." In the language of the Chief-Justice (p. 437): "And the same power of making needful rules respecting the territory is in precisely the same language applied to the other property of the United States, associating the power over the territory, in this respect, with the power over movable or personal property—that is, the ships, arms, or munitions of war, which then belonged in common to the State sovereignties."

The question is still clearer in regard to the public lands in the States and Territories within the Louisiana and Florida purchases. These lands were paid for out of the public Treasury from money raised by taxation. Now, if Congress had no power to appropriate the money with which these lands were purchased, is it not clear that the power over the lands is equally limited? The mere conversion of this money into land could not confer upon Congress new power over the disposition of land which they had not possessed over money. If it could, then a trustee, by changing the character of the fund intrusted to his care for special objects from money into land, might give the land away, or devote it to any purpose he thought proper, however foreign from the trust. The inference is irresistible that this land partakes of the very same character with the money paid for it, and can be devoted to no objects different from those to which the money could have been devoted. If this were not the case, then, by the purchase of a new Territory from a foreign government out of the public Treasury, Congress could enlarge their own powers, and appropriate the proceeds of the sales of the land thus purchased, at their own discretion, to other and far different objects from what they could have applied the purchase money which had been raised by taxation.

II. It will prove unequal and unjust in its operation among the actual settlers themselves.

The first settlers of a new country are a most meritorious class. They brave the dangers of savage warfare, suffer the privations of a frontier life, and, with the hand of toil, bring the wilderness into cultivation. The "old settlers," as they are everywhere called, are public benefactors. This class have all paid for their lands the Government price, or $1.25 per acre. They have constructed roads, established schools, and laid the foundation of prosperous Commonwealths. Is it just, is it equal, that, after they have accomplished all this by their labor, new settlers should come in among them and receive their farms at the price of twenty-five or eighteen cents per acre? Surely the old settlers, as a class, are entitled to at least equal benefits with the new. If you give the new settlers their lands for a comparatively nominal price, upon every principle of equality and justice, you will be obliged to refund out of the common Treasury the difference which the old have paid above the new settlers for their land.

III. This bill will do great injustice to the old soldiers who have received land warrants for their services in fighting the battles of their country. It will greatly reduce

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the market value of these warrants. Already their value has sunk, for one-hundred-and-sixty-acre warrants, to sixty-seven cents per acre, under an apprehension that such a measure as this might become a law. What price would they command, when any head of a family may take possession of a quarter-section of land, and not pay for it until the end of five years, and then at the rate of only twenty-five cents per acre? The magnitude of the interest to be affected will appear in the fact that there are outstanding unsatisfied land warrants, reaching back to the last war with Great Britain, and even Revolutionary times, amounting in round numbers, to seven and a half million acres.

IV. This bill will prove unequal and unjust in its operation, because from its nature, it is confined to one class of our people. It is a boon expressly conferred upon the cultivators of the soil. While it is cheerfully admitted that these are the most numerous and useful class of our fellow-citizens, and eminently deserve all the advantages which our laws have already extended to them, yet there should be no new legislation which would operate to the injury or embarassment of the large body of respectable artisans and laborers. The mechanic who emigrates to the West, and pursues his calling, must labor long before he can purchase a quarter-section of land; while the tiller of the soil who accompanies him obtains a farm at once by the bounty of the Government. The numerous body of mechanics in our large cities cannot, even by emigrating to the West, take advantage of the provisions of this bill without entering upon a new occupation, for which their habits of life have rendered them unfit.

V. This bill is unjust to the old States of the Union in many respects; and among these States, so far as the public lands are concerned, we may enumerate every State east of the Mississippi, with the exception of Wisconsin and a portion of Minnesota.

It is a common belief, within their limits, that the older States of the confederacy do not derive their proportionate benefit from the public lands. This is not a just opinion. It is doubtful whether they could be rendered more beneficial to these States under any other system than that which at present exists. Their proceeds go into the common Treasury to accomplish the objects of the Government, and in this manner all the States are benefited in just proportion. But to give this common inheritance away would deprive the old States of their just proportion of this revenue, without holding out any, the least, corresponding advantage. While it is our common glory that the new States have become so prosperous and populous, there is no good reason why the old States should offer premiums to their own citizens to emigrate from them to the West. That land of promise presents in itself sufficient allurements to our young and enterprising citizens, without any adventitious aid. The offer of free farms would probably have a powerful effect in encouraging emigration, especially from States like Illinois, Tennessee, and Kentucky, to the west of the Mississippi, and could not fail to reduce the price of property within their limits. An individual in States thus situated would not pay its fair value for land when, by crossing the Mississippi, he could go upon the public lands, and obtain a farm almost without money and without price.

VI. This bill will open one vast field for speculation. Men will not pay $1.25 for lands when they can purchase them for one-fifth of that price. Large numbers of actual settlers will be carried out by capitalists upon agreements to give them half of the land for the improvement of the other half. This cannot be avoided. Secret agreements of this kind will be numerous. In the entry of graduated lands the experience of the Land Office justifies this objection.

VII. We ought ever to maintain the most perfect equality between native and naturalized citizens. They are equal, and ought always to remain equal, before the laws. Our laws welcome foreigners to our shores, and their rights will ever be respected. While these are the sentiments on which I have acted through life, it is not, in my opinion, expedient to proclaim to all the nations of the earth that whoever shall arrive in this country from a foreign shore, and declare his intention to become a citizen, shall receive a farm of 160 acres, at a cost of 25 or 20 cents per acre, if he will only reside on it and cultivate it. The invitation extends to all; and if this bill becomes a law, we may have numerous actual settlers from China, and other Eastern nations. enjoying its benefits on the great Pacific slope. The bill makes a distinction in favor of such persons over native and naturalized citizens. When applied to such citizens, it is confined to such as are the heads of families; but when applicable to persons of foreign birth recently arrived on our shores, there is no such restriction. Such persons need not be the heads of families, provided they have filed a declaration of intention to become citizens. Perhaps this distinction was an inadvertence; but it is, nevertheless, a part of the bill.

VIII. The bill creates an unjust distinction between persons claiming the benefit of the pre-emption laws. While it reduces the price of the land to existing pre-emptors to 62½ cents per acre, and gives them a credit on this sum for two years from the present date, no matter how long they may have hitherto enjoyed the land, future pre-emptors will be compelled to pay double this price per acre. There is no reason or justice in this discrimination.

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IX. The effect of this bill on the public revenue must be apparent to all. Should it become a law, the reduction of the price of lands to actual settlers to 25 cents per acre with a credit of five years, and the reduction of its price to existing pre-emptors to 62½ cents per acre, with a credit of two years will so diminish the sale of other public lands as to render the expectation of future revenue from that source beyond the expenses of survey and management illusory. The Secretary of the Interior estimated the revenue from the public lands for the next fiscal year at $4,000,000 on the presumption that the present land system would remain unchanged. Should this bill become a law, he does not believe that $1,000,000 will be derived from this source.

This bill lays the ax at the root of our present admirable land system. The public land is an inheritance of vast value to us and to our descendants. It is a resource to which we can resort in the hour of difficulty and danger. It has been managed heretofore with the greatest wisdom under existing laws. In this management the rights of actual settlers have been conciliated with the interests of the Government. The price to all has been reduced from $2 per acre to $1.25 for fresh lands, and the claims of actual settlers have been secured by our pre-emption laws. Any man can now acquire a title in fee simple to a homestead of 80 acres, at the minimum price of $1.25 per acre for $100. Should the present system remain, we shall derive a revenue from the public lands of $10,000,000 per annum, when the bounty land warrants are satisfied, without oppression to any human being. In the time of war, when all other sources of revenue are seriously impaired, this will remain intact. It may become the best security for public loans hereafter, in times of difficulty and danger, as it has been heretofore. Why should we impair or destroy this system at the present moment? What necessity exists for it?

The people of the United States have advanced with steady but rapid strides to their present condition of power and prosperity. They have been guided in their progress by the fixed principle of protecting the equal rights of all, whether they be rich or poor. No agrarian sentiment has ever prevailed among them. The honest poor man, by frugality and industry can, in any part of our country, acquire a competence for himself and his family, and in doing this he feels that he eats the bread of independence. He desires no charity, either from the Government or from his neighbors. This bill, which proposes to give him land at an almost nominal price, out of the property of the Government, will go far to demoralize the people, and repress this noble spirit of independence. It may introduce among us those pernicious social theories which have proved so disastrous in other countries.

JAMES BUCHANAN.

WASHINGTON, *June* 22, 1860.

In the Senate the question, Shall this bill pass notwithstanding the objections of the President? was lost:

YEAS—Messrs. Anthony, Brown, Chandler, Clark, Doolittle, Durkee, Fessenden, Fitch, Foot, Foster, Gwin, Hale, Hamlin, Harlan, King, Lane, Latham, Nicholson, Polk, Pugh, Rice, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—28.

NAYS—Messrs. Bragg, Chesnut, Crittenden, Davis, Fitzpatrick, Green, Hemphill, Hunter, Iverson, Johnson (Tenn.), Johnson (Ark.), Mallory, Mason, Pearce, Powell, Sebastian, Wigfall, Yulee—18.

So the bill failed, not having received the requisite two-thirds vote necessary to pass it over the Executive veto.

IN CONGRESS, JULY 8, 1861.

During the first session of the Thirty-seventh Congress, on July 8, 1861, Mr. Aldrich, by unanimous consent, introduced a bill to secure homesteads to actual settlers upon the public domain; which was read a first and second time and referred to the Committee on Agriculture.

December 4, 1861, Mr. Lovejoy, chairman of the Committee on Agriculture, reported back bill of Mr. Aldrich and moved the previous question. Mr. Vallandigham desired Mr. Lovejoy to withdraw his call for the previous question. Mr. Lovejoy refused. Mr. Vallandigham then called for a division. The call for the previous question was seconded—ayes 55, noes 38. Mr. Vallandigham demanded the yeas and nays on ordering the main question to be put. The yeas and nays were ordered. The question was taken, and decided in the negative—yeas 58, nays 69—as follows:

YEAS—Messrs. Aldrich, Arnold, Babbitt, Baker, Baxter, Beaman, Bingham, Jacob P. Blair, Samuel S. Blair, Blake, Buffington, Burnham, Chamberlin, Clark, Colfax, Fred. A. Conkling, Conway, Davis, Delano, Diver, Duell, Edgerton, Fenton, Fessen-

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den, Franchot, Hanchett, Hickman, Hooper, Loomis, Lovejoy, McPherson, Marston, Mitchell, Moorhead, Anson P. Morrill, Batton, T. G. Phelps, Pike, Alex. H. Rice, Jno. H. Rice, Sargeant, Sedgewick, Sheffield, Sherman, Sloan, Spaulding, Stevens, Trowbridge, Upton, Vandever, Van Horn, Van Valkenburg, Van Wyck, Wallace, Chas. W. Walton, Wheeler, Albert S. White, and Wright—58.

NAYS—Messrs. Allen, Alley, Ancona, Ashley, Biddle, Campbell, Cobb, Roscoe Conkling, Corning, Cox, Cravers, Crisfield, Daws, Dunlap, Dunn, Edwards, Elliot, English, Gooch, Goodwin, Granger, Harding, Harrison, Holman, Horton, Hutchins, Julian, Kelley, Wm. Kellogg, Law, Lazear, Leary, Lehman, McKnight, Maynard, Menzies, Justin S. Morrill, Morris, Nixon, Noble, Noell, Norton, Odell, Olin, Perry, Potter, Richardson, Riddle, Robinson, Edward H. Rollins, Shellabarger, Shiel, Smith, Jno. B. Steel, Wm. G. Steel, Stratton, Benj. F. Thomas, Francis Thomas, Train, Trimble, Vallandigham, Wadsworth, Wall, E. P. Walton, Washburne, Chilton A. White, Woodruff, and Worcester—69.

Mr. Potter moved that the bill be referred to the Committee on Public Lands; Mr. Vallandigham demanded the previous question. The bill was referred—ayes 91, noes not counted.

February 22, 1862, the Speaker announced that the homestead bill was made a special order, and that Mr. Holman, of Indiana, was entitled to the floor. Mr. Holman moved to postpone consideration of the bill until the following day, which was agreed to.

On February 28 the Speaker announced that the regular order of business was the consideration of the bill (H. R. No. 125) to secure homesteads to actual settlers on the public domain, reported from the Committee on Public Lands, the pending question being the motion to recommit the bill with instructions to strike out the eighth section and insert the following:

And be it further enacted, That the provisions of an act entitled "An act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved March 3, 1855, shall extend to and be constructed to embrace the officers, soldiers, and seamen who have been engaged in the military or naval service of the United States since the 12th of April, 1861, or who shall be engaged in such service during the present war: *Provided, however*, That no officer, soldier, or seaman shall be entitled to the benefit of said act unless he shall have been engaged in the service aforesaid for a period of not less than sixty days, or been honorably discharged on account of wounds received or sickness incurred while in the line of his duty in such service: *Provided*, That the widows and children of officers, soldiers, and seamen who shall die from wounds received or sickness incurred while in the service of the United States, as aforesaid, shall be entitled to the benefits of said act.

It was further provided that the act, except the above section, should not go into operation for the period of one year after the close of the war of the rebellion.

Mr. Potter moved to strike out the words in the first section, "passage of this act," and in lieu thereof to insert "1st January, 1863," so that it should read—

That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, shall, from and after the 1st of January, 1863, be entitled to enter, free of cost, one hundred and sixty acres of unappropriated public lands, upon which said person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at $1.25 or less, &c.

This amendment was agreed to, and Mr. Potter demanded the previous question on the passage of the bill. Mr. Washburne demanded the yeas and nays; upon which the question, being taken, was decided in the affirmative—yeas 107, nays 16, as follows:

YEAS—Messrs. Aldrich, Alley, Arnold, Ashley, Baker, Baxter, Bingham, Samuel S. Blair, Blake, Buffington, Campbell, Chamberlin, Clark, Clements, Cobb, Colfax, Fred. A. Conkling, Roscoe Conkling, Conway, Covode, Cox, Cravens, Cutler, Davis, Dawes, Delano, Diven, Duell, Dunn, Edgerton, Edwards, Eliot, Ely, Fessenden, Frank, Goodwin, Granger, Gurley, Haight, Hale, Hanchett, Harrison, Holman, Hooper, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Knapp, Lansing, Law, Lazear, Lovejoy, McKnight, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Nixon, Nugen, Olin, Patton, Pendleton, Perry, Timothy G. Phelps, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Richardson, Riddle, Robinson, Edward H. Rollins, Sargeant, Sedgewick, Shanks, Sheffield, Sloan, John B. Steele, Stevens, Stratton, Benjamin F. Thomas, Train, Trimble, Trowbridge, Vallandigham, Van Valkenburg, Van Wyck, Verree, Voorhees, Wallace, E. P. Walton, Ward, Wash-

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burne, Whaley, Albert S. White, Wilson, Windom, Woodruff, Worcester, and Wright—107.

NAYS—Messrs. Joseph Bailey, Jacob P. Blair, George H. Brown, Wm. G. Brown, Corning, Crittenden, Dunlap, Grider, Harding, Mallory, Maynard, Menzies, Norton, Shiel, Vibbard, and Wickliffe—16.

And so the bill passed.

In the Senate, March 25, 1862, Mr. Harlan, of the Committee on Public Lands, to whom was referred bill H. R. No. 125, known as the homestead bill, reported it with amendments. On April 30 Senator Wade moved to take it up, and the motion was agreed to; but Senator Harlan, of Iowa, being absent, Senator Wade suggested that the bill be laid over until Senator Harlan was present. It was so ordered. On the 2d of May Senator Wade again moved the consideration of the homestead bill, and the motion being agreed to, the amendments offered by the committee were then agreed to. Whereupon Senator Carlisle, of Virginia, offered a substitute for the whole bill (see Congressional Globe, Part 2, 2d session, 37th Congress, page 1915). On motion of Senator Pomeroy, the bill was made a special order for the succeeding Monday, and on May 5, the Senate, as in Committee of the Whole, resumed consideration of it, Mr. Pomeroy speaking on the bill until it was set aside by the special order of the day, namely, the confiscation bill. Consideration of the homestead bill was resumed on the following day, and Mr. Carlisle, of Virginia, offered a substitute for the whole bill. The question being taken by yeas and nays resulted—yeas 11, nays 28, as follows:

YEAS—Messrs. Carlisle, Davis, Henderson, Kennedy, McDougal, Powell, Saulsbury, Stark, Willey, Wilson of Missouri, and Wright—11.

NAYS—Messrs. Anthony, Bayard, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harris, King, Lane of Indiana, Lane of Kansas, Morrill, Pomeroy, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—28.

So Senator Carlisle's substitute was rejected.

The bill was then reported to the Senate as amended, and the amendments of the committee were concurred in. Mr. Powell called for the yeas and nays, with the following result—yeas 33, nays 7.

YEAS—Messrs. Anthony, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harris, Henderson, Howe, Kennedy, King, Lane of Indiana, Lane of Kansas, McDougal, Morrill, Pomeroy, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilson of Massachusetts, Wilson of Missouri, and Wright—33.

NAYS—Messrs. Bayard, Carlisle, Davis, Powell, Saulsbury, Stark, and Willey—7.

And so the bill was passed.

On May 12, a message was received from the House of Representatives disagreeing with the amendments of the Senate. The Senate insisted on its amendments and appointed Messrs. Harlan, Clark, and Wright as a Committee of Conference to meet a similar committee from the House of Representatives, consisting of Messrs. John F. Potter, of Wisconsin, Aldrich, of Minnesota, and Edwin H. Webster, of Indiana.

On May 15, Senator Harlan, from the committee on the disagreeing votes of the two houses on the homestead bill, reported that the committee had agreed, the House of Representatives having receded from all of its disagreements except one changing the word "entry" to "land" in one of the sections. The following day a message from the House announced that it had agreed to the report of the committee of conference, and on the 19th another message announced that the Speaker had signed the homestead bill; which thereupon received the signature of the President of the Senate *pro tempore.*

Finally, on May 27, a message from the President of the United States, Abraham Lincoln, announced that he had, on the 20th of May, 1862, approved and signed "An act (H. R. No. 125) to secure homesteads to actual settlers on the public domain."

The act approved is as follows:

AN ACT to secure homesteads to actual settlers on the public domain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family, or who has arrived

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at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government or given aid and comfort to its enemies, shall, from and after the first January, eighteen hundred and sixty-three, be entitled to enter one quarter-section or a less quantity of unappropriated public lands, upon which said person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents, or less, per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed: *Provided*, That any person owning or residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

SEC. 2. *And be it further enacted*, That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one or more years of age, or shall have performed service in the Army or Navy of the United States, and that he has never borne arms against the Government of the United States or given aid and comfort to its enemies, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the register or receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified: *Provided, however*, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry—or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death—shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he has borne true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided for by law: *And provided, further*, That in case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of said infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicil, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

SEC. 3. *And be it further enacted*, That the register of the land office shall note all such applications on the tract books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. *And be it further enacted*, That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

SEC. 5. *And be it further enacted*, That if, at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then and in that event the land so entered shall revert to the Government.

SEC. 6. *And be it further enacted*, That no individual shall be permitted to acquire title to more than one quarter-section under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect, and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one-half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued; but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver: *Provided*,

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That nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing pre-emption rights: *And provided, further,* That all persons who may have filed their applications for a pre-emption right prior to the passage of this act shall be entitled to all privileges of this act: *Provided further,* That no person who has served, or may hereafter serve, for a period of not less than fourteen days in the Army or Navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years.

SEC. 7. *And be it further enacted,* That the fifth section of the act entitled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

SEC. 8. *And be it further enacted,* That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefits of the first section of this act from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases provided by law, on making proof of settlement and cultivation as provided by existing laws granting pre-emption right.

PRESIDENT JOHNSON'S OPINION.

President Johnson, one of the original promoters of the homestead act, in his annual message for 1865, says of the act, after calling attention to its successful operation:

The homestead policy was established only after long and earnest resistance. Experience proves its wisdom. The lands in the hands of industrious settlers, whose labor creates wealth and contributes to the public resources, are worth more to the United States than if they had been reserved as a solitude for future purchasers.

HOMESTEAD ACT AND AMENDMENTS.

This original homestead act has been amended several times. (See R. S., sections 2289–2317, inclusive, and session laws of Congress since 1878, for additions.)

The principal amendments were in the nature of extension of its privileges, and the limit of 80 acres of land of the double minimum class, $2.50 per acre, within certain road limits, has since been done away with by acts of March 3, 1879, July 1, 1879, and June 15, 1880; there now being but one class of agricultural lands, so far as regards the minimum quantity in homestead entries.

The act of June 8, 1872, was known as the soldiers' and sailors' homestead act. It gave honorably discharged soldiers and sailors from the Army and Navy of the United States lands under the homestead act in any locality, and deducted from the five years' residence which was required to make title their term of service in the Army and Navy during the war of the Rebellion. One year's residence and cultivation, however, were necessary, and they have six months from the filing of application to make entry and commence settlement and improvement, and actual service in the Army or Navy is an equivalent to residence under certain conditions.

The soldiers' additional homestead provision was to give those soldiers who had had the benefit of the homestead act, to the extent of a quantity under 160 acres, an additional amount, so as to make their allowance 160 acres. The act of March 3, 1875, gave homesteads and patents for the same to certain Indians. (See chapter XVI, on "Indian Reservations," as to Indian homesteads.)

By act of March 3, 1879, additional rights were given to homestead settlers on the public lands within railroad limits, and an act of the same tenor for the States of Missouri and Arkansas was passed July 1, 1879.

Special acts have frequently been passed favoring localities where crops have been destroyed by drought or insects, and the time of settlers has been extended.

In making final proof of homestead entry, or in commuting under the eighth section of the homestead act (section 2301, R. S.), upon lands situate in recognized mineral districts, a non-mineral affidavit, showing that there is no known mineral on the tract to be entered, is required of all claimants.

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THE ESSENCE OF THE HOMESTEAD LAW AND ITS BENEFITS.

The essence of the homestead law and the amendments is embodied in the conditions of actual settlement, dwelling on, and cultivation of the soil embraced in an entry. It gives for a nominal fee, equal to $34 on the Pacific coast and $26 in the other States, to a settler—a man or woman over the age of twenty-one years, head of a family, or a single person above the age of twenty-one years, a citizen of the United States or having declared an intention of becoming such—the right to locate upon 160 acres of unoccupied public land in any of the public-land States and Territories subject to entry at a United States land office, to live upon the same for a period of five years, and, upon proof of a compliance with the law, to receive a patent therefor free of cost or charge for the land. Full citizenship is requisite to obtain final title.

The present homestead law contains all of the beneficial features of the pre-emption act with the additions suggested by experience and the changed condition of national life. The eighth section of the act contains the substance of the pre-emption act in the matter of purchase. If the locator desires to buy his homestead outright at the end of six months, he can, upon due proof, pay for his land at $1.25 or $2.50 per acre, as the case may be, which is called commutation of a homestead. It contains one feature as broad in its terms and as beneficial in its principle as the domain it covers. It is as follows:

No lands acquired under the provisions of this act shall, in any event, become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

The homestead act is now the approved and preferred method of acquiring title to the public lands. It has stood the test of eighteen years, and was the outgrowth of a system extending through nearly eighty years, and now, within the circle of a hundred years since the United States acquired the first of her public lands, the homestead act stands as the concentrated wisdom of legislation for settlement of the public lands. It protects the Government, it fills the States with homes, it builds up communities, and lessens the chances of social and civil disorder by giving ownership of the soil, in small tracts, to the occupants thereof. It was copied from no other nation's system. It was originally and distinctively American, and remains a monument to its originators.

FINAL ENTRIES AND CASH COMMUTATIONS.

The total number of entries under this act from May, 1862, to June 30, 1880, was 469,782; the area embraced therein was 55,667,044.95 acres. The final entries during the same period, for which patents have been issued, were 162,237; the area embraced therein being 19,265,337.06 acres.

Under the eighth section of the cash or commutation clause, a homestead settler can at the end of six months, upon proof of settlement and improvements, make cash payments, at the legal rate, but not more than four per cent. of the homestead settlers have made use of this privilege. They prefer to live upon their land the prescribed five years.

Commutations of homesteads are reported as part of the "cash" sales of each year's business, and therefore cannot be stated.

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Number and area of entries under the homestead act, by States and Territories, from May 20, 1862, to June 30, 1880.

States and Territories.	1863.				1864.			
	Homesteads.		Final homesteads.		Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama								
Arkansas								
Arizona								
California	343	52,289.67			494	75,919.41		
Colorado					304	45,306.90		
Dakota	75	11,829.23			111	17,669.15		
Florida								
Indiana								
Illinois	3	118.16						
Iowa	184	18,978.31			284	29,546.82		
Idaho								
Kansas	1,149	173,725.70			678	96,258.65		
Louisiana								
Missouri	20	1,400.00			216	22,408.96		
Michigan	1,531	195,939.66			1,572	207,879.33		
Minnesota	2,299	277,526.45			3,258	428,487.79		
Mississippi								
Montana								
Nevada					43	6,452.07		
New Mexico								
Nebraska	349	50,775.13			769	114,649.10		
Ohio	52	3,649.27			6	443.55		
Oregon	200	28,813.54			144	21,092.13		
Utah								
Washington	341	53,183.55			447	69,998.67		
Wisconsin	1,677	164,643.07			1,079	111,058.23		
Wyoming								
Total	8,223	1,032,871.74			9,405	1,247,170.76		

States and Territories.	1865.				1866.			
	Homesteads.		Final homesteads.		Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama					4	634.22		
Arkansas								
Arizona								
California	279	41,822.49			449	65,231.14		
Colorado	157	24,284.71			208	31,259.14		
Dakota	64	10,107.55			154	23,676.34		
Florida								
Indiana								
Illinois	2	74.25			2	79.62		
Iowa	578	64,540.86			995	106,355.85		
Idaho								
Kansas	383	51,544.76			1,212	146,917.01		
Louisiana								
Missouri	786	66,498.87			3,193	315,363.80		
Michigan	741	94,659.03			2,133	263,597.23		
Minnesota	3,972	531,707.89			3,789	497,379.77		
Mississippi								
Montana								
Nevada	1	40.00			1	80.00		
New Mexico								
Nebraska	812	114,875.28			1,456	203,980.71		
Ohio	2	78.91			15	883.39		
Oregon	203	30,051.67			482	70,972.09		
Utah								
Washington	211	33,227.16			208	32,549.79		
Wisconsin	733	77,929.94			1,054	131,887.48		
Wyoming								
Total	8,924	1,141,443.37			15,355	1,890,847.58		

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Number and area of entries under the homestead act, &c.—Continued.

States and Territories.	1867.				1868.			
	Homesteads.		Final homesteads.		Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama	616	47,224.87			1,646	124,085.15		
Arkansas	835	50,418.72			2,830	183,232.36		
Arizona								
California	310	44,260.65			527	75,674.67	79	12,285.55
Colorado	129	18,315.86			59	5,915.14		
Dakota	187	29,545.10			614	96,869.14	29	4,602.36
Florida	1,505	111,878.15			1,781	115,935.81		
Indiana								
Illinois								
Iowa	733	67,710.96			744	71,148.30	80	8,107.12
Idaho					44	6,187.37		
Kansas	1,326	155,105.37			1,496	166,214.37	456	68,602.51
Louisiana	259	20,164.63						
Missouri	2,048	219,408.63			2,511	237,965.78		
Michigan	1,687	203,901.96			1,869	205,438.65	485	61,402.42
Minnesota	2,985	363,934.78			2,946	358,241.78	913	113,800.16
Mississippi	555	31,427.75			1,602	102,824.45		
Montana								
Nevada	5	440.00			11	1,348.15		
New Mexico								
Nebraska	1,628	225,856.74			2,844	325,459.52	139	20,536.27
Ohio	3	315.00			7	447.45	3	200.00
Oregon	490	72,424.12			549	78,393.83	17	4,068.22
Utah								
Washington	199	30,213.83			171	26,222.00	59	9,270.37
Wisconsin	1,457	141,965.70			1,495	150,547.26	512	52,211.06
Wyoming								
Total	16,957	1,834,512.82			23,746	2,332,151.18	2,772	355,086.04

States and Territories.	1869.				1870.			
	Homesteads.		Final homesteads.		Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama	2,192	209,004.44			2,565	243,833.26		
Arkansas	2,214	196,418.86			4,596	431,797.51		
Arizona								
California	446	59,666.26	246	38,569.77	495	67,694.31	171	26,231.86
Colorado	70	6,609.49	57	8,837.48	616	68,906.59	77	11,669.12
Dakota	523	67,978.86	28	4,391.95	576	90,546.76	20	3,200.00
Florida	744	75,269.47			678	69,778.10		
Indiana	2	120.00						
Illinois							2	78.16
Iowa	1,770	163,782.26	115	12,765.19	2,049	189,822.70	248	29,652.12
Idaho	53	7,171.52			53	7,207.15		
Kansas	1,900	225,518.41	393	48,571.19	5,024	646,609.96	252	37,143.68
Louisiana	582	63,003.21			711	90,101.50		
Missouri	2,675	257,738.49	21	1,974.38	3,786	402,269.90	166	13,743.67
Michigan	1,525	154,824.03	617	78,139.18	1,163	120,825.35	351	43,081.96
Minnesota	3,389	365,660.99	1,344	164,843.73	3,025	334,792.78	1,603	212,387.78
Mississippi	935	78,809.51			1,109	100,806.53		
Montana	48	7,624.78			213	33,458.79		
Nevada	16	2,380.01			53	8,161.96	10	1,440.00
New Mexico					10	1,578.23		
Nebraska	3,596	376,860.42	277	41,687.92	4,583	509,062.71	285	42,134.42
Ohio	14	930.81	13	1,107.19	6	439.26	9	559.11
Oregon	484	69,896.90	63	9,528.57	642	91,881.01	103	15,371.17
Utah	661	96,764.65			233	29,627.79		
Washington	293	45,488.04	225	35,127.30	398	61,164.80	134	20,960.31
Wisconsin	1,496	166,960.46	566	58,758.12	1,388	153,836.26	610	62,074.53
Wyoming								
Total	25,628	2,698,481.87	3,965	504,301.97	33,972	3,754,203.21	4,041	519,727.84

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Number and area of entries under the homestead act, &c.—Continued.

States and Territories.	1871.				1872.			
	Homesteads.		Final homesteads.		Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama	1,388	129,300.95			1,647	162,762.36	20	1,564.85
Arkansas	4,571	367,021.74	11	824.55	3,716	366,623.16	72	3,947.10
Arizona					8	1,277.03		
California	1,228	169,701.43	212	30,512.45	1,012	134,196.75	146	21,399.94
Colorado	761	98,783.81	88	13,222.88	347	46,588.45	70	10,580.36
Dakota	861	134,642.31	33	5,199.05	1,009	157,237.33	73	11,448.02
Florida	217	24,969.55			697	80,783.20	23	1,288.12
Indiana	2	80.00						
Illinois					1	28.94	2	80.00
Iowa	1,843	186,601.79	348	39,891.49	2,579	264,698.35	320	33,505.57
Idaho	146	22,170.37			52	7,723.88		
Kansas	9,456	1,261,622.79	309	39,346.59	9,093	1,224,830.83	532	65,086.30
Louisiana	1,023	133,430.55			1,194	142,172.94	9	703.07
Missouri	2,533	276,793.12	716	65,490.27	1,609	166,264.65	698	66,988.10
Michigan	1,662	187,084.88	681	84,021.69	1,175	131,342.80	856	95,559.55
Minnesota	3,899	461,639.56	1,453	189,647.46	3,908	459,456.18	1,493	181,677.94
Mississippi	882	71,177.22			1,375	146,700.68	9	538.60
Montana	309	48,338.78			265	41,366.26		
Nevada	58	8,845.47	1	160.00	57	7,863.78	3	440.00
New Mexico	151	22,825.60			10	1,377.58		
Nebraska	6,021	713,306.63	437	61,465.88	5,970	696,620.30	649	91,446.90
Ohio	14	880.00	5	261.05	14	1,060.74	4	256.57
Oregon	648	84,390.36	153	23,498.89	795	101,023.00	183	26,971.45
Utah	292	38,498.51			377	50,495.91		
Washington	618	84,356.67	101	15,896.03	458	49,301.40	92	14,097.66
Wisconsin	1,177	130,013.37	539	59,723.97	1,361	152,053.43	663	69,829.73
Wyoming	8	880.00			13	1,585.34		
Total	39,768	4,657,355.46	5,087	629,162.05	38,742	4,595,435.27	5,917	707,409.83

States and Territories.	1873.				1874.			
	Homesteads.		Final homesteads.		Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama	1,653	167,763.56	62	4,593.66	1,742	181,730.66	150	13,177.70
Arkansas	2,497	246,253.45	211	14,746.71	2,308	239,226.79	828	68,655.11
Arizona	1	160.00			7	1,036.12		
California	1,301	171,338.67	265	39,513.58	1,363	179,043.43	194	27,263.91
Colorado	477	65,641.03	104	15,044.53	581	82,105.58	99	13,572.69
Dakota	1,297	205,920.68	160	27,208.00	1,778	288,162.19	371	54,326.49
Florida	359	41,136.18	32	2,136.65	689	80,521.68	443	32,053.13
Indiana								
Illinois					1	160.00		
Iowa	871	77,387.91	741	75,862.88	574	46,765.67	771	84,596.87
Idaho	52	7,853.33	11	1,582.68	122	18,986.18	18	2,759.16
Kansas	5,956	806,881.02	1,202	156,269.57	6,116	838,511.16	1,638	216,673.76
Louisiana	1,202	137,363.74	5	402.25	381	44,957.60	38	3,872.53
Missouri	1,098	120,479.27	1,241	127,328.89	671	67,963.88	941	95,005.56
Michigan	1,553	176,965.46	1,103	132,773.49	1,275	139,140.26	991	108,666.13
Minnesota	3,299	357,473.31	2,124	255,647.70	2,959	299,730.22	2,871	318,318.85
Mississippi	841	87,379.98	162	8,590.56	548	52,151.64	162	12,123.15
Montana	49	5,303.61	1	154.95	22	2,760.00	3	480.00
Nevada	119	17,248.40	2	320.00	51	7,593.16		
New Mexico	9	1,439.06	4	640.00	19	2,237.84	1	160.00
Nebraska	6,189	742,884.18	1,658	220,420.98	5,165	615,424.31	2,818	321,743.77
Ohio	6	440.00	3	224.05	2	198.73	12	772.71
Oregon	587	71,526.85	263	39,542.33	375	45,502.52	260	36,995.81
Utah	300	38,790.16			141	17,740.05	200	30,175.60
Washington	403	49,886.40	104	15,969.18	396	41,440.63	94	14,162.62
Wisconsin	1,377	161,962.77	853	85,918.29	1,819	193,604.75	1,226	130,226.01
Wyoming	5	720.95			21	2,875.44		
Total	31,561	3,760,199.97	10,311	1,224,890.93	29,126	3,489,570.49	14,129	1,585,781.56

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Number and area of entries under the homestead act, &c.—Continued.

States and Territories.	1875.				1876.			
	Homesteads.		Final homesteads.		Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama	1,260	123,238.88	442	43,735.16	1,575	157,624.61	906	99,292.15
Arkansas	1,235	128,230.45	1,344	122,299.46	1,593	158,666.70	1,963	188,617.54
Arizona	28	4,244.28	.....	.....	26	3,274.63	.....	.....
California	2,080	266,707.01	575	63,282.21	3,584	381,183.25	2,062	206,579.74
Colorado	435	63,343.45	197	24,533.36	435	57,008.36	296	35,461.81
Dakota	812	119,306.81	407	62,342.31	1,629	239,179.79	653	90,922.64
Florida	956	115,430.50	336	31,661.00	2,049	252,492.57	273	28,387.77
Indiana	8	760.00	8	760.00	.....	.....	2	120.00
Illinois	6	440.00	4	360.00	2	199.92	2	199.92
Iowa	242	20,137.88	1,328	137,199.87	171	13,507.16	1,236	131,744.29
Idaho	103	15,965.60	31	4,411.40	97	14,560.99	46	7,113.92
Kansas	2,728	362,283.30	2,578	344,880.30	3,232	423,844.70	3,404	457,593.31
Louisiana	474	50,104.19	177	21,093.86	626	66,983.44	256	30,355.72
Missouri	522	52,882.43	1,510	148,567.95	504	50,412.95	1,286	128,689.60
Michigan	1,467	164,531.97	906	98,849.57	1,435	166,063.38	1,010	112,501.04
Minnesota	2,463	229,835.44	3,368	353,295.59	2,664	267,437.62	3,203	363,074.40
Mississippi	410	36,702.02	162	13,706.69	540	50,481.07	211	20,002.51
Montana	38	5,286.28	54	8,481.91	86	12,179.14	137	21,806.49
Nevada	66	8,462.97	10	1,437.04	68	9,024.08	16	1,990.55
New Mexico	41	6,200.00	8	1,284.19	27	2,824.52	37	5,540.97
Nebraska	2,281	265,548.46	2,828	344,345.57	1,984	237,786.79	3,590	418,962.30
Ohio	17	1,243.07	17	1,433.81	6	440.00	14	1,080.00
Oregon	514	62,372.52	328	47,619.89	579	69,589.37	313	44,795.59
Utah	289	35,423.83	194	26,907.47	409	49,716.61	168	23,165.62
Washington	305	34,759.23	178	27,874.59	465	51,609.53	285	38,839.76
Wisconsin	1,858	192,763.86	1,300	137,694.54	1,282	127,766.43	1,148	132,235.17
Wyoming	30	3,577.67	3	480.00	36	3,956.13	13	1,480.00
Total	20,668	2,369,782.10	18,293	2,068,537.74	25,104	2,867,813.74	22,530	2,590,552.81

States and Territories.	1877.				1878.			
	Homesteads.		Final homesteads.		Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama	1,240	120,833.24	610	59,540.64	1,695	169,466.29	584	60,077.87
Arkansas	1,619	151,731.62	1,735	177,853.52	2,293	225,915.97	1,808	185,030.29
Arizona	51	5,359.45	5	800.00	37	4,903.81	5	800.00
California	1,507	200,373.96	605	80,276.84	1,987	246,334.99	1,070	120,398.17
Colorado	289	38,066.32	211	26,489.13	624	83,994.30	280	37,478.91
Dakota	828	123,779.85	563	88,003.93	4,885	739,606.63	845	122,153.24
Florida	1,600	185,773.80	171	17,693.80	1,348	150,413.61	216	23,856.33
Indiana	3	272.28	3	272.28	2	80.00	2	120.00
Illinois	.....	.....	1	28.94	46	3,882.42	47	4,006.69
Iowa	78	6,272.79	1,182	118,182.83	101	8,404.21	979	92,349.84
Idaho	188	27,641.18	43	5,959.07	250	37,555.10	54	7,424.88
Kansas	3,385	435,857.48	4,190	568,158.48	7,915	1,103,203.50	5,058	670,337.41
Louisiana	472	52,723.50	352	43,432.04	462	50,544.38	406	51,339.52
Missouri	400	37,664.82	1,230	135,142.20	654	62,894.62	999	104,943.98
Michigan	947	104,173.21	772	90,094.54	1,082	120,895.02	1,047	124,988.17
Minnesota	1,678	183,881.33	2,401	286,019.27	4,986	592,724.52	2,645	302,651.21
Mississippi	391	40,489.16	192	20,446.84	508	52,841.47	386	40,193.30
Montana	52	6,597.60	149	23,323.64	134	29,494.64	126	19,344.72
Nevada	40	5,220.75	29	3,984.51	47	6,050.52	35	4,658.38
New Mexico	21	2,961.87	7	1,039.82	31	4,559.85	8	1,159.06
Nebraska	1,345	163,312.43	3,507	422,147.76	3,015	407,949.57	3,897	456,075.41
Ohio	1	40.00	13	838.51	2	49.75	5	262.25
Oregon	598	70,497.60	412	58,289.64	750	87,094.36	422	54,749.09
Utah	479	60,888.90	236	29,200.93	654	82,828.95	236	31,538.12
Washington	473	54,703.31	270	36,820.61	968	111,710.49	330	37,140.94
Wisconsin	965	93,940.56	1,005	112,913.42	1,128	110,178.09	963	108,913.04
Wyoming	25	3,200.00	6	880.00	26	3,277.53	7	960.00
Total	18,675	2,176,257.01	19,900	2,407,828.19	35,630	4,496,854.59	22,460	2,662,980.82

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Number and area of entries under the homestead act, &c.—Continued.

States and Territories.	1879.				1880.			
	Homesteads.		Final homesteads.		Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama	1,622	158,162.59	544	55,608.97	3,013	310,885.72	399	43,834.21
Arkansas	2,317	203,343.70	987	103,675.27	5,372	372,437.52	986	110,195.14
Arizona	40	5,059.97	6	958.53	50	7,636.89	14	1,889.62
California	1,887	224,014.29	1,001	110,423.29	1,735	230,094.18	854	111,065.48
Colorado	477	65,362.42	317	42,403.94	738	103,538.20	418	58,442.36
Dakota	5,688	864,855.65	1,136	162,999.27	8,613	1,326,945.66	1,147	159,650.33
Florida	529	57,500.58	214	22,583.72	820	86,213.82	271	33,042.97
Indiana	2	53.85	.....	.....	.....	.....	.....	.....
Illinois	2	40.71	1	40.00	.....	.....	.....	.....
Iowa	42	3,173.31	539	49,994.85	47	3,134.78	218	18,116.35
Idaho	380	51,132.47	91	9,784.22	424	63,421.12	200	27,399.27
Kansas	11,337	1,584,377.68	3,739	514,816.57	7,575	1,059,047.00	3,531	496,713.23
Louisiana	246	26,451.90	334	41,045.58	676	81,626.08	197	25,280.00
Missouri	434	39,434.30	449	47,672.98	981	92,046.17	360	39,502.90
Michigan	1,268	156,098.54	622	71,710.94	1,001	118,388.37	621	74,583.80
Minnesota	5,669	648,221.88	2,485	262,967.94	5,191	687,906.67	1,915	219,931.36
Mississippi	195	19,338.52	309	35,709.49	531	55,901.23	95	10,768.92
Montana	140	18,093.43	72	10,514.72	282	39,139.52	30	4,441.39
Nevada	70	9,710.82	41	5,202.68	59	7,979.91	15	1,761.80
New Mexico	87	12,658.82	9	1,258.98	69	10,185.15	15	2,000.00
Nebraska	4,905	703,750.86	2,960	349,373.27	5,648	827,112.06	2,559	315,501.47
Ohio	1	80.00	2	197.91	1	40.00	2	120.00
Oregon	653	74,562.97	295	36,024.76	1,092	138,814.67	338	39,873.50
Utah	548	71,685.69	99	12,746.60	508	68,603.55	161	19,762.78
Washington	1,328	145,680.84	409	38,561.58	1,762	240,631.36	322	35,795.50
Wisconsin	1,104	119,649.68	725	83,813.24	1,048	114,742.14	758	86,484.63
Wyoming	34	4,889.47	5	753.09	57	8,237.08	15	2,077.68
Total	41,005	5,267,384.94	17,391	2,070,842.39	47,293	6,054,708.85	15,441	1,938,234.89

RECAPITULATION.

States and Territories.	Aggregate of entries and acres.			
	Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.
Alabama	23,858	2,306,550.80	3,717	381,425.21
Arkansas	37,996	3,321,318.55	9,945	975,844.69
Arizona	248	32,952.18	30	4,448.15
California	21,027	2,685,546.56	7,480	887,802.79
Colorado	6,707	905,029.75	2,214	297,736.57
Dakota	29,704	4,547,859.03	5,465	796,447.59
Florida	13,972	1,448,097.02	1,979	192,703.49
Indiana	19	1,366.13	15	1,272.28
Illinois	65	5,024.02	59	4,793.71
Iowa	13,885	1,341,969.01	8,105	831,969.27
Idaho	1,964	287,576.26	494	66,434.60
Kansas	79,961	10,762,353.69	27,282	3,684,187.65
Louisiana	8,308	959,627.66	1,774	217,524.57
Missouri	24,641	2,489,890.64	9,617	975,050.48
Michigan	25,086	2,911,749.13	10,062	1,186,372.48
Minnesota	62,379	7,346,038.96	27,818	3,224,263.59
Mississippi	10,422	927,031.23	1,688	162,080.06
Montana	1,638	249,642.83	572	88,547.82
Nevada	765	106,902.05	162	21,394.96
New Mexico	475	68,848.52	89	13,083.02
Nebraska	58,560	7,295,215.20	25,604	3,105,841.92
Ohio	169	11,659.93	102	7,313.16
Oregon	9,785	1,268,899.51	3,150	437,328.91
Utah	4,891	641,064.60	1,294	173,497.12
Washington	9,504	1,216,127.70	2,603	340,516.45
Wisconsin	23,498	2,495,503.48	10,868	1,180,825.75
Wyoming	255	33,199.61	49	6,630.77
Total	469,782	55,667,044.95	162,237	19,265,337.06

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FORM OF PATENT FOR HOMESTEAD.

Homestead certificate No.—. Application—.

The United States of America, to all to whom these presents shall come, greeting:

Whereas there has been deposited in the General Land Office of the United States a certificate of the register of the land office at———, whereby it appears that, pursuant to the act of Congress approved 20th May, 1862, "to secure homesteads to actual settlers on the public domain," and the acts supplemental thereto, the claim of——— ——— has been established and duly consummated, in conformity to law, for the ——— ——— according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor-General.

Now know ye, that there is, therefore, granted by the United States unto the said ——— ——— the tract of land above described, to have and to hold the said tract of land, with the appurtenances thereof, unto the said——— ——— and to——heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof, I,——— ———, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the——day of———, in the year of our Lord one thousand eight hundred and——, and of the Independence of the United States the——.

By the President:

[SEAL.]

——— ———,

By ——— ———,

Secretary.

——— ———,

Recorder of the General Land Office.

Recorded, vol.—, page—.

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CHAPTER XXVIII.

To June 30, 1882.

[See pages 1047–1088.]

To June 30, 1883.

[See pages 1285–1289.]

TIMBER AND STONE ACTS.

To June 30, 1880.

LEGAL PROCEDURE AND DECISIONS.

The protection of the timber on the public lands from fire and depredations has, since the origin of the Government, been a serious problem.

The original public domain, or lands embraced in the cessions by States, contained vast areas of forest lands, heavily timbered in the central and middle western portion. The lands in Illinois were the first of the prairies, which beyond the Mississippi became the plains. The first disposition and settlement laws were made for a humid and wooded country, where the agricultural purchaser's first labor was to clear the wood from the soil. The Louisiana purchase added the treeless plains between the Mississippi River and the Rocky Mountains to the area of the public domain.

March 1, 1817 (amended May 15, 1820, and March 3, 1827, section 2458, R. S.), Congress passed the first act for the preservation of live oak and red cedar forests, and authorized the exploration and selection of such tracts as were necessary to furnish the Navy with such timber. The authority of selection was placed in the Secretary of the Navy, under the direction of the President.

February 23, 1822, Congress authorized the President to employ the Army and Navy for the protection and preservation of the live-oak and red-cedar timber of the United States in Florida. (See section 2460, R. S.)

March 2, 1831, Congress made it a felony, with penalty of fine and imprisonment, for cutting or removing timber from the public lands without due permission. (See sections 2461, 2462, 2463 and 4751, R. S.)

The Supreme Court of the United States, in United States *v.* E. Briggs (9 How., 351), construed this statute to authorize the protection of all timber on public lands, and punishment for trespass.

Mr. Attorney-General Nelson, August 11, 1843, also gave an opinion to the same effect.

July 16, 1845, Mr. Attorney-General Mason, in an opinion, considered it the pre-emptor's privilege to destroy and use any trees on the tract claimed necessary to clear and inclose with a view to cultivation and the making of a home.

Under the act of March 2, 1831, for the care and custody of the timber there was established a system of agencies under the supervision of the Solicitor of the Treasury.

In 1855 the management of the timber interest was transferred to the General Land Office, which employed the registers and receivers, without additional compensation, to act as timber agents. (See circular of instructions, General Land Office, December 24, 1855.)

Where trespass was committed by timber dealers, stumpage was exacted, or the timber was seized and sold, and the proceeds paid into the Treasury. Where there had been trespass through ignorance, and with no purpose of spoliation, actual entry of the land was required, with payment of costs; but, in all cases, pre-emptors and parties entering under the homestead act were protected and secured in the privilege of using trees on the land claimed, for clearing, fencing, cultivation, and construction of a house to live in; also for ordinary domestic purposes; and, if sanctioned by the head of the Department, it might be extended, under reasonable limitations, to interests under act of July 26, 1866, which conferred the right of mining, where the extension might not be beyond individual necessities, nor amount to waste or spoliation.

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This continued under direction of the Commissioner of the General Land Office, under his orders, and until April 5, 1877, when special agents were employed—either detailed clerks or persons specially appointed.

Registers and receivers were instructed to seize and sell all timber found to have been cut on the public lands contrary to law and deposit the proceeds in the Treasury of the United States. They were also to report the cases to the proper district attorneys for the prosecution of the offenders under section 2461 Revised Statutes, except where, with the previously obtained approval of the Commissioner of the General Land Office, a compromise was effected in view of mitigating circumstances.

By act of April 30, 1878 (20 Stats., p. 46), an appropriation was made of $7,500 for the actual expenses of clerks detailed to investigate fraudulent land entries, trespassers on the public lands, and cases of official misconduct, with the provisos—

That all moneys heretofore, and that shall hereafter be, collected for depredations upon the public lands, shall be covered into the Treasury of the United States as other moneys received from the sale of public lands: *And provided further*, That where wood and timbered lands in the Territories of the United States are not surveyed and offered for sale in proper subdivisions, convenient of access, no money appropriated shall be used to collect any charge for wood or timber cut on the public lands in the Territories of the United States, for the use of actual settlers in the Territories, and not for export from the Territories of the United States where the timber grew: *And provided further*, That if any timber cut on the public lands shall be exported from the Territories of the United States, it shall be liable to seizure by United States authority wherever found.

In the act of June 20, 1878 (20 Stats., p. 229), "to meet expenses of suppressing depredations upon timber on the public lands," an appropriation of twenty-five thousand dollars was made. This was expended, under direction of the Secretary of the Interior, by the Commissioner of the General Land Office, who appointed or detailed special agents to investigate the depredations. For a full report of the operations of these agents, and the measures taken to suppress violations of the timber acts, see reports of the Commissioner of the General Land Office for 1878, pp. 122–124, 1879 and 1880. The appropriation has been continued from year to year.

The appropriations for keeping these special agents in the field were, for the year ending June 30, 1877, $12,500; for the year ending June 30, 1879, $25,000; and for the year ending June 30, 1880, $40,000; making a total down to June 30, 1880, of $77,500 since the inauguration of the present system.

RESULTS OF SERVICES OF SPECIAL AGENTS.

During the twenty-two years from December 24, 1855, to the 5th of April, 1877, while all action as to timber depredations took place under the circular of 1855 first mentioned, the sums recovered and turned into the Treasury amounted in gross to $248,795.68. During three years and three months from April 5, 1877, to the 30th of June, 1880, the proceeds actually collected from the same source amounted to $242,376.68. The amount for which judgment has been obtained—not yet collected—is about as much more. The proceeds of the last three years and a half have been much larger than those of the twenty-two years preceding.

CONDONING ACT.

Congress, June 15, 1880, passed a condoning act for trespassers on the public lands for acts committed prior to March 1, 1879. Persons against whom suits were pending prior to that date were to make entry of lands upon which trespass was committed, and upon presentation of the evidence of such entry, and payment of costs accrued to the proper officer, suits and proceedings to be discontinued. This act took effect March 1, 1879. Trespassers since that date will await the action of the officers under existing laws.

STONE AND TIMBER ACTS.

Jnne 3, 1878, Congress passed an act authorizing the sale of timber land unfit for cultivation in California, Oregon, Nevada, and the Territory of Washington at $2.50

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per acre. This act confined its benefits to citizens, or those who may declare their intentions to become such, no one person or association of persons to enter more than 160 acres. Proof must be shown of the non-mineral and non-agricultural character of the land desired.

This act also provided for the sale of lands valuable chiefly for stone in the same quantity and on the same terms as timber lands. Application must be made to the district land office, which is posted for sixty days and published in a newspaper for sixty days. If no adverse testimony as to the character of the land is shown after sixty days, then he or they can pay for and enter it. (See circular General Land Office, August 15, 1878, and especially circular of May 1, 1880.

The fourth section of that act is a trespass act for the States and Territory named, with a penalty of not less than $100 nor more than $1,000 for violation of the provisions against removing, or causing to be removed, timber from public lands with intent to export or dispose of the same.

By act of June 3, 1878, Congress provided that all persons, citizens and *bona-fide* residents of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all mineral districts of the United States, shall be permitted to fell and remove for building, agriculture, mining, or other domestic purposes, timber or other trees on the public lands which are mineral and subject to mineral entry only. Railroad corporations are exempt. Registers and receivers are to ascertain as to the execution of the above from time to time. (See circular Commissioner General Land Office, August 15, 1878.)

RESULTS OF THE ACT.

The stone and timber act has not been of much practical value, and furnishes but small relief to the settlers in the States and Territories named.

Under it, from 1878 to June 30, 1880, there have been sold 20,782.77 acres at $2.50 per acre.

The following exhibit shows the total entries, location, and areas of lands sold under the timber and stone act of June 3, 1878, from June 30, 1878, to June 30, 1880, inclusive:

States and Territories.	Year 1879.	Year 1880.	Aggregate.
	Acres.	*Acres.*	*Acres.*
California	486.49	10,402.79	10,889.28
Oregon	277.02	2,568.52	2,845.54
Nevada	.....	2,249.46	2,249.46
Washington Territory	.....	4,798.49	4,798.49
Total	763.51	20,019.26	20,782.77

REFERENCES.

For details of depredations and trespasses on, and destruction by fire of, the timber on the public domain in the West, together with recommendations as to sale and disposition of timber lands, with testimony of experts and persons practically engaged in lumbering, see Preliminary Report, with Testimony, of the Public Land Commission, Washington, D. C., 1880; Annual Reports of Secretary of the Interior, 1849 to 1880; Annual Reports of Commissioner of General Land Office, 1854 to 1880.

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CHAPTER XXIX.

To June 30, 1882.

[See pages 1088–1103.]

To June 30, 1883.

[See pages 1289, 1290.]

TIMBER CULTURE.

To June 30, 1880.

LAND BOUNTIES FOR CULTIVATION OF TIMBER.

The attention of Congress was early called to the necessity of legislation on the subject of the treeless public domain of the West. Many of the Western States, Kansas as an illustration, began, under authority of law, a system of bounties for tree-planting. By local usage and consent of the people, a day was set apart upon which a festival was held, and all planted trees; this became a holiday. Planting groves of trees became the method of providing windbreaks against the fierce winds of the plains. The lack of fuel was the principal inducement, coupled with the belief that forests of trees cause an increased rainfall, and knowledge of the fact that wooded countries retain moisture much longer than treeless plains and give a more equal and beneficial distribution of water. Government aid was solicited; agricultural, horticultural, and arboricultural societies petitioned; State legislatures took action; and timber culture became a subject of general discussion in the West.

The reports of the geological surveys of Hayden and Powell, for 1870, and following, called attention to the subject.

It was and is conceded that where land can be irrigated (below the timber line) trees can be grown. Irrigating ditches and canals are usually lined with trees; but trees cannot be grown in the West or elsewhere without water.

The first timber culture act was passed by Congress March 3, 1873, and amended March 13, 1874. It was for the promotion of the growth of timber on the Western plains—meaning within the humid or subhumid region. This act provided a method of acquiring title to public lands on condition that timber should be grown thereon, so that persons might take "timber" farms as well as "agricultural" farms—the land to be given them as a reward or bounty for raising trees. It is a timber bounty act, with the additional clause (sec. 2,468) that land in cultivation for timber is not liable for debt or debts contracted prior to the issuing of the patent therefor. Entry of not more than 160 nor less than 40 acres can be made under this act. One-fourth part of the tract entered must be devoted to timber for eight years; after eight years, on proof of these facts at the district land office, certificate for patent will issue. The fee at date of filing application is $10; the fee of the register and receiver is $2 each, and the same at final proof and entry; in all, $18. The effects of this act cannot be stated. The first filings under this law were made in the fall of 1873, but they were few and of small area. The eight years' limit has as yet expired in but a few cases, and no reports have been received as to the practical effects of the law. A person files an application with the district land officers, and need not under the law take further action until the expiration of the legal time to make final proof to obtain patent, viz, eight years.

The act thus far is experimental so far as practical effects are officially known.

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Statement showing the number of timber-culture entries, with areas, made in each State and Territory under the timber-culture act of March 3, 1873, to June 30, 1880, inclusive.

States and Territories.	1873.		1874.		1875.		1876.		1877.	
	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.
Arizona			2	196.51	2	320.00	10	1,197.15	21	2,440 00
Arkansas							3	231.92		
California	2	329.75	59	8,878.06	195	29,065.53	136	20,524.33	75	10,586.05
Colorado			17	2,272.24	27	3,453.82	45	6,514.22	28	3,343.33
Dakota	24	3,560.00	865	124,997.29	451	61,969.75	842	119,835.23	476	68,266.92
Idaho			2	180.83	21	2,583.25	17	1,973.89	52	7,035.91
Iowa	1	145.90	33	3,816.05	92	9,127.52	99	8,563.42	59	4,791.56
Kansas	60	9,642.17	1,954	282,479.07	1,265	168,269.06	1,354	185,596.43	1,666	238,020.44
Louisiana										
Michigan										
Minnesota	95	14,710.15	804	113,131.63	499	63,673.73	1,070	140,126.30	561	76,021.53
Missouri										
Montana									3	398.59
Nebraska	137	21,858.07	2,164	312,712.09	1,061	130,894.26	834	106,499.74	706	90,812.90
Nevada									2	240.00
New Mexico							7	1,128.00		
Oregon					7	882.68	13	1,793.18	19	2,509.37
Utah							3	399.88	3	338.50
Washington			22	2,482.22	31	3,324.14	54	5,374.28	148	19,746.75
Wyoming			1	80.00	1	130.47	1	160.00		
Total	319	50,246.04	5,923	851,225.99	3,652	473,694.21	4,488	599,917.97	3,819	524,551.85

States and Territories.	1878.		1879.		1880.		Total.	
	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.
Arizona	11	1,600.00	21	3,280.00	6	719.65	73	9,753.31
Arkansas							3	231.92
California	60	8,029.42	112	14,458.81	99	12,120.31	738	103,992.26
Colorado	125	17,436.73	121	16,142.03	214	30,302.14	577	79,464.51
Dakota	3,769	579,804.04	4,675	728,687.83	5,575	868,748.39	16,677	2,555,869.45
Idaho	158	22,169.53	162	22,013.93	181	23,300.04	593	79,257.38
Iowa	89	7,535.47	73	6,577.67	57	4,714.05	503	45,271.64
Kansas	4,031	593,295.17	7,776	1,167,582.77	2,891	408,261.74	20,997	3,053,146.85
Louisiana			1	80.43	1	40.00	2	120.43
Michigan								
Minnesota	2,693	377,017.78	1,847	257,642.50	909	123,735.36	8,478	1,166,058.98
Missouri								
Montana	9	960.00	27	3,134.20	61	6,835.32	100	11,328.11
Nebraska	1,408	195,306.68	3,183	465,968.94	3,202	475,275.87	12,695	1,799,328.55
Nevada	5	600.00	1	160.00	5	560.00	13	1,560.00
New Mexico	2	320.00	14	1,891.93	24	2,887.95	47	6,227.88
Oregon	130	18,446.21	117	17,046.59	482	73,061.66	768	113,739.69
Utah	9	1,280.00	20	2,328.93	35	4,044.05	70	8,391.36
Washington	562	78,237.00	479	68,506.10	893	134,637.65	2,189	312,308.14
Wyoming					9	240.00	12	610.47
Total	13,061	1,902,038.03	18,629	2,775,502.66	14,644	2,169,484.18		
Grand total							64,535	9,346,660.93

CULTIVATION OF TREES ON HOMESTEAD TRACTS.

Revised Statutes, section 2317, in the chapter relating to homesteads, is as follows:

Every person having a homestead on the public domain, under the provisions of this chapter, who at the end of the third year of his residence thereon, shall have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good, thrifty condition, for each and every sixteen acres of such homestead, shall, upon due proof of the fact by two credible witnesses, receive his patent for such homestead.

This is also a bounty for planting timber.

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REFERENCES.

Regulations General Land Office.

Public Land Commission, Preliminary Report, with Testimony, 1880.

Report on the Lands of the Arid Regions of the United States, Prof. J. W. Powell, 1878, Washington, D. C., as to water supply of the arid regions.

Report upon Forestry, vols. 1 and 2, prepared under direction of the Commissioner of Agriculture, in pursuance of an act of Congress approved August 15, 1876, 1878, Franklin B. Hough; containing statistics of lumbering, laws of States and Territories on forestry, suggestions, and a vast amount of practical information on tree culture in all lands. Also, Report of State Forestry Commissioners.

Report from Committee on Public Lands, first session Forty-third Congress (H. R. 259), on cultivation of timber and the preservation of forests, by Mr. Dunnell, of Minnesota, in reference to the special message of President Grant of February 19, 1874, on the subject.

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CHAPTER XXX.

To June 30, 1882.

[See pages 1103–1111.]

To June 30, 1883.

[See page 1291.]

DESERT LANDS.

To June 30, 1880.

SPECIAL AND GENERAL LEGISLATION.

The act of March 3, 1875, providing for the sale of desert lands in Lassen County, California, permitted the entry of 640 acres of land, and required that water be put upon the same by claimants, and the land paid for at the rate of $1.25 per acre, within two years.

March 3, 1877, Congress enacted the "Desert land act," which applies to California, Oregon, Nevada, and Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and Dakota. It is for the reclamation of desert lands, an entry of 640 acres being permitted, and three years are given from the date of filing in which to conduct water on the same. At time of filing application 25 cents per acre is to be paid at the district land office, and on proof of compliance with the law, final payment of $1 additional per acre can be made at any time within three years. All lands, exclusive of timber and mineral lands, which will not, without irrigation, produce some agricultural crop, are deemed and held to be desert land under this act. The determination of what may be considered such desert lands is subject to the decision and regulation of the Commissioner of the General Land Office. (See circulars of General Land Office of June 25, 1878, and September 13, 1880.

Under this act, since March 3, 1877, to June 30, 1880, there have been made 2,855 entries embracing 897,160.57 acres; the first payments received (25 cents per acre) being $223,470.72.

For estimates of areas and conditions of desert lands, see "Report on the Lands of the Arid Region of the United States," by Prof. J. W. Powell, 1878; and for details of irrigation and methods, see "Preliminary Report, with Testimony, of the United States Public Land Commission," 1880.

RESULTS OF THE ACT.

The following table gives full exhibit of totals of operations under this act:

Sales of desert lands under the act of March 3, 1877, to June 30, 1880.

State or Territory.	1877.			1878.		
	No. of entries.	Area.	Amount.	No. of entries.	Area.	Amount.
Arizona	74	39,653.35	$9,665 25	72	29,982.75	$7,499 50
California	467	168,282.79	42,071 13	202	72,818.28	18,204 56
Dakota				5	1,541.00	385 25
Idaho				32	17,916.45	4,479 16
Montana	3	361.65	90 42	107	29,842.01	7,460 52
Nevada	54	18,829.93	4,707 48	255	85,650.96	20,928 59
New Mexico	1	80.00	20 00	17	6,183.62	1,545 91
Oregon	3	1,744.25	436 06	24	10,091.32	2,522 84
Utah	139	42,652.94	10,664 35	162	25,827.58	6,458 47
Washington				6	540.49	135 12
Wyoming				75	18,191.61	4,548 53
Total	741	271,604,91	67,654 69	957	298,586.07	74,168 45

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Sales of desert lands under the act of March 3, 1877, &c.—Continued.

State or Territory.	1879.			1880.		
	No. of entries.	Area.	Amount.	No. of entries.	Area.	Amount.
Arizona	43	14,136.28	$3,434 50	10	2,559.60	$640 00
California	96	23,707.42	5,926 85	77	19,321.60	4,831 29
Dakota	2	720.00	180 00			
Idaho	18	4,592.09	1,148 28	32	10,150.36	2,537 63
Montana	126	38,902.84	9,725 78	134	53,447.74	13,362 03
Nevada	128	29,316.82	7,329 74	77	16,189.48	4,047 57
New Mexico	16	6,570.52	1,642 63	27	8,473.00	2,118 25
Oregon	13	6,115.82	1,528 95	10	3,876.73	969 18
Utah	74	12,704.78	3,177 87	69	12,454.61	3,114 21
Washington	6	1,000.00	250 00	12	2,558.11	639 54
Wyoming	89	26,601.73	6,650 35	98	33,570.06	8,392 93
Total	611	164,368.30	40,994 95	546	162,601.29	40,652 63

RECAPITULATION BY FISCAL YEARS.

Years.	Entries.	Acres.	Amount.
1877	741	271,604.91	$67,654 69
1878	957	298,586.07	74,168 45
1879	611	164,368.30	40,994 95
1880	546	162,601.29	40,652 63
Total	2,855	897,160.57	223,470 72

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CHAPTER XXXI.

To June 30, 1883.

[See pages 1111-1157 and 1292.]

PRIVATE LAND CLAIMS.

To June 30, 1880.

ORIGIN AND NATURE.

Private land claims are a class of titles situated in different sections of country, now constituting a part of the Union, having their origin under the governments preceding the United States in sovereignty.

In virtue of the treaties of cession hereinbefore shown, the area of the public domain has been increased several times its original extent. This immense increase of national territory embraced numerous individual foreign titles founded on written grants or otherwise, in form extending even to nascent claims resting upon actual settlement before change of government. The whole scope of Congressional legislation thereon shows how scrupulously this Government has made provision for fulfilling treaty stipulations and the requirements of public law, so as to secure to individuals their rights which originated under former governments. No nation has shown a higher sense of justice in this respect or a more liberal spirit. We have acknowledged and carried out the principle that, although sovereignty changes, private property is unaffected by the change, and that all claims in this relation are to be maintained sacred, including those in contract, those executory, as well as those executed. Such are the rulings of boards of commissioners for the examination of foreign titles, and the decisions of the district courts and of the Supreme Court of the United States. These courts in their rulings show how zealously private rights have been vindicated and confirmed, while the records of our Government bear evidence of the fact that multitudes of titles, derived under the former sovereignties of Great Britain, France, Spain, and Mexico, depending for validity on their colonial laws (in some very few instances they were direct from the Crown, although usually made through the instrumentality of the governors-general, intendants, subdelegates, and military commandants), have been secured to the lawful owners.

Turning to the national map it will be seen that these private claims or grants, marking the progress of early explorations and settlements on this continent, begin on the northern shores of the Michigan lower peninsula, come down to the old French settlement at and near Detroit, pass over to Green Bay and Prairie du Chien in Wisconsin, enter into Indiana at the old Vincennes post, down the eastern side of the Mississippi, and in Illinois reach Peoria, Prairie du Rocher, and the Kaskaskias, there resting on ancient British and French grants, and all within the limits of the United States according to the treaty of limits in 1783. Thence such ancient claims are found in descending the Mississippi under other forms of grant and granting officers, to the Gulf of Mexico, extending into the southern portions of Mississippi and Alabama, and scattering all over both East and West Florida, crossing the Mississippi and following the shores of the Gulf, they are found thickly scattered over Louisiana, existing in Arkansas, and in great numbers in Missouri.

In those localities south of the thirty-first degree, east of the Mississippi, to the Perdido, and those west of the Mississippi to the present State of Missouri, inclusive,

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the claims are founded on Spanish and French titles, under treaty of 1803 and ancient settlements; those east of the Perdido, in the Floridas, upon Spanish titles under the treaty of 1819, and under old settlements.

In New Mexico, Colorado, Arizona, and California, as we advance westward, there exist ancient Spanish titles, municipal and rural, claimed under the treaty of 1848 with Mexico, and what is known as the Gadsden purchase of December 30, 1853. These claims are for irregular tracts, illy defined, bounded by streams or marked by headlands, or natural objects in many cases since removed. They were made for agricultural, mining, stock-raising, or colonization, in all sizes from a village lot to a million-acre tract. The records kept by the granting authorities of Spain and Mexico have been a serious hindrance in some cases toward a satisfactory solution, being frequently of doubtful meaning.

These titles, in view of the obligations assumed by the United States to respect private property where the same had legal inception under the former governments, have passed under the examination of Congress, and, in other cases, the power of confirmation has been delegated to the district courts, with a right of appeal to the Supreme Court of the United States, by whose labors the edifice of provincial land law has risen to its present complete proportions, but the greater number have been confirmed by the judicial tribunals of the United States and others by direct legislative acts operating upon official reports submitted.

The United States, by the enlargement of the national domain, assumed obligations under the public law, and by treaties, to recognize all titles which had lawful inception prior to the transfer of sovereignty and soil.

A primary and important duty required the separation of private from the public property.

There is no one branch of jurisprudence where greater research and extent of legal erudition have been displayed than in the discussion and determination by the judicial tribunals of the intricate questions which in this connection have arisen.

The rule of recognition of private land claims generally has been a broad one, and they have been confirmed under the largest possible allowance of equity.

Ever since the province of Louisiana was acquired from France by the treaty of 30th April, 1803, the United States have earnestly and patiently sought by every proper expedient to induce persons claiming property in lands by virtue of grant, concession, order of survey, permission to settle, or any other authority whatsoever derived from former sovereigns, to make known their claims to the new Government, in order that their lands might be distinguished from the mass of the vacant domain which had vested in that new Government by the treaty, and which policy and necessity demanded should be surveyed, brought into market, and speedily sold to reimburse the price paid by the United States for the province. In practically carrying out this obvious and just design, many acts were passed, beginning with that of March 2, 1805. They are very numerous, and for the most part have long since been repealed, have expired by limitation, or have become obsolete; some of them applied only to particular districts, others to the whole State; some were of short duration, others were more extended, while others still revived, re-enacted, explained, or modified those preceding; some provided boards of commissioners, with deputy commissioners, before whom the claims were to be presented, while others, and the larger number, made the registers and receivers for the established land districts ex-officio commissioners for receiving and reporting on the claims; some conferred ample, others limited, powers upon the commissioners, and all denounced severe penalties from time to time against those who failed to present their claims.

DECISIONS OF THE SUPREME COURT OF THE UNITED STATES RELATING TO LOUISIANA AND FLORIDA PURCHASES.

The decisions of the Supreme Court of the United States in cases relating to the Louisiana purchase of 1803, and the Florida purchase of 1819, as to grants or private

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land claims, are given below. The principles and law laid down therein fix the rule of interpretation governing this class of claims, under the treaties applicable thereto.

The decisions of the Supreme Court, in cases arising under these treaties, have been:

By the treaty of St. Ildefonso, made on the first of October, 1800, Spain ceded Louisiana to France; and France, by the treaty of Paris, signed the 30th of April, 1803, ceded it to the United States. Under this treaty the United States claimed the countries between the Iberville and the Perdido. Spain contended that her cession to France comprehended only that territory which, at the time of the cession, was denominated Louisiana, consisting of the island of New Orleans, and the country which had been originally ceded to her by France west of the Mississippi. The land claimed by the plaintiffs in error, under a grant from the Crown of Spain, made after the treaty of St. Ildefonso, lies within the disputed territory; and this case presents the question, to whom did the country between the Iberville and Perdido belong after the treaty of St. Ildefonso? Had France and Spain agreed upon the boundaries of the retroceded territory before Louisiana was acquired by the United States, that agreement would undoubtedly have ascertained its limits. But the declarations of France, made after parting with the province, cannot be admitted as conclusive. In questions of this character, political considerations have too much influence over the conduct of nations to permit their declarations to decide the course of an independent government in a matter vitally interesting to itself. (Foster *et al. v.* Neilson, 2 Peters, 306.)

If a Spanish grantee had obtained possession of the land in dispute, so as to be the defendant, would a court of the United States maintain his title under a Spanish grant, made subsequent to the acquisition of Louisiana, singly on the principle that the Spanish construction of the treaty of St. Ildefonso was right, and the American construction wrong? Such a decision would subvert those principles which govern the relations between the legislative and judicial departments, and mark the limits of each. (*Ibid.*, 309.)

The sound construction of the 8th article of the treaty between the United States and Spain, of the 22d of February, 1819, will not enable the court to apply its provisions to the case of the plaintiff. (*Ibid.*, 314.)

The article does not declare that all the grants made by his catholic majesty before the 24th of January, 1818, shall be valid to the same extent as if the ceded territories had remained under his dominion. It does not say that those grants are hereby confirmed. Had such been its language, it would have acted directly on the subject, and it would have repealed those acts of Congress which were repugnant to it; but its language is that those grants shall be ratified and confirmed to the persons in possession, &c. By whom shall they be ratified and confirmed? This seems to be the language of contract; and if it is, the ratification and confirmation which are promised must be the act of the legislature. Until such acts shall be passed, the court is not at liberty to disregard the existing laws on the subject. (*Ibid.*)

By the treaty by which Louisiana was acquired, the United States stipulated that the inhabitants of the ceded territories should be protected in the free enjoyment of their property. The United States, as a just nation, regard this stipulation as the avowal of a principle which would have been held equally sacred, although it had not been inserted in the treaty. (Soulard *et al. v.* The United States, 4 Peters, 511.)

The term property, as applied to lands, comprehends every species of title, inchoate or complete. It is supposed to embrace those rights which lie in contract; those which are executory, as well as those which are executed. In this respect the relations of the inhabitants of Louisiana to their government is not changed. The new government takes the place of that which has passed away. (*Ibid.*)

The stipulations of the treaty ceding Louisiana to the United States, affording that protection or security to claims under the French or Spanish government to which the act of Congress refers, are in the first, second, and third articles. They extended to all property, until Louisiana became a member of the Union; into which the inhabitants were to be incorporated as soon as possible, "and admitted to all the rights, advantages, and immunities of citizens of the United States." The perfect inviolability and security of property is among these rights. (Delassus *v.* The United States, 9 Peters, 117.)

The right of property is protected and secured by the treaty, and no principle is better settled in this country than that an inchoate title to land is property. This right would have been sacred, independent of the treaty. The sovereign who acquires an inhabited country, acquires full dominion over it; but this dominion is never supposed to divest the vested rights of individuals to property. The language of the treaty ceding Louisiana excludes any idea of interfering with private property. (*Ibid.*)

After the acquisition of Florida by the United States, in virtue of the treaty with Spain of 22d of February, 1819, various acts of Congress were passed for the adjust-

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ment of private land claims within the ceded territory. The tribunals authorized to decide on them were not authorized to settle any which exceeded a league square; on those exceeding that quantity they were directed to report, especially, their opinion for the future action of Congress. The lands embraced in the larger claims were defined by surveys, and plats retained. These were reserved from sale, and remained unsettled until some resolution should be adopted for a final adjudication of them, which was done by the passage of the law of the 22d May, 1828. By the sixth section it was provided "that all claims to land within the Territory of Florida, embraced by the treaty, which shall not be finally decided and settled under the provisions of the same law, containing a greater quantity of land than the commissioners were authorized to decide, and above the amount confirmed by the act, and which have not been reported as antedated or forged, shall be received and adjudicated by the judges of the superior court of the district in which the land lies, upon the petition of the claimant, according to the forms, rules and regulations, conditions, restrictions, and regulations prescribed to the district judge, and to the claimants, by the act of 26th May, 1824." By a proviso, all claims annulled by the treaty, and all claims not presented to the commissioners, &c., according to the acts of Congress, were excluded. (United States *v.* Arredondo *et al.*, 6 Peters, 706.)

The validity of concessions of land by the authorities of Spain in East Florida is expressly recognized in the Florida treaty, and in the several acts of Congress. (*Ibid.*)

The eighth article allows the owners of land the same time for fulfilling the conditions of their grants from the date of the treaty as is allowed in the grant from the date of the instrument, and the act of the 8th of May, 1822, requires every person claiming title to lands under any patent, grant, concession, or order of survey dated previous to the 24th of January, 1818, to file his claim before the commissioners appointed in pursuance of that act. All the subsequent acts on the subject observe the same language; and the titles under these concessions have been uniformly confirmed when the tract did not exceed a league square. (*Ibid.*)

A claim to lands in East Florida, the title to which was derived from grants by the Creek and Seminole Indians, ratified by the local authorities of Spain before the cession of Florida by Spain to the United States was confirmed. It was objected to the title claimed in this case, which had been presented to the superior court of Middle Florida, under the provisions of the act of Congress for the settlement of land-claims in Florida, that the grantees did not acquire, under the Indian grants, a legal title to the land: *Held*, That the acts of Congress submit these claims to the adjudication of this court as a court of equity; and those acts, as often and uniformly construed in its repeated decisions, confer the same jurisdiction over imperfect, inchoate, and inceptive titles, as legal and perfect ones, and require the court to decide by the same rules on all claims submitted to it, whether legal or equitable. (Mitchell *et al.* *v.* The United States, 9 Peters, 711.)

Under the Florida treaty, grants of land made before the 24th January, 1818, by his catholic majesty, or by his lawful authorities, stand ratified and confirmed to the same extent that the same grants would be valid, if Florida had remained under the dominion of Spain; and the owners of conditional grants, who have been prevented from fulfilling all the conditions of their grants, have time by the treaty extended to them to complete such conditions. That time, as was declared by the Supreme Court in Arredondo's case, 6 Peters, 478, began to run in regard to individual rights from the ratification of the treaty; and the treaty declares, if the conditions are not complied with within the terms limited in the grant, that the grants shall be null and void. (United States *v.* Kingsley, 12 Peters, 476.)

The treaty with Spain by which Florida was ceded to the United States, is the law of the land, and admits the inhabitants of Florida to the enjoyment of the privileges, rights, and immunities of the citizens of the United States. They do not, however, participate in political power; they do not share in the Government until Florida shall become a State. In the mean time Florida continues to be a Territory of the United States, governed by virtue of that clause in the Constitution which empowers "Congress to make all needful rules and regulations respecting the territory or other property belonging to the United States." (American Ins. Co. *v.* Three Hundred and Fifty-six Bales of Cotton, 1 Peters, 542.)

The object of the treaty with Spain which ceded Florida to the United States, dated 22d February, 1819, was to invest the commissioners with full power and authority to receive, examine, and decide upon the amount and validity of asserted claims upon Spain, for damages and injuries. Their decision, within the scope of this authority, is conclusive and final, and is not re-examinable. The parties must abide by it as a decree of a competent tribunal of exclusive jurisdiction. A rejected claim cannot be brought again under review, in any judicial tribunal. But it does not naturally follow that this authority extends to adjust all conflicting rights of different citizens to the fund

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so awarded. The commissioners are to look to the original claim for damages and injuries against Spain itself; and it is wholly immaterial who is the legal or equitable owner of the claim, provided he is an American citizen. (Comegys *et al. v.* Vasse, 1 Peters, 212.)

After the validity and amount of the claim has been ascertained by the award of the commissioners, the rights of the claimant to the fund, which has passed into his hands and those of others, are left to the ordinary course of judicial proceedings in the established courts of justice. (*Ibid.*)

The treaty with Spain recognized an existing right in the aggrieved parties to compensation, and did not, in the most remote degree, turn upon the notion of donation or gratuity. It was demanded by our Government as matter of right, and as such was granted by Spain. (*Ibid*, 217.)

The right to compensation from Spain, held under abandonment made to underwriters, and accepted by them for damages and injuries, which were to be satisfied under the treaty by the United States, passed to the assignees of the bankrupt, who held such rights by the provisions of the bankrupt law of the United States, passed April 4, 1800. (*Ibid.*)

The King of Spain was the grantor in the Florida treaty; the treaty was his deed; the exception was made by him; and its nature and effect depended on his intention, expressed by his words, in reference to the thing granted, and the thing reserved and excepted in the grant. The Spanish version was in his words, and expressed his intention; and although the American version showed the intention to be different, the Supreme Court cannot adopt it as a rule to decide what was granted, what excepted, and what reserved. (United States *v.* Arredondo *et al.*, 6 Peters, 741.)

Even in cases of conquest it is very unusual for the conqueror to do more than to displace the sovereign and assume dominion over the country. The modern usage of nations, which has become law, would be violated; that sense of justice and of right, which is acknowledged and felt by the whole civilized world, would be outraged if private property should be generally confiscated, and private rights annulled, on a change in the sovereignty of the country by the Florida treaty. The people change their allegiance, their relation to their ancient sovereign is dissolved, but their relations to each other, and their rights of property remain undisturbed. Had Florida changed its sovereign by an act containing no stipulation respecting the property of individuals, the right of property in all those who became subjects or citizens of the new government would have been unaffected by the change. It would have remained the same as under the ancient sovereign. (United States *v.* Percheman, 7 Peters, 51.)

The language of the second article of the treaty between the United States and Spain, of 22d February, 1819, by which Florida was ceded to the United States, conforms to this general principle. (*Ibid.*)

The eighth article of the treaty must be intended to stipulate expressly for the security to private property, which the laws and usages of nations would, without express stipulation, have conferred. No construction which would impair that security, further than its positive words require, would seem to be admissible. Without it, the titles of individuals would remain as valid under the new government as they were under the old. And those titles, so far at least as they were consummated, might be asserted in the courts of the United States, independently of this article. (*Ibid.*)

The treaty was drawn up in the Spanish as well as in the English languages. Both are original, and were unquestionably intended by the parties to be identical. The Spanish has been translated; and it is now understood that the article expressed in that language is, that "the grants shall remain ratified and confirmed to the persons in possession of them, to the same extent," &c., thus conforming exactly to the universally received law of nations. (*Ibid.*)

If the English and Spanish part can, without violence, be made to agree, that construction which establishes this conformity ought to prevail. (*Ibid.*)

No violence is done to the language of the treaty by a construction which conforms the English and Spanish to each other. Although the words "shall be ratified and confirmed" are properly words of contract, stipulating for some future legislation, they are not necessarily so. They may import that "they shall be ratified and confirmed" by force of the instrument itself. When it is observed that in the counterpart of the same treaty, executed at the same time, by the same parties, they are used in this sense, the construction is proper, if not unavoidable. (*Ibid.*)

In the case of Foster *v.* Neilson, 2 Peters, 253, the Supreme Court considered those words importing a contract. The Spanish part of the treaty was not then brought into view, and it was then supposed there was no variance between them. It was not

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supposed that there was even a formal difference of expression in the same instrument, drawn up in the language of each party. Had this circumstance been known, it is believed it would have produced the construction which is now given to the article. (*Ibid.*)

PRIVATE LAND CLAIMS UNDER THE DEFINITIVE TREATY WITH GREAT BRITAIN, SEPTEMBER 3, 1783.

The first private land claims the United States had to consider were within the national domain as settled by the definitive treaty of peace with Great Britain, September 3, 1783. They were in the Northwestern Territory, at Post Vincennes, now in Indiana, and at Kaskaskia, now in Illinois, and up the Mississippi River. These grants or concessions were made to French or British citizens, and others, for agricultural lands, farms, town lots, &c. They were made by French and British military commandants prior to the year 1783, but usually were written upon a small scrap of paper. They were seldom, if ever, recorded in the notary's office, and so were lost or destroyed. One of the royal notaries, during the government of France, ran away with all the records of Post Vincennes. These were mentioned and the lands embraced in them reserved by the State of Virginia in her cession to the Nation of her western lands. Gov. Arthur St. Clair issued a proclamation at Kaskaskia in March 1790, calling upon all claimants to file evidence of their title.

Grants were attempted by John Todd, for Kaskaskia, sent by Virginia to regulate the government of Post Vincennes and the country claimed by the State of Virginia, in his proclamation of June 15, 1789. The British and French commandants of Post Vincennes delegated their authority to grant lands, which they assumed to have, because such usage was the rule with their respective governments, to a court of civil and criminal jurisdiction, whose grants, before 1783, amounted to 26,000 acres, and after that time and to 1787 to 22,000 acres, in parcels of 400 acres to heads of families for house lots. (For details of these grants see American State Papers, vol. 1.) The State of Virginia opened such a court in the year 1780. (See American State Papers, vol. 1, Public Lands; also proclamations of General Gage, British commander, from New York, December 30, 1764, and April 8, 1772.)

These grants were all equitably adjusted by the United States, by aid of a series of commissions and commissioners, running through a space of more than forty years. (See Stats. at Large.)

During the British government of the Northwestern Territory, now Ohio, Indiana, Illinois, Michigan, &c., beginning in the Wabash country, numbers of persons organized themselves into companies for colonization and trading, holding lands, &c. They were organized under different names, such as the Ohio, the Wabash, the Illinois, the Mississippi, and Vandalia companies. These companies claimed a vast region of country extending north of the Ohio, from the Muskingum to and beyond the Wabash and north into Michigan. Some of them obtained permits on conditions which were never fulfilled, and others were in negotiation when the definitive treaty of peace in 1783 ended British rule. Their titles were never confirmed by grants. The Illinois and Wabash Companies claimed several millions of acres on those rivers on titles derived solely from Indian purchases, made in 1773–'75, by unauthorized individuals. Such purchases were expressly forbidden by the King of England in his proclamation of 1763, under which England assumed government of the country embraced within the Northwestern Territory. A commission was appointed, under authority of Congress, which reported against most of their claims.

Among claims of the character above set out was one known as the Captain Carver claim for six or seven millions of acres of land on the east side of the Mississippi River, between the falls of Saint Anthony and Lake Pepin, in Illinois Territory. The alleged grantee claimed title on a deed of gift from the Naudowessie Indians, with whom he passed the winter of 1766–'67, being contrary to the King's proclamation of 1763, in relation to lands held by Indians, which prohibited and forbid such transfers of titles to

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lands or acceptance of the same. Shares were sold in this grant, and its limits can be found marked on the map of the United States published by Melish in 1811–'12. This claim was not confirmed. For a list of land commissioners at various times, beginning with Arthur St. Clair, December 10, 1794, and running through a series of more than 40 years, see Laws Relating to Public Lands, by Matthew St. Clair Clarke, Washington, D. C., 1878.

There were also some large grants made by Col. John Wilkins, British commander near Kaskaskia, Illinois, in favor of J. Edgar and J. M. St. Clair, at Fort Chartres, April 12, 1769. There was no evidence that these grants were ever confirmed by the British Government. August 12, 1800, Gov. Arthur St. Clair, commissioner to adjust titles in the Illinois country and at Vincennes, on the Wabash, under acts of Congress of June 20 and August 28, 1788, issued an act of confirmation, but this was void, because his powers over that part of the territory had ceased July 4 preceding, by the establishment of Indiana Territory. This tract contained about 30,000 acres. For details of these grants and claims for grants, see American State Papers, vol. 1, Public Lands, and "Laws of United States having operation and respect to the Public Lands," Albert Gallatin, Washington, D. C., 1817.

The grants in what is now the State of Michigan were for agricultural lands adjacent to the town of Detroit. Some of these grants dated back to the French discovery and occupation, and came from the French governor of Canada and Louisiana. About the year 1700 they were issued by the commandant of the King, at Detroit; next by the governor and intendant of New France and Louisiana, in the years 1735 and 1737, and confirmed by the King. There were additional grants after this by the same power. After 1763, by proclamation of the King of Great Britain, grants of land were made by the governor of the province of Quebec (of which the present State of Michigan formed a part), until after 1783.

Commissioners were appointed by Congress, under the act of March 26, 1809, to consider and report upon all these claims. (See report of G. Hoffman and Fred. Bates; also of Judge A. B. Woodward, vol. 1 Public Lands, American State Papers)

These claims, as reported, were confirmed upon equitable principles, and were for small tracts of land, and affected a little more than 500 settlers. The largest grants made under the French governors seldom exceeded 360 American acres, but were generally much less. Under British rule there were about 100 claimants for lands held under grants. These are still pending in the General Land Office.

GRANTS IN WEST FLORIDA.

There were a series of grants in what is now the State of Mississippi, within the jurisdiction of the United States, which had been made by the British governors of the British province of West Florida prior to 1783. This province embraced so much of the present States of Alabama and Mississippi as lie north of the parallel 31° north latitude (the present north boundary line of the State of Florida) to a line drawn east across the two States from the mouth of the Yazoo River.

The United States, by the act of Congress of March 3, 1803, provided for the confirmation of these claims, requiring, in the first instance, actual settlement upon the land. These claims have been settled and confirmed. They were few in number, and the area small. (See American State Papers, Public Lands, vols. 1 and 2.)

PRIVATE LAND CLAIMS UNDER THE TREATY OF APRIL 30, 1803, WITH FRANCE, FOR THE PURCHASE OF THE PROVINCE OF LOUISIANA.

April 30, 1803, the United States purchased from France the province of Louisiana. The area embraced within this purchase contained numerous grants and claims for grants alleged to have been issued from under the hand of the agents of the two great colonizing powers which preceded the United States in sovereignty.

The first man that crossed the Mississippi was undoubtedly De Soto, who reached it by land more than two and a quarter centuries ago, taking a northwesterly direction

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from the country of the Appalachicolas in Florida, east of Flint River; and yet the Spaniards had navigated the Gulf of Mexico for nearly two centuries without being aware that the largest river on the globe discharged its waters into that American sea.

In 1672 the French, who had settled a century before in Canada, had learned from the Indians that the sources of a great river running south existed in the vicinity of the lakes. In the year following, Marquette and Joliet crossed the country from Lake Michigan to the Mississippi, descending that river to the Arkansas. A few years later (1679) La Salle set out on an exploration of the Mississippi Valley, and subsequently descended the Illinois to its junction with the Mississippi, passing the mouth of the Missouri, erecting the cross by the Arkansas, and planting the arms of France near the Gulf, taking possession, on behalf of his nation, founding the Fort of Saint Louis, and giving the country the name of Louisiana from his sovereign, Louis XIV. At a later period D'Iberville sailed from Rochelle, in France, reaching (1699) by sea the mouth of the Mississippi. The French, when possessing a great portion of this continent, applied the general name of Louisiana to all the territories south and west of Canada.

More than half a century subsequent to the events just mentioned, D'Abbadie, director-general of Louisiana, granted to Pierre Lequiste La Clede, and company the right to trade with the Indians. On the 15th of February, 1764, he established the site of Saint Louis, the government of the country having been organized in 1765 by Saint Ange, although three years prior to the latter date, by a special act, done at Fontainbleau, November 3, 1762, France, by secret treaty, had ceded Louisiana to Spain; yet it was not until the 21st of April, 1764, that Louis XV dispatched orders from Versailles to the French director-general and commandant, D'Abbadie, in Louisiana, to acquaint the colony with the transfer, which, however, did not pass under actual Spanish domination until 1768, when the captain-general, Don Antonio D'Ulloa, assumed the chief provincial authority, yet was succeeded by the Spanish General O'Reilly, who suppressed the French resistance to the transfer. The political and land administration in Upper Louisiana thereafter passed under the jurisdiction of Lieutenant-Governor Pedro Piernas, 1770; Francisco Cruzat, 1775; Fernando de Leyba, 1778; Francisco Cruzat, 1780; Manuel Pierez, 1787; Zenon Trudeau, 1792; Carlos Dehault Delassus, 1799.

During the administration of these Spanish lieutenant-governors, the granting power of the royal domain was freely exercised in Upper Louisiana, and the records of these grants, which lie at the foundation of the early Missouri titles, are found in the Livres Terreins.

By secret treaty of October 1, 1800, at St. Ildefonso, Spain ceded the province according to its ancient limits to the French Republic, and by treaty of 1803, Napoleon, as First Consul, transferred Louisiana to the United States, Laussat, the French commissioner, having announced this on the 30th of November, 1803, at New Orleans. Thereupon the Spanish Marquis de la Casa Calvo delivered possession, absolving the Spanish subjects who might remain from their oath of fidelity to the Catholic King, the French authority having lasted only from the 30th of November to the 20th of December, 1803, at which latter date the sovereighty was transferred to the United States.

In virtue of the treaties and public acts aforesaid, the United States succeeded to the sovereignty and proprietary ownership of the public land in the vast territory to which La Salle had given its name, and the duty thereupon devolved upon this Government of carrying out the ultramarine land policy of France and Spain in regard to grants valid under treaty, in connection with the American land system under numerous laws which have since been passed by Congress.

The French and Spanish pioneers have left the evidences of their power and the memorials of their peculiar agrarian systems in the diversified, irregular forms of grants, from urban in-lots and out-lots, rural tracts of inconsiderable dimensions, from 100, 200, 300, 800, 1,600, to 7,056 arpens, or a league square, and increasing in extent by tens of thousands of arpens, the arpent of Paris being the standard of provincial measurement.

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The grants made by these Spanish and French governors were within what is now the States of Louisiana, Missouri, and Iowa, and have been generally acted upon by the United States, and confirmed or rejected, except in the State of Louisiana, where there are still some unadjudicated claims now filed for grants or pretended concessions for millions of acres of land. Many of those filed ran through years of litigation.

Among these were several famous claims.

THE BASTROP GRANT.

Bastrop's claim was located on the river Washita, in the Territory of Orleans. This was only a contract between the Spanish governor of Louisiana and Baron Bastrop, by which a tract 12 leagues square was promised to him on condition of his settling thereon 500 families, to each of which 400 arpens of the land was to be allotted gratis. The whole tract was claimed as a fee-simple estate, held under a complete title, but was rejected by the Supreme Court of the United States.

In pursuance of the act of 3d March, 1851, certain claims were presented to the register and receiver at Monroe, La., for confirmation, upon which those officers made a report, 30th July, 1852, which was confirmed by the act of June 29, 1854. The parties who presented said claims generally claimed title under de Bastrop. (10 Stats, p. 299.)

THE MAISON ROUGE CLAIM.

The Maison Rouge claim, also on the river Washita, was of the same nature with the preceding. But the contract was approved by the King of Spain, and a certificate was, subsequent to the cession to the United States, obtained from the Spanish officers, stating that the conditions had been fulfilled by the claimant. There was no patent in either case; and the assent of the King, which, from its being obtained to the contract with Maison Rouge, seems to have been requisite in large grants. It may be generally observed that, the archives and documents relative to the domain of Louisiana not having been left, in conformity with the treaty, in the possession of the United States, the extent of the powers of the governors or intendants to grant land beyond the usual concessions to settlers not being known it was difficult to decide on the validity of many claims. This grant was also rejected by the Supreme Court of the United States.

THE HOUMAS GRANT.

The Houmas claim was for land on the island of New Orleans. This claim was originally for a tract about a league in length, on the left bank of the Mississippi, with a depth of about half a league. The owner having no timber, asked and obtained from the Spanish governor of Louisiana a *back concession* as far as the vacant lands extended. The owners claimed all the land contained between the lines, protracted on one hand to Manchac at the mouth of the Iberville, and on the other to the lower extremity of Lake Maurepas; which would include about 120,000 acres of the most valuable vacant land on the island, but the grant has been decided by the Secretary of the Interior to be valid only to the extent of 42 arpens from the Mississippi River.

LEAD MINES AT GENEVIEVE.

Two extensive claims, of a doubtful nature, were laid to some of the lead mines near Genevieve and other settlements in Louisiana. The first derived from Philip Renaut, to whom a grant had been made in 1723, by the local authorities, and who returned to France in 1744, from which time his claim had lain dormant till the year 1807. The power of the officers who made the grant is doubted; and if the charter of the French western or Mississippi company, was similar to that of Crozat, mines on being abandoned for three years reverted to the Crown. The other rested on an application of St. Vrain Lassus, to the governor of Louisiana, for 10,000 acres to be located on lead mines, salt springs, &c., where, and in as many tracts as, the applicant

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might choose. The governor, in February, 1796, wrote at the bottom of the petition, "granted." But no warrant of survey was given, nor any attempt made to take up any land during the continuance of the Spanish authorities. The present holder of the supposed grant claims, by virtue of it, and efforts are now being made in Congress to secure the confirmation of the same or its equivalent in certificates of location.

DUBUQUE LEAD MINES.

The claim to Dubuque's lead mines in Louisiana, about 500 miles above Saint Louis, now in Iowa, and including 140,000 acres of land, was derived from a cession by the Indian tribe of Foxes, which appears to have been a mere *personal* permission to Dubuque to occupy and work mines as long as he pleased. The confirmation by the Spanish governor of Louisiana, only granted the petitioner's request to keep peaceable possession, according to the tenor of the Indian permission. There was neither order of survey nor patent, but the land was nevertheless claimed as if held under a perfect title.

Toward the close of the last century Julien Dubuque found his way up to this distant point, over 1,600 miles above New Orleans. On the 22d September, 1788, the Renards, the Fox or Ontagami Indians, held a full council at Green Bay. They there declared they had given permission to Julien Dubuque, whom they called Little Night, to work the mines in that locality as long as he pleased, and that they had sold and abandoned to him all the coast and contents of the mine discovered by Peosta's wife, so that no one could make any claim without the consent of the Sieur Julien Dubuque.

Eight years afterward Dubuque petitioned the governor-general of Louisiana, the Baron de Carondelet, at New Orleans, to grant him the peaceable possession of the premises, which he had designated Spanish Mines, in honor of the country of his adoption. The petition was referred to the merchant (Indian trader) Don Andres Todd. In the *information* returned to the governor no objection was interposed to the grant, with the condition that the grantee should observe the royal regulations relative to the trade with the Indians. The concession was made accordingly at New Orleans on the 10th December, 1796, by the governor-general, Carondelet, who was the fourth successor of General O'Reilly, mentioned in the foregoing as having crushed out French resistance to the transfer of Louisiana to Spain, Unzaga, Galvez and Miro having been the intermediate governors. The Dubuque-Chouteau title (Chouteau having become part purchaser) was drawn fully in review thirteen years ago by the Supreme Court of the United States (Chouteau *v.* Molony, 16 Howard), in which it was ruled, in substance, to be merely a privilege to search for mines, and so as a complete or valid allodial title it fell to the ground, having no status against the proprietary rights of the United States in virtue of the treaty of cession in 1803.

The colony established by Dubuque, whose remains lie buried in the bluff, was driven away by the Indians; but white settlements were re-established in 1830; the Indian title was extinguished in 1833.

NEW ORLEANS BATTURE.

This claim rested on a supposed right of alluvion. This is the case in which Mr. Jefferson and Mr. Edward Livingston had their famous contest. The batture was the land made by accretion or deposit of the Mississippi River, in this instance in front of the city of New Orleans. The lands embraced in it were surveyed into squares and lots and sold at auction. The money was deposited to the credit of the Supreme Court of the United States to await decision of the cause. That court decided in favor of the city of New Orleans. One attorney in this cause received a fee of $100,000 (Mr. Grymes). Mr. Webster, Mr. Jefferson, and Mr. Grymes were in this cause for the Government and city, and Mr. Edward Livingston against them. It was claimed that the batture was embraced within the lines of a plantation adjoining New Orleans, purchased from the Crown forty years prior to the cession of Louisiana to the United States.

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REFERENCES.

For form of grants, authorities to Spanish and French governors and intendants, regulations as to use of grants, &c., in the Province of Louisiana, see "Laws Relating to the Public Lands," appendix, 1827.

Also, see U. S. Stats. at Large for the several acts of Congress after 1804, relating to private land claims in the Province of Louisiana, *i. e.*, in the States of Louisiana, Missouri, &c.

Also, see Mr. Gallatin's instructions to the land commissioners in Louisiana and Missouri, to J. B. C. Lucas, C. B. Penrose, and J. L. Donaldson, commissioners on behalf of the United States, September 3, 1806, and November 14, 1806.

See American State Papers, vol. 2, Public Lands.

See "Laws, Charters, and Local Ordinances of Great Britain, France, and Spain," relating to concessions of land in their colonies, J. M. White, 2 vols., 1839.

METHODS OF CONFIRMATION.

Boards of commissioners were instituted by various acts of Congress, beginning on March 2, 1805, for the purpose of investigating these claims, one for Louisiana, two for the Mississippi, and two for the Orleans Territory. The rules prescribed by law to the commissioners have varied according to the nature of the claims respectively coming before them. But the object appears uniformly to have been to guard against unfounded or fraudulent claims, to confirm all bona fide claims derived from a legitimate authority, even when the title had not been completed, and to secure in their possessions all the actual settlers who were found on the land when the United States took actual possession of the country where it was situated, though they had only a right of occupancy. In some cases, also, a right of pre-emption has been granted to persons who had occupied lands in the Mississippi Territory subsequent to the time when the United States had taken possession. The commissioners in that Territory were authorized to decide finally on the claims; they completed their work, and the boards were dissolved. The commissioners for the Territories of Michigan, Indiana, and Illinois were only authorized to investigate the claims, and to report their opinion to Congress. Their respective reports were made years ago, and their confirmations ratified by Congress, and the whole business completed. In the Territories of Orleans and Louisiana, the commissioners were authorized to decide finally on all claims not exceeding one league square, and to report their opinion to Congress on those of a greater extent, or for lead mines.

June 22, 1860, Congress passed an act for the final adjudication of private land claims in the States of Florida, Louisiana, and Missouri.

The act constituted the registers and receivers of the several land offices in Florida, Louisiana, and the recorder of land titles at Saint Louis for the State of Missouri, commissioners to hear and decide, under instructions from the General Land Office, all matters respecting claims to land within their several districts. The law conferred power upon them to receive only such claims as were founded on *written* grants, and hence interdicted action upon any interest founded merely on ancient settlement, when the same was unaccompanied by paper title from the authorities of the former government.

This act was continued in force for three years by act of Congress of March 2, 1867, and was revived, amended, and extended, by the act of June 10, 1872, for three years longer. These statutes authorized the reception and action upon such claims for tracts within the several districts as emanated from any foreign government, bearing date prior to the cession to the United States of the territory out of which the States were formed, or during the period when any such government claimed sovereignty or had the actual possession of the district or territory in which the lands so claimed are situated. This warranted them in receiving and acting, not only upon claims which originated under the former governments while the authorities exercised the granting power *de jure*, before the cession of the country, but also allowed claims to be received which were made by the Spanish authorities while they were in actual occupancy of territory as the government *de facto*. Thus, for example, Spain parted

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with authority over the province of Louisiana by the secret treaty of 1800 at San Ildefonso, when that power ceded Louisiana to France. During the period that elapsed from that time to the cession to the United States in 1803, by Napoleor, the Spanish authorities exercised the granting power; and so, several years subsequent to 1803, Spain, while in occupancy of the ancient province of Louisiana between the Iberville or Manchac and the Perdido, continued to make land concessions; and during this period the grants were, of course, those of the government *de facto*. Titles of this class stood excluded by the ruling of the Supreme Court of the United States in the case of Foster and Elam *v.* Neilson (2 Peters, 253), in which an elaborate decision was rendered by the Chief Justice against their validity under the then existing laws and treaties. By the force and effect of the said acts of 1860 and 1867, a status was given to claims founded on titles from *de facto* governments after the authority *de jure* had passed from them, a principle being thus legislatively recognized which had not previously been admitted in the judicial rulings of the Supreme Court of the United States.

The act of June 12, 1866, provided for the confirmation of outstanding titles in Saint Louis, and so the private land claims and grants have all been adjusted, with exceptions noted, under the definitive treaty of peace with Great Britain in 1783, under the Spanish purchase, and all under the Louisiana purchase of 1803, except in the State of Louisiana.

In the United States surveyor-general's office at New Orleans are filed 784 claims for lands granted under authority of the sovereigns of France or Spain prior to the acquisition of the territory by the United States under the treaty of purchase of 1803.

These claims have been located and surveyed. Many of them were surveyed by the United States in 1830, fifty years ago. They aggregate about 80,000 acres, and in area are from 0.34 of an acre to one of 2,792 acres.

These are now awaiting an act of confirmation by Congress, the full details being given in the report of the surveyor-general of Louisiana, together with a list of such claims now pending. See, also, "Letter from the Secretary of the Interior," of date March 8, 1880, transmitting information as to these claims. (S. Ex. Doc. No. 111, second session, Forty-sixth Congress.)

Relative to private land claims in Louisiana, it would be impossible without a long and tedious examination of the files, containing many thousands cases both patented and unpatented, to approximate with any degree of certainty the number of claims not patented, and for which patent certificates and special plats of survey are on file in the General Land Office.

The claims are disposed of as called up by the parties in interest, or their duly authorized attorneys—*e. g.*, an application being made for a patent in a specific case, an an examination is first made of the files, of which there are alphabetical indexes showing the name of the confirmee, and if the necessary papers are found constituting the basis of patent, they are examined to ascertain that the confirmation is properly set forth therein, which fact must also be carefully inquired into from the records, that the claim is correctly surveyed, and, generally, that the papers are in all respects correct; then, if the examination results satisfactorily, the patent is issued; while, on the other hand, if the papers are not found the party is so advised, and they must be filed before action is taken.

The foregoing statement has reference merely to such cases as are pending upon applications for patents.

The claims, aggregating many thousands, which have been reported by the various boards of commissioners, and confirmed by Congress from time to time, might be properly termed cases in the General Land Office for action, although in numerous instances the papers constituting the bases of patents are not on file there.

The reports are there, however, and as that office is repeatedly called upon to furnish information upon questions of title, they afford ample facilities for that purpose.

This also applies to Alabama, Mississippi, Arkansas, Florida. Missouri, Illinois, Indiana, and Michigan.

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CLAIMS UNDER THE TREATY WITH SPAIN OF FEBRUARY 22, 1819, FOR THE PROVINCES OF EAST AND WEST FLORIDA.

By the eighth article of the treaty of cession with Spain the provinces of East and West Florida were ceded to the United States, provision being made for the protection of the inhabitants in their real possessions.

Immediately after the United States took possession Congress acted upon this matter by passing an act, May 8, 1822, providing for the appointment of commissioners to receive and file claims for cessions prior to January 24, 1818. By the supplemental act of May 23, 1828, provision was made for the final adjudication of all private land claims by the judges of the superior courts of the districts wherein the lands claimed were situated. This act provided a mode of procedure in the courts and for an appeal, in case of judgment against the United States, to the Supreme Court of the United States. Numerous confirmations were made in pursuance of these laws, which were subsequently surveyed by the United States.

The number of *surveyed* private land claims in Florida, as shown by the plats of the same in the "History of Florida," prepared by the surveyors-general of said State, and on file in the General Land Office are 866, embracing a total area of 1,250,519.75 acres.

REFERENCES.

See reports of surveyors-general of Florida in annual reports of General Land Office from 1830 to 1880; Laws, Charters, and Local Ordinances of the Governments of Great Britain, France, and Spain "relating to the concessions of land in their respective colonies," by Joseph M. White; 2 vols. Philadelphia, Pa., 1839; and decisions of the Supreme Court United States, cited on pages 367–370.

PRIVATE LAND CLAIMS UNDER THE TREATY WITH MEXICO OF GUADALUPE HIDALGO, FEBRUARY 2, 1848, AND UNDER GADSDEN PURCHASE OF DECEMBER 30, 1853.

Private land claims and grants, under the authority of the Spanish and Mexican Governments, which were made prior to February 2, 1848 (the date of the treaty of Gaudalupe Hidalgo), in the now Territories of New Mexico and Arizona and States of California and Colorado, were by the eighth article of the treaty with Mexico to be confirmed.

In 1849 J. Butterfield, Commissioner of the General Land Office, called the attention of Congress to these grants—

> It is, then, the obvious and indispensable duty of our Government to take decisive measures for the recognition of good claims, for the extinction of fraudulent ones, and for the selection and withdrawal from the mass of public property of all lands requisite for military fortifications, arsenals, depots, light-houses, or other public uses, so that our system may be unimpeded and free from embarrassment in disposing of the public lands.

July 11, 1849, Hon. Thomas Ewing, Secretary of the Interior, dispatched William Carey Jones, esq., to California and the city of Mexico to examine into the character and condition of land titles in California. His instructions were issued by the Commissioner of the General Land Office July 5, 1849, and were approved by the Secretary of the Interior July 12, 1849. (See report of Agent Jones, Ex. Doc. No. 18, first session Thirty-first Congress.)

March 1, 1849, Capt. H. W. Halleck submitted to Col. R. B. Mason, governor of California, a report on the laws and regulations relative to grants or sales of public lands in California.

This report details the land and land-grant systems which grew up under the auspices of old Spain and Mexico. It showed that it did not rest upon loose, uncertain, unwritten data, but was founded upon written orders, regulations, and decrees, which, from time to time, were promulgated; beginning, in 1773, with instructions from the viceroy of Mexico to the military commandant of the new establishments of San Diego and

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Monterey, authorizing him to grant lands to individuals in the vicinity of missions or pueblos; then upon orders from the viceroy in 1774 to the commandant to assign lots to soldiers marrying baptized Indian women; upon instructions from the viceroy in 1877, to establish two pueblos, and allot lands to the colonists, looking to the requirements of Spanish vessels touching from the East Indies, and to the furnishing supplies to the garrison of the presidios; upon regulations prepared in 1779 by Governor Don Felipe de Neve, and approved by the King in a royal order of 1781, in reference to colonization, erecting pueblos, for distribution of house lots and farm lots ("*solares y suertes de tierras*"), &c.; upon an order in 1791 to the governor, authorizing captains of presidios to grant and distribute lots within a certain specified distance from the center of presidio squares; and, after the Mexican revolution, upon a decree of the republic in 1824, as defined by regulations in 1828, empowering the political chiefs of the territories to grant, with certain exceptions and under limitations, the vacant lands, subject to the approval of the territorial deputation, or of the supreme government of Mexico. Under these successive orders, regulations, decrees, &c., grants were been made by the constituted authorities down to the 7th July, 1846, when the American flag was hoisted at Monterey, and possession taken in the name of the United States.

It appears, further, that the mission establishments were *secularized*, pursuant to a decree of the Mexican Congress in 1833, and became national property. (See H. Ex. Doc. No. 17, first session, Thirty-first Congress. This report also contains tables of land measurements, &c.)

The President urged action on Congress in 1850–'51 in relation to those claims.

September 30, 1851, Samuel D. King, United States surveyor-general of California, in reporting upon the lands in California, said:

> It must be remembered that until within a very few years, and as long as the country remained under the Spanish and Mexican jurisdiction, the lands in this extreme and very sparsely settled portion of their territory were considered as being of very little if any value, except as open ranges for numerous large herds of horses, or for cattle raised solely upon account of their hides and tallow, the then almost only articles of export.
>
> Hence the lands were freely granted away to those desirous of establishing ranches for this purpose, and in large sized tracts. But very few indeed, if any, of these grants were ever actually surveyed under the former governments. The grants, generally, after specifying the length and breadth of the tract, or its area, as being at a particularly designated place, describe it by some general and vague reference to other grants, water-courses, or mountain ranges, or refer to a rough figurative plat or sketch accompanying the application or grant as defining the boundaries.

LEGISLATION BY THE CONGRESS OF THE UNITED STATES—CALIFORNIA.

In pursuance of the provisions contained in the eighth article of the treaty of Guadalupe Hidalgo, the Congress of the United States passed an act which was approved on the 3d of March, 1851 (9 Stats., p. 631), entitled "An act to ascertain and settle the private land claims in the State of California," which provided for the appointment of a commission composed of three commissioners, to continue for three years, with a secretary qualified to act as interpreter, and necessary clerks, and a law agent to represent the United States.

Claimants under Spain and Mexico were required to present their claims to the commissioners, sitting as a board, with the evidence in support of the same.

The commissioners were authorized to issue subpœnas, administer oaths, take testimony, and decide as to the validity of claims; and therein to be governed by the treaty of Guadalupe Hidalgo, the law of nations, the usages and customs of the former government, the principles of equity, and the decisions of the Supreme Court of the United States as far as applicable; and were required to report their decisions to the United States district attorney of the district in which the decision should be made.

Appeal by the claimant and the district attorney was authorized to the United States district court, with further appeal to the Supreme Court of the United States.

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Lands claimed, but claim rejected by the commission or by the courts, or claimed, but claim not presented within two years from date of the act, to be deemed public lands of the United States; and for lands finally confirmed patents to issue, upon surveys thereof to be made by the surveyor general.

It also provided for contesting claims by outside parties, and that final decrees on claims should be conclusive only as between the United States and the claimants.

The act of August 30, 1852 (10 Stats., p. 99), section 12, provided for the appointment of an assistant law agent, and for the filing of transcripts which should operate as an appeal for proceeding thereupon.

The act of January 18, 1854 (10 Stats., p. 265), extended the act of March 3, 1851, one year for determining the claims presented under it, and authorized the board to appoint commissioners, not exceeding three, to take testimony.

By the act of February 23, 1854 (10 Stats., p. 268), certain persons named therein were authorized to present their claims within six months thereafter.

By the act of January 10, 1855 (10 Stats., p. 603), the provisions of the act of March 3, 1851, and of the second section of the act of January 18, 1854, were continued in force for one year from March 3, 1855, and the commissioners, or either of them, were authorized to issue subpœnas.

By the sixth section of the act of March 2, 1855 (10 Stats., p. 632), the judge of the United States circuit court was authorized to sit in the United States district court in cases of appeal from the board of land commissioners.

By the act of May 11, 1858 (11 Stats., p. 287), the United States district court in one district was authorized to issue subpœnas, or *subpœnas duces tecum*, into the other district.

The act of May 18, 1858 (11 Stats., p. 289), provided for the collection, arranging, and safe keeping of the Spanish and Mexican archives in Upper California in the office of the surveyor-general, and prescribed punishment for the alteration, mutilation, concealment, or interpolation of the same.

The second section of the act of May 18, 1858 (11 Stats., p. 290), prescribed punishment for all forms of fraud in titles to lands in California claimed under Mexican authority.

By the act of June 14, 1860 (12 Stats., p. 33), surveys of private land claims in California to be made were required to be published in the manner prescribed; and, on application of any party interested, or of the district attorney on part of the United States, to the United States district court, the survey might be ordered into court, and, upon notice given, the court should hear proofs, &c., and might approve, reject, or order the survey amended. If no order for return of survey into court should be procured, or on final approval of survey by the court, the survey was to be transmitted by the surveyor-general to the Commissioner of the General Land Office, patent was to be issued thereon, and a survey finally determined by publication, order, or decree, was to have the same validity in law as if a patent for the land surveyed had been issued.

All surveys made before this time and approved by the surveyor-general and returned into the district court, or where proceedings were then pending in court for contesting or reforming the same, were made subject to the provisions of the act; and all acts inconsistent were repealed.

By the act of August 6, 1861 (12 Stats., p. 320), the United States district attorneys in California were authorized to certify records on appeal to the United States Supreme Court in cases where the United States was a party.

By the act of May 5, 1864 (13 Stats., p. 69), settlers upon lands within the exterior boundaries of the Rancho San Ramon, confirmed for two leagues, were authorized to contest the correctness of the location of the land confirmed; and if the United States had title to any of said lands, *bona fide* settlers thereon were to have right to enter and receive patent for one hundred and sixty acres, on payment of one dollar and twenty-five cents per acre.

The act of July 1, 1864 (13 Stats., p. 332), repealed the act of June 14, 1860, and all

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inconsistent provisions of law, and provided that surveys of private land claims made under the act of March 3, 1851, should be published by the surveyor-general four weeks, and retained in his office ninety days after first publication; and if no objections were made to the survey within the ninety days, by any party claiming interest, the surveyor-general should transmit it to the Commissioner of the General Land Office for examination and approval; but if objections were made, such objections and proofs produced in support of the same, &c., with copy of the survey, were to be transmitted to the Commissioner by the surveyor-general, with his opinion; and if he approved the survey he should indorse his approval; if he disapproved it, he might require a further report, or proofs to be taken, or might direct a new survey to be made. When survey should be finally approved patent was to be issued thereon.

By section 2 the preceding provisions (section 1) are made to apply to all surveys previously made by the surveyor-general of California which had not been approved by the United States district courts, and were not pending in court for confirmation or correction.

Appeals from decrees of district court lay to the circuit court, and not to the Supreme Court of the United States. When a survey pending in court was ordered back for resurvey, the latter was to be under the supervision of the Commissioner of the General Land Office, and not of the courts.

When the district judge was interested, the district court might order the case transferred to the circuit court, and might also transfer cases affecting title to lands within the corporate limits of any city or town.

Section 5 released right and title of the United States to lands in the city of San Francisco, except certain lands devoted to public use, the release not to affect private rights.

Section 6 made it the duty of the surveyor-general to cause all private land claims finally confirmed, to be surveyed whenever requested by the claimants, on deposit by claimant, in the district court, of a sufficient sum to pay the expenses of survey and publication.

Section 7 made it the duty of the surveyor-general, in making surveys of private land claims, to follow the decree of confirmation as closely as practicable, and of the Commissioner of the General Land Office to require a substantial compliance with this requirement before approving a survey.

By the seventh section of the act of July 23, 1866 (14 Stats., p. 220), persons who, in good faith, had purchased lands of claimants under Mexican grants, which grants had subsequently been rejected, or the lands so purchased excluded on final survey, and had improved and continued in occupation, &c., and where no valid adverse rights existed, were authorized to purchase the same at the minimum price established by law; the right, however, not to extend to lands containing mines of gold, silver, copper, or cinnabar.

Section 8 provided for the survey of the public lands adjoining confirmed private land claims under Spanish or Mexican grants, and the setting off by the surveyor-general of lands in satisfaction of such grants, where a survey was not requested within ten months after the passage of the act, and in case of claims subsequently confirmed, within ten months from the confirmation under the sixth and seventh sections of the act of July 1, 1864.

Section 9 regulated the time for appeals from the United States district court to the circuit court from decrees on surveys of private land claims in California.

The act of June 19, 1878 (20 Stats., p. 172), authorized the claimants of the Mexican grant, Las Cruces, to present their claim to the United States district court for confirmation, if found to be valid, confirmation not to exceed 8,888 acres, and not to affect valid homestead and pre-emption claims nor adverse rights. Claimants to execute releases to parties in possession under valid claims, before confirmation. On rejection of claim, right of appeal was given to Supreme Court. The confirmed claim was to

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be surveyed and, on approval of survey by Commissioner of General Land Office, patent was to issue.

The act of January 28, 1879 (20 Stats., p. 593), made similar provisions in favor of the claimants of La Lolla Rancho.

The act of June 15, 1880 (21 Stats., p. 234), contained an appropriation for translating, copying, indexing, preserving, &c., the original Spanish archives in the office of the surveyor-general.

AREA OF CONFIRMED GRANTS IN CALIFORNIA.

Under these various acts the United States has confirmed in California 538 claims having a total acreage of 8,332,431.924 acres, the smallest being for 1.770, and the largest 133,440.780 acres.

Patents have been issued for a number of these claims upon returns of survey made to the land department from time to time.

In the location of these claims and the proper adjustment of boundaries there has been much difficulty, arising from the defective nature of the original Spanish and Mexican grants and the maps upon which they are based, which in most cases must be referred to in locating the confirmed claim, as the decrees of confirmation in but few instances contain an exact description of the tract, referring to the general original grant and map filed for description.

When the different condition of this country at the period of making those grants and the present time is considered, the causes of difficulty, leading to frequent disputes and contests about boundaries, will be readily understood. Under the former governments lands were granted in large tracts of comparatively little value. There was no scientific surveying system adopted in connection with these grants, their area being given by rough estimate. When a boundary was not a water-course, a sierra, range of hills, or a valley was accepted as a sufficiently definite designation of limits where a few hundred acres were not worth contending for; and so long as the property remained in the hands of the grantees or their descendants, under Mexican rule, this system was sufficient for the purpose and was acquiesced in. But on the transfer of sovereignty to the United States, and the emigration of our people from the Atlantic side, a new state of things was inaugurated. These ranchos passed into other hands; they were cut up and divided, and, under the enterprise and industry of the new settlers, became in many instances valuable agricutltural farms. Our exact surveying system was introduced, and possessions came to be estimated by *acres* instead of *leagues*. It then became indispensable to those who had purchased portions of these grants to know the precise limits of their claims. To this end every means in the power of the land department have been employed.

The following claims are pending in the General Land Office, from California, July 1, 1880:

List of private land claims in California pending in General Land Office.

	Acres.
Miramontes	4,424.120
Posolmi	1,695.900
Corte de Madera del Presidio	7,863.680
Pueblo lands of San José	65,132.060
City lands of Monterey	32,865.550
Mission La Purisima	16,455.540
San Rafael	36,403.320
Buena Vista	2,288.000
Alisal	2,971.260
Las Virgines	8,885.040
San Jacinto Nuevo y Potrero	48,823.670
Los Vallecitos de San Marcos	8,975.170
Arroyo de la Laguna	4,431.990
Tract of land near San Gabriel	50.410
San Vicente y Santa Monica	58,409.630
Boca de Santa Monica	6,658.900
Punta de Pinos	2,666.510

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	Acres.
Cañada de los Nojales	1,199.560
Los Camaritos	20.469
Pueblo of San Francisco	17,754.770
Santiago de Santa Ana	62,516.570
Arroyo del Rodeo	1,473.070
Part of Napa	11,943.140
Tract of land in Mission Dolores	5.860
El Sobrante	20,565.420
Cabeza de Santa Rosa	336.190
San Ramon	4,450.940
Pasa de Bartolo	207.790
Pasa de Bartolo	8,991.220
Rincon de las Salinas	2,220.020
San Pascual	708.570
Total	421,394.339

EXAMPLE OF A SPANISH LAND GRANT IN CALIFORNIA.

The following case is given as an illustration of California grants as presented to the board of land commissioners for adjudication, including the decrees on title:

No. 497.

Claim of heirs of Juan Read to Corte de Madera del Presidio.

[Translation of Espediente.]

Stamp third. Two reales.

Provisionally authorized by the commissariat *ad interim* of the port of Monterey, of Alta California, for the years 1831 and 1832.

Reauthorized for the years 1833 and 1834.

SENOR GOVERNOR AND SUPERIOR POLITICAL CHIEF:

Juan Read, a native of Ireland (of the Roman Catholic religion), and a resident of this Territory for nine years, in the most proper form presents himself before your excellency, and representation makes:

That possessing, by the favor of God, 400 head of neat cattle and 60 horses, and desiring a piece of land where I can, without prejudice to a third party, support and increase them, and live quietly and tranquilly in a property under the protection of this Mexican Republic, I ask of your excellency to be so good as to grant me the place called "Sausalito."

June 27, 1834. JUAN READ.

MONTEREY, *July* 8, 1834.

In conformity with the laws in the matter, the military commandant of San Francisco will report if the party interested in this proceeding has the necessary requisites to be attended to in his petition; if the land which is asked for is comprehended in the 20 border leagues, or in the ten litteral, mentioned in the law of August 18th, 1824; if it is irrigable, dependent on the seasons, or pasture land; if it belongs to the property of any private person, corporation, mission, or pueblo; if the petitioner has a letter of naturalization in the United Mexican States; if there has been any other land granted to him before, and whatever else it is believed will illustrate the matter. This done, the espediente will be passed to the Rev. Father minister of the mission of San Rafael, that he may report what occurs to him.

The Senor Don José Figueroa, general of brigade, commandant general inspector, and superior political chief of Upper California, thus ordered, decreed, and signed, of which I certify.

JOSÉ FIGUEROA,
Senor Superior Political Chief.

AGUSTIN V. ZAMORANO,
Secretary.

The land which Don Juan Read, a resident of this jurisdiction, asks for, is included in the 10 litteral leagues mentioned in the law of colonization of August 18th, 1824, and not in the 20 border leagues spoken of in the same law. The lands are irrigable and partly pasture lands in the cañadas formed by the mountains which compose the same; it belongs to no private person, corporation, or pueblo; the petitioner has no letter of naturalization, although he has proved that he has asked one six years ago in the city, and afterwards in this territory, the which, on account of the vicissitudes or changes of the revolutions, he has not been able to procure. He has also proved that he has served some years under the Mexican flag as 1st mate of a vessel, and that he has been settled with his property on this frontier for three years. In the

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year 1831 there was given him as a loan a piece of land which he afterwards abandoned. He has the requisites to entitle him to be attended to.

San Francisco, August 1, 1834. NEARIANO G. VALLEJO.

SENOR SUPERIOR POLITICAL CHIEF:

The land asked for by Don Juan Read is not among those most important to the mission, although it formerly occupied it with cattle; but in this your excellency will do what you think proper.

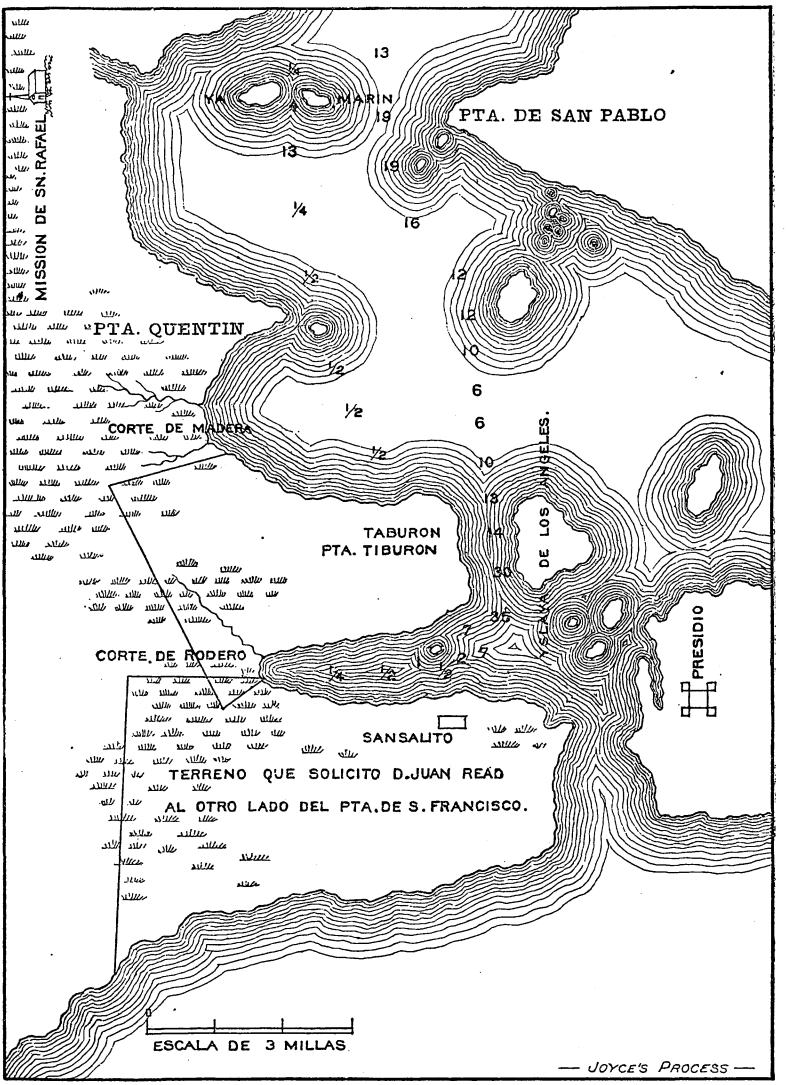
San Rafael, August 12, 1834. Friar JOSÉ LORENZO QUIJA.

MONTEREY, *September* 23, 1834.

Join this to the foregoing.

FIGUEROA.

Sketch or plan of the grant of "El Corte de Madera del Presidio."



SEÑOR GENERAL OF THE TERRITORY OF UPPER CALIFORNIA:

Juan Read, of the Irish nation, before your excellency with due respect presents himself and says: "That not having been able to obtain the place called 'El Sausalito.'

he prays you to be so good as to grant him the place of 'El Corte de Madera del Presidio,' to the Punta del Taburon," as shown by the sketch or plan which your excellency has in your possession. Wherefore I pray your excellency to be so good as to grant my petition, by which I shall receive favor and grace.

JUAN READ.

PUEBLO DE SAN RAFAEL, *September* 4, 1834.

MONTEREY, *September* 23, 1834.

Pass this to the alcalde of this capital, before whom the party of Don Juan Read will produce an examination of suitable witnesses, who will be interrogated on the following points:

1. If the petitioner is a Mexican by birth; if he is married and has children, and if he is of good conduct.
2. If the land asked for belongs to the property of any individual, mission, corporation, or pueblo; if it is irrigable, dependent on the seasons, or pasture land, and the extent it has.
3. If he has stock to put on it, or the possibility of acquiring any. Having finished these proceedings, return this expediente for its decision.

Señor Don José Figueroa, general of brigade, commandant general inspector, and superior political chief of the Territory of Upper California, thus ordered, decreed, and signed, of which I certify.

JOSÉ FIGUEROA.

AGUSTIN V. ZAMORANO, *Secretary.*

MONTEREY, *September* 24, 1834.

Let testimony of three fit witnesses be taken as directed in the foregoing superior decree of the senor superior political chief. Thus I, the constitutional alcalde, ordered, decreed, and signed, with those of my assistance in the established form.

I certify.

MANUEL JIMENO CASARIN.
(Of assistance:)
JOSÉ AGUILA.

(Of assistance:)
JOSÉ JOAQUIN GOMEZ.

On this date present Don Juan Read was notified of the foregoing order, and, having understood it, said he heard it and signed with me and the witnesses of my assistance.

JUAN READ.
(Of assistance:)
JOSÉ AGUILA.

CASARIN.
(Of assistance:)
JOSÉ JOAQUIN GOMEZ.

On the same date present Don David Spence took the oath in due form, by which he promised to tell the truth on what he knew, and was asked; and being asked his name, occupation, country, religion, said: his name was as aforesaid; that he was married, 35 years old, a merchant, a native of Scotland, and a Roman Apostolic Catholic.

Being interrogated on the three points mentioned in the superior decree of the señor political chief of the 23d inst., he said that he knew Don Juan Read; that he was a native of Ireland, but was naturalized in the Republic of Mexico; that he was not married, and was of good conduct; that he also knows the land asked for; that it belongs to the property of no individual, mission, corporation, or pueblo; that said land is not irrigable, but pasture lands, and dependent on the seasons; that the extent is about a league in length and about half a league in width; that, lastly, the said Don Juan Read has stock with which to stock it; that what he has said is the truth under the oath he has taken, and, having read it, ratifies it as his declaration, and signs with me and the assisting witnesses.

DAVID SPENCE.
(Of assistance:)
JOSÉ AGUILA.

CASARIN.
(Of assistance:)
JOSÉ JOAQUIN GOMEZ.

On the same day present Don Juan Malarin. He was sworn in due form to tell the truth in what he knew and was asked; and being asked his name, condition, age,

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occupation, country, and religion, said his name was as above; that he was married; 43 years of age; a merchant; and a native of Lima; and a Roman Apostolic Catholic.

Being interrogated on the three points mentioned in the superior decree of the señor political chief of the 23d inst., he said that he has known Don Juan Read for seven years; that he is a native of Ireland, but is naturalized in the Mexican Republic; that he is not married; and knows him to be of good conduct; that he also knows the land asked for, and it belongs to the property of no individual mission, pueblo, or any corporation; that it is dependent on the seasons and pasture land, and not irrigable; and that in length it is about a league, and in width about half a league; that, lastly, Don Juan Read has stock with which to stock it; that what he has said is true, under the oath he has taken; and having read, he ratifies this as his declaration, and signs with me and those of my assistance.

JUAN MALARIN.
(Of assistance:)
JOSÉ AGUILA.

CASARIN.
(Of assistance:)
JOSÉ JOAQUIN GOMEZ.

On the same day present Don Guillermo Hartnell; he was duly sworn to tell the truth in what he knew and was asked; and being asked his name, condition, age, country, and religion, said his name was as above; that he was married; 36 years of age; a native of England; and a Roman Apostolic Catholic.

Being interrogated on the three points mentioned in the superior decree of the señor political chief of the 23d inst., he said that he knows Don Juan Read; he is a native of Ireland, and naturalized in the Mexican Republic; is not married, and is of good conduct; that he also knows the land asked for; it is within his knowledge that it belongs to the property of no individual, mission, pueblo, or corporation; that said land is not irrigable, but is dependent on the seasons, and pasture land; that it is some more than a league long, and about a half a league wide; and, lastly, that the said Don Juan Read has stock with which to stock it; that what he has said is the truth under the oath he has taken, and being read ratifies as his declaration, and signs with me and the witnesses of my assistance.

GUILLERMO EDWARD HARTNELL.
(Of assistance:)
JOSÉ AGUILA.

CASARIN.
(Of assistance:)
JOSÉ JOAQUIN GOMEZ.

MONTEREY, *October* 2, 1834.

Having seen the petition with which is espediente begins the report of the only military authority of the jurisdiction of San Francisco, that of the father minister of the mission of San Rafael, the last exposition of the petitioner, the testimony of witnesses, with all else presented and proper to be seen in conformity with what is directed in the laws and regulations on the matter, Don Juan Read, naturalized in the United Mexican States, is declared owner in fee of the land known by the name of "Corte de Madera del Presidio" to the point of Taburon, bounded by the mission of San Rafael and the port of San Francisco, subject to the conditions stipulated. Let the corresponding dispatch issue, record it in the proper book, and direct this espediente for the due approbation to the most excellent deputation territorial, in which case the party interested, who will be notified of this decree, will present his title anew to have it revalidated. The Señor Don José Figueroa, general of brigade, commandant general inspector, and superior political chief of the Territory of Upper California, thus ordered, decreed, and signed, of which I certify.

JOSÉ FIGUEROA.

AGUSTIN V. ZAMARANO,
Secretary.

(Here follows copy of former title to the same as translated in document on page 386, marked B.)

AUGUST *27th*, 1835.

In session of this day the most excellent deputation passed this to the committee on vacant lands.

FIGUEROA.

JOSÉ MARIA MALDONADO,
Secretary.

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MOST EXCELLENT SEÑOR: The committee on vacant lands, charged with the espediente, which was ordered formed on the petition of Citizen Juan Read for the place called Sausalito, not finding any objection, and being in every respect conformable to the law of August 18, 1824, and art. 5 of the regulation of November 21, 1828, offer to the deliberation of your excellent body the following proposition:

Approved the grant made to Citizen Juan Read of the place called Sausalito on the 2d of October, 1834.

Monterey, August 28, 1835.

JOSÉ CASTRO.

AUGUST 29, 1835.

In session of this day, the most excellent deputation approved the foregoing report, and directed the espediente to be passed to the superior political chief for his conclusion.

JOSÉ CASTRO.

JOSÉ MARIA MALDONADO, *Secretary*.

B.

Translation of title and of juridical possession. Stamp first—seal—six dollars. For the years one thousand eight hundred thirty-two and one thousand eight hundred and thirty-three.

CIVIL GOV'T OF UPPER CALIF'A.

José Figueroa, general of brigade of the Mexican Republic, commanding general, inspector and superior political chief of Upper California.

Whereas Don Juan Read, naturalized in the United States of Mexico, has for his own personal benefit, and that of his family, asked for the land known by the name of "Corte de Madera del Presidio," as far as "la Punta del Taburon," bounded by the mission of San Rafael and the port of San Francisco, the proper measures and examinations being previously made, as required by laws and regulations, using the powers which are conferred on me, in the name of the Mexican nation, I have by decree of this day granted to the aforesaid Don Juan Read the above-mentioned land, declaring to him the ownership of it by these presents; said grant being understood to be in entire conformity with the laws, subject to the approval or disapproval of the most excellent territorial deputation, and of the supreme government, and under the following conditions:

1. That he will submit to these (conditions) which may be established by the regulation which is to be formed for the distribution of vacant lands, and that in the mean time neither the grantee nor his heirs can divide or alienate that which is granted to them, subject it to any tax, entail, pledge, mortgage, or other incumbrance, even for pious purposes, nor convey it in mortmain.

2. He may inclose it without prejudice to the crossings, roads, and servitudes; he will enjoy it freely and exclusively, applying it to the use and cultivation which may best suit him, but within one year, at farthest, he will build a house, and it will be inhabited.

3. When the ownership is confirmed to him he will request the proper magistrate to give him juridical possession in virtue of this patent, by whom the boundaries will be marked out, in the limits of which he will place some fruit or forest trees of a useful character.

4. The land of which donation is made is one square league, a little more or less, as shown by the map which goes with the *expediente*. The magistrate who may give the possession will cause it to be measured in conformity with the ordinance, in order to mark out the boundaries, leaving the surplus which may result to the nation for its convenient uses.

5. If he contravene these conditions he will lose his right to the land, and it will be denounceable by another person.

In consequence, I order that this present serving him for a title, and being held as firm and valid, note be made of it in the corresponding book, and it be delivered to the person interested, for his security and other purposes.

Given at Monterey on the second of October, eighteen hundred and thirty-four.

(Signed) JOSÉ FIGUEROA.
(Signed) AGUSTIN V. ZAMORANO, *Secretary*.

Note has been made of the title (in the book of entries) of grants of lands on folio 54, number 52, which exists in the secretaria in my charge. In Monterey, on the 2d of October, 1834.

(Signed) ZAMORANO.

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Stamp third. Two reales.

Provisionally authorized by the maritime custom-house of the port of Monterey for the years 1833 and 1834. (Signed) Figueroa. (Signed) José Rafael Gonzales.

To the Constitutional Alcalde:

Juan Read, naturalized in the United States of Mexico, and resident of the port of San Francisco, owner of the rancho of Corte de Madera, as I may best proceed in law, appear and say: That as appears by the title which I present with the necessary solemnity and oath, I have in my said rancho one square league, within the boundaries expressed in said title; and as it is necessary for me that it should in all time appear how far they reach, and if any of the neighbors prejudice me or I any of them, you will be pleased to order that, after usual official acts of identity, view, and examination, and summoning the colindantes (the possession of my said lands be proceeded to), for which purpose I appoint now, and for when the time may arrive, as measurer, José Antonio Galindo, resident of this port, skillful in these matters, and let the others who may be interested appoint one on their part, and this being done, let those whom they may appoint, and the said Galindo by me appointed, appear, accept, swear, and in conformity proceed to said measurements.

Wherefore I pray you that, admitting this document, you will have the goodness to order as I have asked, and, being finished, to return me said title, with the original official acts, which may be made, for the security of my right, this petition, and whatever else may be necessary.

(Signed) JUAN READ.

In the port of San Francisco on the twenty-fifth of November, 1835, before me the citizen constitutional alcalde, this petition was read, and having been seen it was admitted, with the document it refers to, and I order that the neighbors being summoned, information be taken of identity, view, and examination of said lands, at which I, said alcalde, am ready to assist personally. I thus provided, ordered, and signed with those of my assistance.

(Sg'd) FRANCISCO DE HARO.

Assisting witnesses:

(Sg'd) EUSEBIO GALINDO.
(") FRANCISCO SANCHEZ.

In the aforesaid port of San Francisco, on the twenty-sixth day of the month of November, 1835, I, the aforesaid constitutional alcalde, with those of my assistance, in order to proceed to the information of identity, caused to appear before me citizen José de la Cruz Sanchez, resident of said port of San Francisco, by occupation a laborer, and married, of whom I received oath, which he made by God and the sign of the holy cross in form, under which he promised to speak the truth; and being asked for the knowledge he has of the lands, places, terminations, and boundaries pertaining to the rancho of Corte de Madera, he said: That for thirty-six years he has been a resident of this jurisdiction, and knows that the lands belonging to said rancho are of citizen Juan Read, and that it has for boundaries, on the side of the port of San Francisco, to the south the bay formed by the Punta de Taburon and the Punta de Caballos, which, running inland from east to west, ends in a short creek, and a cañada, which follows the same direction as far as a forest of redwood trees, which is called "El Corte de Madera del Presidio," on the part of the town of San Rafael; on the north, the arroyo called "Holon" and the forest of redwood trees called also "Corte de Madera de San Pablo;" on the east by said Point Taburon, which is in front of the island called Los Angeles, all which he has seen and examined various times, and that since the said Don Juan Read has possessed them he has worked and cultivated them, and his cattle have pastured on them; and, for the proof of the knowledge and that which he has said, he is ready to go to said lands with the present alcalde, and point out to him the places, lands, and boundaries—how far they reach, and that what he has said is true by the oath which he has made, which he affirmed and ratified. He declared that he was thirty-six years old, and that the legal exceptions do not affect him; and he signed it with me.

JOSÉ DE LA CRUZ SANCHEZ.
FRANCISCO DE HARO.

Assisting witnesses:

EUSEBIO GALINDO.
FRANCISCO SANCHEZ.

On said day, month, and year, I, the aforesaid alcalde, caused to appear before me, and those of my assistance, citizen Tomas Jeremias, by occupation a laborer, and

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married, of whom I received oath, which he made by God and the sign of the holy cross in form, under which he promised to speak the truth, and being asked for his knowledge of the lands and places, limits and boundaries pertaining to the rancho of "Corte de Madera" he said: That for fifteen years he had resided in this jurisdiction, and knows that the lands pertaining to said rancho are of citizen Juan Read, and they have for boundaries on the part towards the port of San Francisco, on the south the bay formed by Point Caballos and Point Taburon on the east, which running inland to the west ends in a small estero, and a cañada which follows the same direction to a thicket of redwood trees called "Corte de Madera del Presidio," which lies at the foot of the high peak of the same name; on the north and towards the pueblo of San Rafael, the boundary with the latter is an arroyo called "Olon," and a forest of redwood trees called also "Corte de Madera de San Pablo"; and on the east the aforesaid Point Taburon, all which he has seen and recognized many times, and that since the aforesaid citizen Juan Read has possessed them, he has worked and cultivated them, and pastured his cattle on them; and in proof of the description which he has given, he is ready to go with the present alcalde and point out to him the limits, places, and bounds, how far they extend; and that what he has said is true under the oath which he has made, which he affirmed and ratified. He declared that he was thirty-one years old, and that the legal exceptions do not affect him, and he signed it.

(Signed) TOMAS JEREMIAS JONES.

Assisting witnesses:
(Sgd) EUSEBIO GALINDO.
(") FRANCISCO SANCHEZ.

In continuation, I, the aforesaid alcalde, caused to appear before me, also, and those of my assistance, citizen Manuel Sanchez, by occupation a laborer, of whom I received oath which he made by God, and the sign of the holy cross, in form, under which he promised to speak the truth, and being asked for his knowledge of the lands, limits, and boundaries pertaining to the rancho of "Corte de Madera" he said that for twenty-eight years he has been a resident of this jurisdiction and knows that the lands of the aforesaid rancho are of citizen Juan Read, and they have for boundaries on the part towards the port of San Francisco, on the south the bay formed by Points Caballos and Taburon on the east, which running inland to the west terminates in an estero, and a cañada which follows the same direction as far as a forest of redwood trees, called "Corte de Madera del Presidio," which lies at the foot of the high peak of that name; on the north towards the pueblo of San Rafael, the boundary is an arroyo called "Holon" and a forest of redwood trees, which is also called "Corte de Madera de San Pablo"; and on the east they terminate in said Point Taburon; all which he has seen and examined many times; and that since the aforesaid Don Juan Read has possessed them, he has worked and cultivated them and pastured his cattle on them; and in proof of the description which he has given, he is ready to go to said lands with the present alcalde, and point out to him the places, limits and bounds where they reach to, and that what he has said is true by the oath which he has made, which he affirmed and ratified. He declared that he was twenty-eight years old, and the legal exceptions do not affect him, and he signed it.

(Sgd) MANUEL SANCHEZ.
(") FRANCISCO DE HARO.

Assisting witnesses:
(Sgd) EUSEBIO GALINDO.
(") FRANCISCO SANCHEZ.

Being in the fields in the place named "Corte de Madera del Presidio de San Francisco" on the twenty-seventh day of the month of November, one thousand eight hundred and thirty-five, I, the constitutional alcalde, acting in virtue of my office, with two assisting witnesses, for want of a public notary, the witnesses by me examined, present Citizen Juan Read, owner of said lands, and Citizen Fernando Feliz, on the part of the pueblo of San Rafael, as mayor domo of said pueblo and community, the only colindante on the north, I proceeded to see and examine the lands of said rancho, and for greater clearness mounting on horseback, in company with both the parties and witnesses referred to, I ordered the latter to point out to me the places, limits, and boundaries of them according to the signs which they have declared in their depositions; and in conformity they led the way to the west to a cañada where they showed me a forest of tall trees, which they call redwoods, in the cañada itself, and some little valleys which form the base of the high peak called "Palmos," which forest is called "Corte de Madera del Presidio"; a little brook with a willow thicket, and the remains of a rancheria called "Animas"; thence continuing the examination and view of said lands they led me north to another arroyo and forest of redwood trees called also "Corte de Madera de San Pablo"; and they said it was the boundary with

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the pueblo of San Rafael; and thence continuing the examination south as far as Point Taburon, which they said was the limit in that direction, we continued to the west to the point of an estero which empties into the bight formed by said Point Taburon and Point Caballos on the south, and which ends at the entrance of said cañada, where is situated the home of the owner of said lands, Don Juan Read, the arroyo, willow thicket, and forest of redwood trees named "Corte de Madera del Presidio" aforesaid, which they said was the last boundary of the said lands pertaining to the rancho referred to of "Corte de Madera" of Señor Read; which places, I, the constitutional alcalde, saw and examined, with those of my assistance and said witnesses, and the papers presented having been compared with said examination, the identification of the aforesaid lands proved to be certain according to the declarations of the witnesses, and in testimony I make official record of it and sign it with those of my assistance and others who knew how, to which I certify.

(S'g'd) HARO.
" FERNANDO FELIZ.
" JOSÉ DE LA C. SANCHEZ.
" TOMAS JEREMIAS JONES.
" MANUEL SANCHEZ.

Assisting witnesses:
(Signed) EUSEBIO GALINDO.
" FRANCISCO SANCHEZ.

Immediately I, the constitutional alcalde, said that in order to proceed to the measurements contained in these acts, I order that Citizen Juan Read be notified to ratify the appointment of measurer, as, also, that the colindantes by common consent appoint on their part another, in view of the scarcity of men (being too great) for each one to appoint his own; both of those appointed being skilled in matters of measurements; and that those who may be appointed, appear, accept, and take oath, and this being done I am ready to designate a day for said measurements. I thus provided, ordered, and signed with those of my assistance.

Assisting witnesses:
(Sg'd) HARO.
(Sg'd) EUSEBIO GALINDO.
" FRANCISCO SANCHEZ.

On the same day, month and year, I, the constitutional alcalde, read and made known the act referring to them as herein contained, to Citizen Juan Read, and the colindantes, in their persons which I know, and having heard and understood it, they said that they heard it and the first, that he ratified his appointment of Citizen José Antonio Galindo, and the second appointed the Indian Neri, both skillful and fully competent, whom I notified to appear, accept, and swear, and this being done proceed to said measurements, as is ordered; this they replied, and those who knew how signed.

I certify.

(Sg'd) HARO.
" FERNANDO FELIZ.
" MANUEL SANCHEZ.
" TOMAS JEREMIAS JONES.
" JOSÉ DE LA C. SANCHEZ.

Assisting witnesses:
EUSEBIO GALINDO.
FRANCISCO SANCHEZ.

In the rancho named "Corte de Madera (del Presidio de San Francisco)" on the twenty-fifth day of November, one thousand eight hundred and thirty-five, I, the constitutional alcalde acting in virtue of my office with two assisting witnesses for want of a notary public, read and made known the act referring to them, and their appointment of measurers to Citizens José Antonio Galindo and the Indian Neri, the former resident of the port of San Francisco, and the second of the pueblo of San Rafael, in their persons, which I know; and having heard and understood it they said that they accept said charge of measurers and they made oath by God our Lord and the sign of the cross, in form, that they would use said office well and faithfully to the best of their knowledge and understanding; and that they will make said measurements faithfully and legally, as is their obligation without deceit or fraud against any of the parties; they thus replied, and did not sign, not knowing how.

FRANCISCO DE HARO.

Assisting witnesses:
EUSEBIO GALINDO,
FRANCISCO SANCHEZ.

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In continuation, having seen the acceptance and oath made by Citizen José Antonio Galindo and the Indian Neri, appointed measurers for said measurements, I said that in order to proceed to them I was designating and I did designate the twenty-eight day of the present month at eight o'clock in the morning; and let the party and the measurers be informed of it, the colindantes and neighbors being summoned. I thus provided, ordered and signed with those of my assistance.

HARO.

Asstg. witnesses:
EUSEBIO GALINDO,
FRANCISCO SANCHEZ.

Immediately the foregoing act was made known to the party interested, Don Juan Read, to the measurers, Jose Antonio Galindo and the Indian Neri, and having heard it they acknowledged notice, and (except the latter) the first signed it with the present alcalde, and those of assistance.

HARO.

Asstg. witnesses:
EUSEBIO GALINDO,
FRANCISCO SANCHEZ.

On the same day, month, and year written summons were issued to Citizen Fernando Feliz, mayor domo of the pueblo of San Rafael, to appear, on the part of the pueblo as only colindante the next twenty-eighth day, in the aforesaid rancho of "Corte de Madera del Presidio," at eight o'clock in the morning; and in testimony I signed it with those of my assistance.

HARO.

Asstg. witnesses:
EUSEBIO GALINDO,
FRANCISCO SANCHEZ.

In the rancho of "Corte de Madera," on the twenty-eighth day of the month of November, one thousand eight hundred and thirty-five, present Citizen Juan Read, and the neighbors to said lands, I caused to appear before me and those of my assistance, Citizens José Antonio Galindo and the Indian Neri, appointed measurers, whom I ordered to take a rope and measure off fifty varas with a vara measure of four Castilian palms, and in effect the aforesaid measurers, in my presence, measured on a rope, twisted and well stretched, with a sealed Mexican vara measure, in due form, as many as fifty varas, which measurement was made faithfully and legally in the sight, knowledge and presence of the person interested and the neighbors; wherefore I ordered that it be officially recorded, and that said measurements be proceeded to as is ordered; and in testimony I certify and sign it with those of my assistance.

HARO.

Asstg. witnesses:
EUSEBIO GALINDO,
FRANCISCO SANCHEZ.

Being in the field and lands pertaining to the rancho of "Corte de Madera," of Don Juan Read, Saturday, the twenty-eighth of November, eighteen hundred and thirty-five, I, the constitutional alcalde of the port of San Francisco, *de assis*, acting in virtue of my office, with two assisting witnesses, for want of a notary public—present, Citizens José Antonio Galindo and the Indian Neri, appointed measurers by the party interested, and colindantes—I ordered them to proceed to the measurement of one square league of land, which, a little more or less, pertains to the rancho of "Corte de Madera," according to the title and map presented; in obedience to which, having again measured and examined the rope, they commenced said measurements from the solar, which faces west, and standing at the slope and foot of the hills which lie in that direction, and on the edge of the forest of redwoods, called "Corte de Madera del Presidio," they commenced said measurements, and going from S. to N. they measured to an arroyo called "Holon," where, is another forest of redwood, called "Corte de Madera de San Pablo," ninety cordels of fifty varas, and the person interested fixing there a known point as a mark, said that he would place a bound; from this point, taking a direction from north to south, the measurement was continued to Point Taburon; and they measured two hundred cordels, and said point serving as a mark and limit, he promised to place there the corresponding bound; thence continuing the measurement from east to west to the mouth of the cañada, and the point of the "sausal," which is near the estero, lying east of the house of the person interested, which is at present on the rancho, there were measured ninety-four cordels; and from this last point continuing the measurement from east to west, along the last line, to the place of beginning; they finished by measuring sixteen cordels, so that the

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square league of land which the rancho of "Corte de Madera" contains forms a square of twenty thousand Castilian varas, which, being regulated by said measures, they declared Citizen Juan Read to be informed of the lands which belonged to his rancho, according to the title and map at the head of this *expediente*, so that no third party is injured.

Wherefore said Citizen Don Juan Read pulled up various herbs and stones and threw them to the four winds, in sign of his legal and legitimate possession. And at this period the constitutional alcalde ordered said Read, for the permanence and clearness of the boundaries which have been mentioned, to make, at his own cost and expense, bounds of masonry more than a vara high, that it may in all time appear, they be observed and kept as limits and boundaries of his lands by the others, neighbors thereto. And he prayed for a testimony that said measurements were made quietly and peaceably, without contradiction by any person, and I, the constitutional alcalde of the port of San Francisco, acting in virtue of my office, with two assisting witnesses for want of a notary public, give it that everything was done as has been said, and that the aforesaid measurements were executed to the best of the knowledge and understanding of the measurers, as they deposed, without deceit or fraud against any person; and for greater security and the ratification of the oath which they have made, they did not sign, not knowing how, and the others who knew how, and were present, did so before me and those of my assistants.

(Signed) FRANCISCO DE HARO.
" MANUEL SANCHEZ.
" JOSÉ DE LA C. SANCHEZ.
" FERNANDO FELIZ.
" TOMAS JEREMIAS JONES.

Assisting witnesses:
(Sd.) EUSEBIO GALINDO.
" FRANCISCO SANCHEZ.

To the honorable commissioners to settle private land claims in California:

The petitioners, Hilaria Sanchez de Read, widow, and Juan Read, Hilaria Read, Ynez Read, and Ricardo Read, children of Juan Read, deceased, respectfully show:

That on the 2d day of October, 1834, José Figueroa, governor of California, by virtue of authority in him vested, granted to the aforesaid Juan Read the tract of land called "Corte de Madera del Presidio," situate in the present county of Marin, containing one square league of land, a little more or less, as described in the original grant and map, which grant was duly proved.

That on the 28th day of November, A. D. 1835, the said tract of land was duly measured, and the juridicial possession of it given to the grantee in due form of law.

In proof of which they submit herewith the original grant, map, and record of juridical survey and possession, marked "A," with a translation, marked "B;" and they further represent that the original grantee and the petitioners, his widow and heirs, have been for more than seventeen years, and the petitioners now are, in the quiet, peaceful, and undisputed possession of said tract of land.

That the said Juan Read died on the 29th day of June, A. D. 1849, leaving the petitioners, his widow and only children.

That they know of no conflicting claim.

That they rely for confirmation of title upon the original papers submitted herewith, upon the records and notes in the archives of the former government, now in the charge of the surveyor-general, and upon such other and further proofs as they may be advised are necessary.

Wherefore they pray the commissioners to confirm to them the aforesaid tract of land.

By their attorneys,

HALLECK, PEACHY & BILLINGS.

Filed in office December 23, 1852.

GEO. FISHER, *Sec'y.*

Amended petition.

Honorable board of U. S. land commissioners to ascertain and settle private lands in California.

By leave of the court, granted on this 13th June, 1854, by an order made on the motion of A. C. Peachy, claimants' counsel, for the reasons set forth in said motion and order, the following amended petition is filed in this case:

The petitioners, Hilaria Sanchez de Read, widow of Juan Read, deceased, and mother of Richard Read, deceased, who was an infant, heir of the said Juan and John Read, Hilaria Read, and Ynez Read, children of the said Juan, respectfully show:

That on the 2d day of October, 1834, José Figueroa, governor of California, by virtue

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of authority in him vested, granted to the aforesaid Juan Read the tract of land called Corte de Madera del Presidio, situated in the present county of Marin, containing one square league of land, a little more or less, as described in the original grant and map, which grant was duly approved.

That on the 28th day of November, A. D. 1835, the said tract of land was duly measured, and the juridical possession of it given to the grantee in due form of law, for proof of which they submit herewith the original grant, map, and record of juridical survey and possession, marked A, with a translation, marked B.

And they further represent that the original grantee, and the petitioners, his widow and heirs, have been for more than seventeen years, and the petitioners now are, in the quiet, peaceful, and undisturbed possession of the said tract of land.

That the said Juan Read died on the 29th day of June, A. D. 1849, leaving the petitioners, his widow and children, and a child named Richard Read, who is hereinafter mentioned, his only heirs.

That on or about the first of October, 1853, the said Richard Reed, aged about thirteen years, died, leaving the petitioners his only heirs.

That the petitioners knew of no conflicting claim. That they rely for confirmation of title upon the original papers submitted herewith, upon the records and notes in the archives of the former government, now in charge of the surveyor gen'l, and upon such other and further proofs as they may be advised are necessary. Wherefore they pray the commissioners to confirm to them the aforesaid tract of land.

HALLECK, PEACHY & BILLINGS,
Atty's for Claimants.

JUNE 13, 1854.
Filed in office June 13, 1854.

GEO. FISHER, *Sec'y.*

HEIRS OF JUAN READ
vs.
THE UNITED STATES.

For the place called Corte de Madera del Presidio, in Marin County, containing one square league of land.

The traced copy of the *espediente* which is filed in this case shows that Juan Read petitioned the governor in 1834 for a grant of the place called Sausalito; that, not being able to obtain the land solicited, he filed another petition, dated September 4, 1834, for the land claimed in this case, and after proceedings to obtain information on the subject, the governor issued to him a grant, which is given in evidence, and bears date October 2, 1834. In August following the Territorial deputation approved the grant, and juridical possession was given under it, as appears by the documentary proof thereof filed in the case on the 28th day of November, 1835. It appears from the testimony in the case that said Juan Read had a house on the place as early as 1833, in which he lived with his family; that he continued to reside there until his death, and after his decease his family remained in possession, and the representatives of his heirs still occupy the place. There is also proof of cultivation and improvements on the premises.

By the testimony of Francisco Sanchez and J. J. Papy, the death of said Juan Read and the right of the present claimants, as his widow and children, and his only heirs, are proved. They are entitled to a decree of confirmation.

Confirmed.

Filed in office June 13, 1854.

GEO. FISHER, *Sec'y.*

HEIRS OF JUAN READ
vs.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the said claim of the petitioners is valid, and it is therefore hereby decreed that the same be confirmed.

The land of which confirmation is hereby made is the same on which said Juan Read resided in his life-time; is known by the name of Corte de Madera del Presidio; is situated in Marin County, and bounded as follows, to wit: Commencing from the solar which faces west at a point at the slope and foot of the hills which lie in that direction, and on the edge of the forest of red-woods called Corte de Madera del Presidio, and running from thence in a northwardly direction four thousand five hundred varas to an arroyo called Holon, where is another forest of red-woods called Corte de Madera de San Pablo; thence by the waters of said arroyo and the bay of San Francisco, ten thousand varas to the Point Taburon, said point serving as a mark and limit; thence running along the borders of said bay and continuing in a westerly direction along the shore of the bay formed by Point Caballos and Point Taburon,

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four thousand seven hundred varas to the mouth of the cañada and the point of the "Sausal" which is near the estero lying east of the house on said premises, which was occupied by said Juan Read in November, 1835, and thence continuing the measurement from east to west along the last line eight hundred varas to the place of beginning; containing one square league of land, be the same more or less; being the same land described in the testimonial of juridical possession on file in this case, as having been measured to said Juan Read under a grant of the same to him; to which testimonial and the map therein referred to, and constituting a part of the *espediente*, a traced copy of which is filed in the case, reference is to be had.

ALPHEUS FELCH,
R. AUG. THOMPSON,
Commissioners.

Filed in office June 13, 1854.

GEO. FISHER, *Sec'y.*

In the United States district court for the northern district of California. Stated term, January 14, 1856.

THE UNITED STATES, APPELLANTS, *vs.* HEIRS OF JOHN READ, APPELLEES. } "Corte de Madera del Presidio." Transcript from board of coms., No. 497.

On appeal from the final decision of the board of commissioners to ascertain and settle private land claims in the State of California.

Decree.

This cause came on to be heard at a stated term of the court, on appeal from the final decision of the board of commissioners to ascertain and settle the private land claims in the State of California, under the act of Congress approved on the 3d day of March, A. D. 1851, upon the transcript of the proceedings and decision of the board of commissioners, and the papers and evidence on which the said decision was founded; and it appearing to the court that the said transcript has been duly filed, according to law, and counsel for the respective parties having been heard, it is, by the court, hereby ordered, adjudged, and decreed that the said decision be, and the same is hereby, in all things affirmed; and it is likewise further ordered, adjudged, and decreed, that the claim of the appellees is a good and valid claim, and that the said claim be, and the same is hereby, confirmed to the extent and quantity of one square league, being the same land described in the grant and of which the possession was proved to have been long enjoyed: Provided that the said quantity of one square league, now confirmed to the claimants, be contained within the boundaries called for in the said grant, and the map to which the grant refers; and if there be less than that quantity within the said boundaries, then we confirm to the claimants that less quantity.

OGDEN HOFFMAN, JR.,
U. S. Dist. Judge.

Endorsed: Filed January 14, 1856.

W. H. CHEVERS,
Deputy Clerk.

At a stated term of the district court of the United States of America for the district of California, held at the court-room, in the city of San Francisco, on Thursday, the second day of April, in the year of our Lord one thousand eight hundred and fifty-seven.

Present: The Honorable Ogden Hoffman, district judge.

THE UNITED STATES *vs.* HEIRS JUAN READ. } D. C., 183, L. C. 497.

The Attorney-General of the United States having given notice that appeal will not be prosecuted in this case, and a stipulation to that effect having been entered into by the U. S. Attorney:

On motion by the district attorney it is—

Ordered, adjudged, and decreed that the claimants have leave to proceed under the decree of this court heretofore rendered in their favor as under final decree.

OGDEN HOFFMAN,
U. S. Dist. Judge.

Endorsed: Filed April 2, 1857.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

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I, George E. Whitney, clerk of the circuit court of the United States for the district of California, and *ex officio* clerk of the district court of the United States in and for said district, hereby certify that the foregoing is a full and true copy of the decree and order vacating appeal in the above-entitled action, filed in my office.

Attest my hand and the seal of said district court this 25th of Nov., A. D. 1867.

[SEAL.] GEO. E. WHITNEY, *Clerk.*
By A. D. SMITH, *Deputy Clerk.*

PRIVATE LAND GRANTS IN NEW MEXICO.

By the eighth section of the act of July 22, 1854 (10 Stats., p. 309), it was made the duty of the surveyor-general, under instructions to be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to land under the laws, usages, and customs of Spain and Mexico. He was authorized to issue notices, summon witnesses, administer oaths, &c., and required to make full reports to the Secretary of the Interior, to be laid before Congress for final action, "with a view to confirm *bona fide* grants," on all claims originating before the cession by the treaty of Guadalupe Hidalgo, denoting the various grades of title, with his decision as to their validity or invalidity; also to report as to all pueblos, the extent, locality, number of inhabitants and nature of title of each; and until final action by Congress on such claims, all lands covered thereby to be reserved from sale or other disposal by the Government, and not subject to donation clause in said act.

METHOD OF RECEIVING APPLICATIONS FOR AND SURVEYING AND DETERMINING PRIVATE LAND CLAIMS IN NEW MEXICO, ARIZONA, AND COLORADO—DUTIES OF SURVEYORS-GENERAL.

The following instructions to the surveyor-general of New Mexico were issued for his guidance under said law:

GENERAL LAND OFFICE,
August 21, 1854.

SIR: The eighth section of the act approved 22d July last, for the establishment of the office of surveyor-general in New Mexico, declares as follows:

"SEC. 8. *And be it further enacted,* That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico; and for this purpose may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises.

"He shall make a full report on all such claims as originated before the cession of the Territory to the United States by the treaty of Guadalupe Hidalgo, of eighteen hundred and forty-eight, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior; which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm *bona fide* grants, and give full effect to the treaty of eighteen hundred and forty-eight between the United States and Mexico; and until the final action of Congress on such claims, all lands shall be reserved from sale or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act."

The duty which this enactment devolves upon the surveyor-general is highly important and responsible. He has it in charge to prepare a faithful report of all the land titles in New Mexico which had their origin before the United States succeeded to the sovereignty of the country, and the law contemplates such a report as will enable Congress to make a just and proper discrimination between such as are *bona fide* and should be confirmed, and such as are fraudulent or otherwise destitute of merit, and ought to be rejected.

The treaty of 1848 between the United States and Mexico (United States Statutes at Large, volume 9, page 922) expressly stipulates in the 8th and 9th articles for the security and protection of private property. The terms there employed in this respect are the same in substance as those used in the treaty of 1803, by which the French Republic ceded the ancient province of Louisiana to the United States; and conse-

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quently, in the examination of foreign titles in New Mexico, you will have the aid of the enlightened decisions, and the principles therein developed, of the Supreme Court of the United States, upon the titles that were based upon the treaty of cession and the laws of Congress upon the subject.

The security to private property for which the treaty of Guadalupe Hidalgo stipulates is in accordance with the principles of public law as universally acknowledged by civilized nations.

"The people change their allegiance; their relation to their ancient sovereign is dissolved; but their relations to each other, and their rights of property, remain undisturbed."—United States *vs.* Percheman, 7 Peters' Reports.

In the case of the United States *vs.* Arredondo and others, 6th Peters' Reports, the Supreme Court declare that Congress "have adopted, as the basis of all their acts, the principle that the law of the province in which the land is situated is the law which gives efficacy to the grant, and by which it is to be tested whether it was *property* at the time the treaties took effect."

Upon the same basis Congress has proceeded in the present act of legislation, which requires the surveyor-general, under instructions from the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to land "under the laws, usages, and customs of Spain and Mexico;" and arms the surveyor-general with power for the purpose, by authorizing him to "issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises."

The private land titles in New Mexico are derived from the authorities of Old Spain, as well as of Mexico.

Among the "necessary acts" contemplated by the law and required of you, is, that you shall—

1st. Acquaint yourself with the land system of Spain as applied to her ultramarine possessions, the general features of which are found—modified, of course, by local requirements and usages—in the former provinces and dependencies of that monarchy on this continent. For this purpose you must examine the laws of Spain, the royal ordinances, decrees, and regulations as collected in *White's Recopilacion*, 2 vols.

By the acts of Congress approved 26th May, 1824, 23d May, 1828, and 17th June, 1844 (United States Statutes at Large, vol. 4, page 52, chap. 173; page 284, chap. 70; and vol. 5, page 676, chap. 95), the United States district courts were opened for the examination and adjudication of foreign titles. Numerous cases on appeal under these laws, and other cases on writs of error, in which actions on ejectment in the courts below had been instituted, were brought before the Supreme Court of the United States, where the rights of property under inceptive and imperfect titles which originated under the Spanish system have been thoroughly examined and discussed with eminent ability.

For these decisions I refer you to Peters' and Howard's Reports of the Decisions of the Supreme Court of the United States. It is important that you should carefully examine them in connection with the Spanish law, and the legislation of Congress on the subject, in order that you may understand and be able to apply the principles of the Spanish system as understood and expounded by the authorities of our Government.

2d. Upon your arrival at *Santa Fé* you will make application to the governor of the Territory for such of the archives as relate to grants of land by the former authorities of the country. You will see that they are kept in a place of security from fire, or other accidents, and that access is allowed only to land owners who may find it necessary to refer to their title records, and such references must be made under your eye, or that of a sworn employé of the Government.

You will proceed at once to arrange and classify the papers in the order of date, and have them properly and substantially bound. You will then have *schedules* (marked 1) of them made out in duplicate, and will prepare *abstracts* (No. 2), also in duplicate, of all the grants found in the records, showing the names of grantees, date, area, locality, by whom conceded, and under what authority.

You will prepare, in duplicate, from the archives or authoritative sources, a *document* (No. 3), exhibiting the names of all the officers of the Territory who held the power of distributing lands from the earliest settlement of the Territory until the change of government, indicating the several periods of their incumbency, the nature and extent of their powers conceding lands; whether, and to what extent, and under what conditions and limitations, authority existed in the governors or political chiefs to distribute (repartir) the public domain; whether in any class of cases they had the power to make an absolute grant; and if so, for what maximum in area; or, whether subject to the affirmance of the department or supreme government; whether the Spanish surveying system was in operation, and since what period in the country, and under what organization; also, with verified copies in the original, and translations, of the laws and decrees of the Mexican Republic, and regulations which may have been adopted by the general government of that republic for the disposal of the public lands in New Mexico. Herewith you will receive a table of land measures adopted by the Mexican Government, translated from the "Ordenanzas de Tierras y

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Aguas," by Marianas Galvan, edition of 1844, as printed in Ex. Doc. No. 17, 1st session 31st Congress, House of Representatives, containing much valuable information on the subject of California and New Mexico, and of which document I would invite your special and careful examination.

In a report of the 14th November, 1851, from the surveyor-general of California, it is stated that all the grants, &c., of lots or lands in California, made either by the Spanish Government or that of Mexico, refer to the "vara" of Mexico as the measure of length; that, by common consent in California, that measure is considered as exactly equivalent to *thirty-three* American inches. That officer then enclosed to us copy of a document he had obtained as being an extract of a treaty made by the Mexican Government, from which it would seem that another length is given to the "vara;" and by J. H. Alexander's (of Baltimore) Dictionary of Weights and Measures, the Mexican vara is stated to be *equal to* 92.741 *of the American yard.*

This office, however, has sanctioned the recognition, in California, of the Mexican vara as being equivalent to thirty-three American inches.

You will carefully compare the data furnished in the table herewith, and in the foregoing, with the Spanish measurements in use in New Mexico, and will report whether they are identical; or if varied in any respect by law or usage, you will make a report of all the particulars.

You should also add to "document No. 3" the *forms* used under the former governments to obtain grants, beginning with the initiatory proceeding, viz, the petition, and indicating the several successive acts until the title was completed. A copy of the "schedule," "abstract," and "document," required of you in the foregoing, duly authenticated by you, should constitute a part of the permanent files of the surveyor-general's office, and duplicates of them should be sent as soon as practicable to the Department of the Interior.

The knowledge and experience you will acquire in arranging the archives, collecting materials, and making out the documents called for by these instructions, will enable you to enter understandingly upon the work of receiving and examining the testimony which may be presented to you by land claimants, and prepare your report thereon, for the action of Congress.

In the first instance, you will provide yourself with a *journal,* consisting of substantially bound volume or volumes, which is to constitute a complete record of your official proceedings in regard to land titles; and with a suitable *docket,* for the entry therein of claims in the order of their presentation, and so arranged as to indicate at a glance a brief statement of each case, its number, name of original and present claimant, area, locality, from what authority derived, nature of title—whether complete or incomplete, and your decision thereon.

Your first session should be held at *Santa Fé,* and your subsequent sessions at such places and periods as public convenience may suggest, of which you will give timely notice to the Department.

You will commence your session by giving proper public notice of the same, in a newspaper of the largest circulation in the English and Spanish languages—will make known your readiness to receive notices and testimony in support of the land claims of individuals, derived before the change of government.

You will require claimants in every case—and give public notice to that effect—to file a written *notice* setting forth the name of "present claimant;" name of the "original claimant;" nature of claim—whether inchoate or perfect; its date; from what authority the original title was derived, with a reference to the evidence of the power and authority under which the granting officer may have acted; quantity claimed; locality, notice, and extent of conflicting claims, if any, with a reference to the documentary evidence and testimony relied upon to establish the claim, and to show a transfer of right from the "original grantee" to "present claimant."

You will also require of every claimant an authenticated plat of survey, if a survey has been executed, or other evidence, showing the precise locality and extent of the tract claimed.

This is indispensable, in order to avoid any doubt hereafter in reserving from sale, as contemplated by law, the particular tract or parcel of land for which a claim may be duly filed, or in communicating the title to the same hereafter, in the event of a final confirmation.

The effect of this will be not only to save claimants from embarrassments and difficulties, inseparable from the presentation and adjudication of claims with indefinite limits, but will promote the welfare of the country generally, by furnishing the surveyor-general with evidence of what is claimed as private property, under treaty and the act of July 22, 1854, thus enabling him to ascertain what is undisputed public land, and to proceed with the public surveys accordingly, without awaiting the final action of Congress upon the subject.

You will take care to guard the public against fraudulent or antedated claims, and will bring the title-papers to the test of the genuine signatures, which you should collect of the granting officers, as well as to the test of the official registers or abstracts which may exist of the titles issued by the granting officers. In all cases, of course,

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the *original* title-papers are to be produced, or loss accounted for; and where copies are presented, they must be authenticated; and your report should also state the precise character of the papers acted upon by you, whether originals or otherwise. Where the claim may be presented by a party as "present claimant" in right of another, you must be satisfied that the deraignment of title is complete; otherwise, the entry and your decision should be in favor of the "legal representatives" of the original grantee.

Your journal should be prefaced by a record of the law under which you are required to act, and of your commission and oath of office; and should contain a full record of the notice and evidence in support of each claim, and of your decision, setting forth, as succinctly and concisely as possible, all the leading facts, particulars, and the principles applicable to the case, and upon which such decision may be founded. All the original papers should, of course, be carefully numbered, filed, and preserved; and upon each should be indorsed the volume and page of the record in which they are entered, and such reference should be made on the journal and docket as will properly connect them with each other.

Your docket should be a condensed exhibit of every case and of your decision. The claims, both as to grade and dignity, may be classified by numerals or alphabetically, accompanied by explanatory notes, in such a manner that it will show every case confirmed and every one rejected by you.

In the case of any town lot, farm lot, or pasture lots, held under a grant from any corporation or town to which lands may be granted for the establishment of a town, by the Spanish or Mexican Government, or the lawful authorities thereof, or in the case of any city, town, or village lot, which city, town, or village existed at the time possession was taken of New Mexico by the authorities of the United States, the claim to the same may be presented by the corporate authorities; or where the land on which the said city, town, or village was originally granted to an individual, the claim may be presented by or in the name of such individual; and the fact being proved to you of the existence of such city, town, or village at the period when the United States took possession, may be considered by you as prima facie evidence of a grant to such corporation, or to the individuals under whom the lot-holders claim; and where any city, town, or village shall be in existence at the passage of the act of 22d July, 1854, the claim for the land embraced within the limits of the same may be made and proved up before you by the corporate authority of the said city, town, or village. Such is the principle sanctioned by the act of 3d March, 1851, for the adjudication of Spanish and Mexican claims in California; and I think its application and adoption proper in regard to claims in New Mexico.

In the month of March, 1849, there was published in the Atlantic States an extract of a letter dated December 12, 1848, at Santa Fé, New Mexico, purporting to be from a young officer of the army, in which it was stated that "the prefect at El Paso del Norte has for the last few months been very active in disposing (for his own benefit) of all lands in that vicinity that are valuable, *antedating* the title to said purchases;" that "these land titles" would "be made a source of profitable litigation," &c. It will be your duty to subject all papers under suspicion of fraud to the severest scrutiny and test, in order to settle the question of their genuineness.

You will also collect information, from authentic sources, in reference to the laws of the country respecting minerals, and ascertain what conditions were attached to grants embracing mines; whether or not the laws and policy of the former governments conferred absolute title in granting lands of this class in New Mexico. It is proper, also, and you are instructed in the case of every claim that may be filed, to ascertain from the parties, and require testimony, as to whether the tracts claimed are mineral or agricultural; and you will be careful to make the necessary discrimination in the record of your proceedings and in your docket.

Your report should be divided into two parts. Part first should embrace individual and municipal claims, and should be prepared in the manner contemplated by law, and in accordance with the requirements in the foregoing instructions.

The law further requires you, also, to "make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to the land."

Part second of your report should be devoted to this branch of your duty.

It will be your business to collect *data* from the records and other authentic sources relative to these pueblos, so that you will enable Congress to understand the matter fully, and legislate in such a manner as will do justice to all concerned.

In a report dated July 29, 1849, in camp near Santa Fé, from the Indian agent, James S. Calhoun, to the Commissioner of Indian Affairs, he says: "The Pueblo Indians, it is believed, are entitled to the early and especial consideration of the Government of the United States; they are the only tribe in perfect amity with the Government, and are an industrious, agricultural, and pastoral people, living principally in villages, ranging north and west of Taos south, on both sides of the Rio Grande, more than 250 miles;" that "by a Mexican statute these people," as he had been informed by Judge Houghton, of Santa Fé, "were constituted citizens of the republic of Mexico, grant-

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ing to all of mature age, who could read and write, the privilege of voting;" but this statute has no practical operation; that "since the occupancy of the Territory by the Government of the United States, the Territorial legislature of 1847 passed the following act, which at the date of the Indian agent's report was in force:

"SEC. 1. *Be it enacted by the general assembly of the Territory of New Mexico*, That the inhabitants within the Territory of New Mexico known by the name of Pueblo Indians, and living in towns or villages built on lands granted to such Indians by the laws of Spain or Mexico, and conceding to such inhabitants certain land and privileges, to be used for the common benefit, are severally hereby created and constituted bodies politic and corporate, and shall be known in law by the name of the 'Pueblo,' &c., (naming it;) and by that name they and their successors shall have perpetual succession—sue and be sued."

In a subsequent report, viz: of the 4th of October, 1849, the same officer reported, from Santa Fé, that "the pueblos or civilized towns of Indians of the Territory of New Mexico are the following:

In the county of Taos: Taos Picoris	283	inhabitants.
In the county of Rio Ariba: San Juan, Santa Clara	500	"
In the county of Santa Fé: San Ildefonso, Namba, Pojoaque, Tesuque	590	"
In the county of Santa Ana: Cochite, Santa Domingo, San Felipe, Santa Ana, Zia, Jenez	1,918	"
In the county of Bernalillo: Sandia-Gleta	883	"
In the county of Valencia: Leguna, Acona, Zunia	1,800	"
Opposite El Paso: Socoro, Islettas	600	"

Recapitulation.—Pueblos of New Mexico.

County of Taos	283	over five years of age.	
County of Rio Ariba	500	"	"
County of Santa Fé	590	"	"
County of Santa Ana	1,918	"	"
County of Bernalillo	833	"	"
County of Valencia	1,800	"	"
District of Tontero, opposite El Paso del Norte	600	"	"
	6,524."		

The above enumeration, it is stated by the officer mentioned, "was taken from census ordered by the legislature of New Mexico, convened December, 1847, which includes only those of five years of age and upwards;" and further, that "these pueblos are located from ten to near a hundred miles apart, commencing north at Taos, and running south to near El Paso, some four hundred miles or more, and running east and west two hundred miles;" this statement having no reference to pueblos west of Zunia.

In another despatch, dated the 15th October, 1849, at Santa Fé, the same agent reports that "these pueblos are built with direct reference to defence, and their houses are from one to six stories high," &c.; that "the general character of their houses is superior to those of Santa Fé;" they "have rich valleys to cultivate," &c.; and they "are a valuable and available people, and as firmly fixed in their homes as any one can be in the United States;" that "their lands are held by Spanish and Mexican grants—to what extent is unknown;" that Santa Ana, as Major Weightman had informed the agent, "decreed, in 1843, that one born in Mexico was a Mexican citizen, and, as such, is a voter, and therefore all the Pueblo Indians are voters;" but that "the exercise of this privilege was not known prior to what is termed an election—the last one in this Territory," &c.

It is obligatory on the Government of the United States to deal with the private land titles, and the "pueblos," precisely as Mexico would have done had the sovereignty not changed. We are bound to recognize all titles as she would have done—to go that far, and no further. This is the principle which you will bear in mind in acting upon these important concerns.

You will append to your report on the pueblos the best map of the country that can be procured, on a large scale, and will indicate thereon the localities and extent of the several pueblos as illustrative of that report; which you are desired to prepare and transmit to the Department at as early a period as the nature of the duty will allow.

Very respectfully, your obedient servant,

JOHN WILSON, *Commissioner.*

WM. PELHAM, Esq.,
U. S. Surveyor-General of New Mexico.

The foregoing instructions are hereby approved.

R. McCLELLAND, *Secretary.*

DEPARTMENT OF THE INTERIOR,
August 25, 1854.

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Extract of a treaty made with the Mexican Government, which accompanied a report dated November 14, 1851, from the U. S. surveyor-general of California, respecting the ratio of land measures between those employed under the Mexican Government and those in use in the United States.

[From the Mexican ordinance for land and sea.]

Article 20th of the agreement entered into between the minister plenipotentiary of the Mexican Republic and her agents in London, the 15th of September, 1837, with the holders of Mexican bonds.

20th. In compliance of what is ordered by the seventh article of the preceding law, and in order to carry into effect the stipulation in the preceding agreement in regard to the holders of bonds deferred, it is declared that the act of which mention is made in said agreement answers to 4840 English yards squared, equivalent to 5762.403 Mexican varas square; inasmuch that the sitio de ganado moyer contains 4338.464 acres, the Mexican vara having been found by exact measures equal to 837 French millimetres, and consequently to *$\frac{616469}{100000}$ of the English imperial yard.

Reducing the ratio of 4840 square yards and 5762.403 square varas, the vara will be	32.99312
Reducing the 4338.464 acres	32.99311
Reducing the fraction $\frac{916469}{100000}$	32.992884
The fraction mentioned in note, $\frac{915755}{100000}$	32.96718

Table of land measures adopted in the Republic of Mexico.

Names of the measures.	Figures of the measures.	Length of the figures expressed in varas.	Breadth in varas.	Area in square varas.	Areas in caballerias.
Sitio de ganado moyer	Square	5,000	5,000	25,000,000	41,023
Criadero de ganado moyer	do	2,500	2,500	6,250,000	10,255
Sitio de ganado menor	do	3,333⅓	3,333⅓	11,111,111⅛	18,232
Criadero de ganado menor	do	1,666⅔	1,666⅔	2,777,777⅜	4,558
Caballeria de tierra	Right-angled parallelogram.	1,104	552	609,408	1
Media caballeria	Square	552	552	304,704	½
Cuarto caballeria ó Suerte de tierra	Right-angled parallelogram.	552	276	152,352	¼
Fenega de sembraduro de maiz	do	376	184	56,784	$\frac{1}{12}$
Sala para casa	Square	50	50	2,500	0.004
Fundo legal para pueblos	do	1,200	1,200	1,440,000	2.036

The Mexican vara is the unit of all the measures of length, the pattern and size of which are taken from the Castilian vara of the mark of Burgos, and is the legal vara used in the Mexican republic. Fifty Mexican varas make a measure which is called cordel, which instrument is used in measuring lands.

The legal league contains 100 cordels, or 5,000 varas, which is found by multiplying by 100 the 50 varas contained in a cordel. The league is divided into two halves and four quarters, this being the only division made of it. Half a league contains 2,500 varas, and a quarter of a league 1,250 varas. Anciently, the Mexican league was divided into three miles, the mile into a thousand paces of Solomon, and one of these paces into five-thirds of a Mexican vara; consequently the league had 3,000 paces of Solomon. This division is recognized in legal affairs, but has been a very long time in disuse—the same as the pace of Solomon, which in those days was called vara, and was used for measuring lands. The *mark* was equivalent to two varas and seven-eighths—that is, eight marks containing twenty-three varas—and was used for measuring lands.

* *Translation of a note at the foot of the page.*

Without doubt, in this fraction there is an error of the press, since, considering the English yard 914 millimetres, and the Mexican vara 837 millimetres, the vara will be $\frac{915755}{100000}$ of a yard, the first figure, 6, being the inverted 9.

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The surveyor-general of New Mexico, under the instructions recited, reported as follows:

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1855.

SIR: I have the honor to submit the following as the report of the operations of this office from the time of its establishment up to the present date.

I arrived at this place on the 28th day of December last, and immediately opened the office of the surveyor-general for this Territory.

In accordance with your instructions I made application to his excellency David Merriwether, governor of the Territory, for such of the archives as related to grants of land by the former authorities of the country, which he declined delivering, giving as his reason that their selection from the large amount of papers composing the public archives of the Territory would involve an immense amount of labor and a heavy expenditure, which he was not authorized to incur. He, however, allowed me to remove the packages containing such papers as related to the grants of land in the country from their deposit, and examine them in my own office; whereupon I immediately assigned two of my clerks to separate them. On the last day of July this difficult duty was accomplished, and from one hundred and sixty-eight packages, averaging one hundred and sixty-eight thousand papers, of every nature and description imaginable, one thousand seven hundred and fifteen grants, conveyances of land, and other documents referring to claims to lands, have been selected, and are now being arranged and classified in a systematical form in this office. It will, however, be impossible to have them properly and substantially bound, as required by your instructions, on account of the different shapes and forms in which they are to be found—some existing on large sheets of foolscap paper, while others are to be found on half sheets, and others again on scraps of paper, which can never be bound in any convenient form. I respectfully suggest that they be copied in substantially bound books, properly certified and translated.

There is no *data* to be found in the archives from which the names of the officers of the Territory who held the power of distributing lands from the earliest settlement of the Territory until the change of government can be obtained. Should I be enabled to procure that information from any other authoritative source, I will embody it in my next annual report.

I herewith enclose a notice, marked A, which I issued upon my arrival at this place, expressing my readiness to receive notices and testimony in support of the land claims of individuals derived before the change of government, by virtue of which notice fifteen claims have been filed for examination and adjudication. The difficulties and expense to which parties filing claims in this office are subjected will account for the limited number which has been filed; and I respectfully recommend further legislation on the subject, as the present law has utterly failed to secure the object for which it was intended.

My residence in this place has been so short and my duties so pressing that I have not been able to procure sufficient information on which to base any report in reference to the mineral lands in the Territory.

There are many land titles and grants deposited in the archives of the several county seats in this Territory, and I am informed that all the grants made between the first conquest of this Territory, and its reconquest, in 1678, are deposited in the archives of El Paso, the former capital of the Territory. The grants made to individuals in the Mesilla Valley, and the Territory newly acquired from the Republic of Mexico, are also deposited at El Paso, and provision should be made to have them all selected, and permanently deposited in the archives of this office.

* * * * * * *

WILLIAM PELHAM,
Surveyor-General, New Mexico.

The following "notice to the Inhabitants of New Mexico" was issued by Surveyor-General Pelham. It was published in Spanish and English.

The surveyor-general of New Mexico, by act of Congress approved on the 22d July, 1854, is required to "make a full report on all such claims as originated before the cession of the Territory to the United States by the treaty of Guadalupe Hidalgo of 1848, denoting the various grades of title, with his decision thereon, as to the validity or invalidity of each of the same, under the laws, usages, and customs of the country before its cession to the United States." And he is also required to "make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to the land. Such report to be made according to the form prescribed by the Secretary of the Interior, which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm

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bona-fide grants, and give full effect to the treaty of 1848, between the United States and Mexico."

Claimants in every case will be required to file a written notice, setting forth the name of the "present claimant," name of "original claimant;" nature of claim, whether inchoate or perfect; its date; from what authority the original title was derived, with a reference to the evidence of the power and authority under which the granting officer may have acted; quantity claimed; locality; notice and extent of conflicting claims, if any, with a reference to the documentary evidence and testimony relied upon to establish the claim, and to show transfer of right from the "original grantee" to "present claimant."

Every claimant will also be required to furnish an authenticated plat of survey, if a survey has been executed, or other evidence, showing the precise locality and extent of the tract claimed.

To enable the surveyor-general to execute the duty thus imposed upon him, by law, he has to request all those individuals who claimed lands in New Mexico before the treaty of 1848, to produce the evidences of such claims at this office at Santa Fé as soon as possible.

* * * * * * *

Given under my hand at my office at Santa Fé, this 18th day of January, A. D. 1855.

WILLIAM PELHAM,
Surveyor-General of New Mexico.

The Commissioner of the General Land Office, in his report for 1856, says:

The selection from the archives of the Spanish and Mexican governments, which were turned over to the surveyor-general's office by the governor of New Mexico, resulted in the collection of 1,014 grants and documents relating to land titles, of which 197 are private grants. These have all been classified, alphabetically arranged, and constitute permanent official records.

From the advices received at this office from the surveyor-general of New Mexico and other sources, it is evident individuals claiming lands under former governments before the treaty of Guadalupe Hidalgo of 1848, are very averse to respond to the call made on them by the surveyor-general's notice of January 18, 1855, to produce the evidences of their claims to his office at Santa Fé; some from fear of losing the evidence of their titles, inspired, it is supposed, by designing individuals.

In many instances, the Pueblo Indians have been deterred from filing their title-papers with the surveyor-general, in the apprehension they would never again get possession of them.

Others, conscious of an indisputable possessory right of landed estates, feel perfect security on the subject, and do not care to exhibit, much less file, their title-papers, for the purpose of enabling the surveyor-general to report upon the claims to Congress for confirmation under the act of July 22, 1854.

The report of the surveyor-general gives full lists of names of grantees and claimants; also lists of Spanish and Mexican governors of New Mexico, who granted lands.

A PUEBLO (TOWN) GRANT.

As an illustration of the method of obtaining from the authorities of Spain a grant or concession for lands (for agriculture, mining, or grazing), the following translation of the original Spanish grant for the town of Tomé, will suffice:

Grant of the town of Tomé.

Year 1739.

New settlement of "Nuesta Señora de la Concepcion de Tomé Dominguez," instituted and established by Don Gaspar Domingo de Mendoza, governor and captain-general of this kingdom of New Mexico, contained in four pages, including this.

SIR SENIOR JUSTICE: All the undersigned appear before you, and all and jointly, and each one for himself, state, that in order that his excellency the governor may be pleased to donate to them the land called Tomé Dominguez, granted to those who first solicited the same, and who declined settling thereupon, we therefore ask that the land be granted to us; we therefore pray you to be pleased *[eaten by mice]* at that time to *[eaten by mice]* said settlers, we being disposed to settle upon the same within the time prescribed by law; we pray you to be pleased to give us the grant which you have caused to be returned, as you are aware that our petition is founded upon justice and necessity, our present condition being very limited, with scarcity of wood, pasture for our stock, and unable to extend our cultivation and raising of stock in this town of Albuquerque, on account of the many foot-paths encroaching upon us,

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and not allowed to reap the benefit of what we raise, and, in a measure, not even our crops on account of the scarcity of water, and with most of us our lands are of little extent and much confined, &c. In view of all which we pray and request you to be pleased to grant our petition, by doing which we will receive grace with justice; and we swear in all form that it is not done in malice; we protest costs and whatever may be necessary.

Juan Barela, Joseh Salas, Juan Ballejos, Manuel Carillo, Juan Montaño, Domingo Cedillo, Matias Romero, Bernardo Ballejo, Gregorio Jamarillo, Francisco Sanchez, Pedro Romero, Phelipe Barela, Lugardo Ballejos, Augustin Gallegos, Alonzo Perea, Thomas Samora, Nicholas Garcia, Ignacio Baca, Salvador Manuel, Francisco Silva, Francisco Rivera, Juan Antonio Zamora, Miguel Lucero, Joachim Sedillo, Simon Samora, Xpritoval Gallegos, Juan Ballejos, grande, Jacinto Barela, Diego Gonzalez.

In this town of San Phelipe de Albuqurque, on the second day of the month of July, in the year one thousand and seven hundred and thirty-nine, before me, Captain Juan Gonzalez Baz, senior justice of said town and its jurisdiction, came the persons contained in the above petition, which by me seen, I state: That I cannot deliver to them the grant asked for, as it has been returned by order of my governor, until I consult with his excellency, to whom this petition is referred, that seeing it, his excellency may determine whatever may be proper. I have so ordered and signed, acting by appointment, with two attending witnesses, in the absence of a public or royal notary, there being none in this kingdom. Date, *ut supra.*

JUAN GONZALEZ BAZ.

Witnesses:
B. S. R. ALEJANDRO GONZALEZ.
SALVADOR MARTINEZ.

Don Gaspar Domingo de Mendoza, governor and captain-general of this kingdom of New Mexico, for his majesty, having seen the above, I considered it as presented, and in view of the request of the individuals therein contained, grant to them, in the name of his majesty, whom may God preserve, the land petitioned for, called the land of Tomé Dominguez, for themselves, their successors, and whoever may have a right thereto under the conditions and circumstances required in such cases, and which is to be without prohibition to any one desiring to settle the same, holding and improving it during the time required by law. In view of which, I should order, and did order, that said senior justice or his lieutenant, whose duty it is, shall place them in the possession of the aforementioned lands, giving in all cases to each one the portion he may be entitled to in order to avoid difficulties which may occur in the future. I have so provided, ordered, and signed, acting by appointment, with attending witnesses, in the absence of a royal or public notary, there being none in this kingdom, and on common paper, there being none other.

DON GASPAR DOMINGO DE MENDOZA.

ANTONIO DE HERRERO.
JOSEH TERRUS.

POSSESSION.—In the new settlement of "Nuestra Señora de la Concepcion de Thomi Dominguez," instituted and established by Don Gaspar Domingo de Mendoza, actual governor and captain-general of this kingdom of New Mexico, on the thirtieth day of the month of July, in the year one thousand seven hundred and thirty-nine, I, Captain Juan Gonzalez Baz, senior justice and war captain of the town of San Phelipe de Albuquerque, and the districts within its jurisdiction, by virtue of the decree issued and above provided by said governor, the royal possession ordered to be given being published and promulgated, and the parties concerned being together, I proceeded to the above-mentioned place, and all being present, I notified them of the decree; I took them by the hand, walked with them over the land; they cried out, pulled up weeds, threw stones, as required by law; and having placed the new settlers in possession of said lands, I gave them the title and vocacion they should have in the settlement, which bears the name aforementioned, of "Nuestra Señora de la Concepcion de Thomi Dominguez," whose titular feast they promised to observe and celebrate every year. And the first proceedings having been noted, I proceeded to establish the boundaries as contained in the first petition, which are as follows: on the west the Del Norte River, on the south the place commonly called "Los Tres Alamos," on the east the main ridge called Sandia, and on the north the point of the marsh at the hill called Tomé Dominguez; at which principal boundaries I ordered them to perpetuate their existence with permanent landmarks, pointing out to them also, as a means of good economy, their common pastures, water, and watering places, and uses and customs for all, to be used without any dispute, with the condition that each one is to use the same without dispute, in equal portions, the richest as well as the poorest; and by virtue of what has been ordered, I pronounce this royal possession as sufficient title for themselves, their children, heirs and successors, to hold their lands

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now and forever at their will; directing them, as I do direct them, to settle the same within the time prescribed by the royal ordinances; and for their greater quietude, peace, tranquillity and harmony, I proceeded to point out the land each family should cultivate, each one receiving in length a sufficient quantity to plant one fanega of corn, two of wheat, garden and house lot, as follows: To Francisco Sanchez, the general boundary on the west, the Del Norte River and (torn) arroyo or dry branch running out from said river, (torn) bounded by lands of Matias Romero, (torn;) with them the lands of Ygnacio Baca; with them Lugardo Ballejo; with these, the lands of (torn) these are bounded by the lands of Bernardo Ballejo, (torn), lands of Juan Ballejo el grande; with these (torn) Gregorio Jaramillo; with these are bounded the lands of Josefa Gutierrez; with these a body of the lands of her brother Gregorio Gutierriz, (torn) the lands bounded by them; those of Miguel Lucero, (torn;) with them those of Francisco de Silva; with these are those of Juan Ballejo the youngest; with these are bounded the lands of Manuel Carrillo and his sister Jacinta Martin Carrillo, (torn) a body of the lands of Juan Barela, (torn) Ventura Romero, Domingo Sedillo, (torn) Salvador Manuel Marquez, Manuel Carrillo, (torn) Jacinto Barela and Augustin Gallejo, (torn) on the east, (torn) Cristobal Gallegos, Felipe Barela, (torn) Simon Zamora and Juan Montaño, (torn) which are distributed on uncultivated ground in order that (torn) appear to be agreed upon (torn) possession was given, (torn) all having expressed themselves satisfied now and in the future, without failing to comply in one single instance with what had been ordered, nor in which said settlers should observe. And in order that it may so appear, I signed, acting by appointment, with attending witnesses, in the absence of a public and royal notary, there being none in this kingdom, on said day *ut supra, &c.*, corrected.

FRANSISCO SANCHEZ.
JUAN GONZALEZ BAZ.

Witnesses:
ALEJANDRO GONZALEZ.
YSIDRO SANCHEZ.

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, August 25, 1856.

The foregoing is a correct translation of the copy of the original grant to the settlers of Tomé, filed by the claimants.

DAVID V. WHITING,
Translator.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1856.

The foregoing is a true copy of the translation made in this office of the grant to the settlers of Tomé, filed by the claimants.

WM. PELHAM,
Surveyor-General.

TERRITORY OF NEW MEXICO, }
Santa Fé County. }

To the Hon. William Pelham, surveyor-general of the Territory of New Mexico.

Your petitioners, the inhabitants of the sitio of Tomé, in the county of Valencia, New Mexico, would respectfully state to you, that in the year 1739 one Juan Barela and others petitioned one Gaspar Domingo Mendoza, then captain-general and governor of the province of New Mexico, under the crown of Spain, for a grant of the sitio of Tomé Dominguez. Your petitioners would further state, that said petition was duly presented, and being fully considered by said governor, a grant of land was made to said petitioners on the 30th day of July, 1739, called the sitio of Tomé Dominguez, situate now in the county of Valencia, and bounded on the west by the Rio del Norte; on the south by the stopping place called the Three Trees; on the east with the Sierra Madre, called Sandia; and on the north by la punta de los Esteros del Serro que llaman de Tomé Dominguez; which said grant was made to said petitioners and their heirs in fee, and was duly taken possession of by said grantees, in accordance with the forms of law then in force, and has ever since that time been in the quiet and peaceable possession of said grantees, their heirs and assigns, without any adverse claim of any kind from any source whatever. Your petitioners further state that the town of Tomé is situated on said grant, and the residence and farms of your petitioners, who have inherited the same from the original grantees, or acquired them by purchase. Your petitioners further state that they are not able to state the number of leagues contained within the boundaries of said grant, as no survey of the same has as yet ever been made, but the boundaries mentioned in said grant are well known and easily identified.

Your petitioners, the inhabitants of said sitio, to the end that their title may be

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recognized and perfected under the act of Congress, in such case made and provided, herewith present a copy of said grant for your consideration, and report marked with the letter (W). All of which is respectfully submitted.

The inhabitants of Tomé:

By JOHN S. WATTS, *Attorney.*

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1856.

The foregoing is a true copy of the notice filed in this office by the attorney of the inhabitants of the sitio of Tomé for a confirmation of their grant.

WM. PELHAM,
Surveyor-General.

Town of Tomé.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, September 2, 1856.

The claim to this town was filed in this office on the 6th day of August, 1856.

In the year 1739 Juan Barela and others petitioned Juan Gonzalez Baz, the senior justice of the town of Albuquerque, to grant them a tract of land which had been previously granted to one Tomé Dominguez, and which grant had been revoked by the governor and captain-general.

This petition was referred by the senior justice, on the 2d day of July, 1739, to Gaspar Domingo de Mendoza, governor and captain-general of the Territory, who granted them the lands in the name of his majesty; and on the 30th day of July, 1739, Juan Gonzalez Baz, senior justice, and war-captain of the town of San Philipe de Albuquerque, and the districts under its jurisdiction, placed the said Barela and companions in possession of the land so granted, with the following boundaries: on the west, the Del Norte River; on the south, the place commonly called "Los Tres Alamos"; on the east, the Sierra Madre, called Sandia; and on the north the point of the marsh of the hill called Tomé Dominguez.

The original grant of the land embraced in this claim was selected from the archives of the Territory found at this place, but in so dilapidated a condition, and so much eaten by mice, that it is not legible. This office has, therefore, acted upon a certified copy made in the year 1836, filed by the claimant.

The signature of the governor and captain-general on the original grant, on comparison with others of the same officer in this office, appears to be genuine, and the boundaries on the original are complete, and correspond with those on the copy.

The heirs and successors of the parties to whom this grant was made have been in the peaceable possession of the land for one hundred and seventeen years, without any adverse claim from any person whatsoever.

The decrees and orders of the King of Spain, and the recapitulation of the Indians, conferred upon the governors of territories under its jurisdiction the power of distributing the public lands, and this grant was made in pursuance of the power so vested; and the grant to the said town of Tomé is therefore approved, and the Congress of the United States respectfully recommended to confirm the same, causing a patent to issue therefor by the proper department, and that the land embraced within the limits set forth in the grant be surveyed.

WM. PELHAM,
Surveyor-General of New Mexico.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1856.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor-General of New Mexico.

Thereafter this claim was forwarded to the General Land Office, from whence it went to Congress, was confirmed, and afterwards surveyed and patented.

INDIAN PUEBLOS IN NEW MEXICO.

The act of March 3, 1857 (11 Stats., p. 184), appropriated $3,750 for surveying and marking the exterior boundaries of Indian pueblos in the Territory.

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List of patents issued for Indian pueblos in the Territory of New Mexico to June 30, 1880.

Name.	Patentee.	Area.
		Acres.
Pueblo of Tesuque	Pueblo of Tesuque	17,471.12
Pojoaque	Pojoaque	13,520.38
Nambe	Nambe	13,586.33
San Ildefonso	San Ildefonso	17,292.64
Santa Clara	Santa Clara	17,368.52
San Juan	San Juan	17,544.77
Picuris	Picuris	17,460.69
Taos	Taos	17,360.55
Pecos	Pecos	18,763.33
Zia	Zia	17,514.63
Jemez	Jemez	17,510.45
Cochiti	Cochiti	24,256.50
Isleta	Isleta	110,080.31
Sandia	Sandia	24,187.29
Santo Domingo	Santo Domingo	74,743.11
San Felipe	San Felipe	34,766.86
Total acres		453,427.48

[See also page 1151.]

Further legislation for New Mexico.

The act of June 21, 1860 (12 Stats. p. 71), confirmed the private land claims recommended for confirmation by the surveyor-general in his letter to the Commissioner of the General Land Office of January 12, 1858, designated as Nos. 1, 3, 4, 6, 8, 9, 10, 12, 14, 15, 16, 17, and 18, and the claim of E. W. Eaton, with the proviso that the claim of John Scolly and others (No. 9) was not confirmed for more than five square leagues, and the claim of Vigil and St. Vrain (No. 17) for not more than eleven square leagues to each; also prescribed the manner of locating the Scolly claim, and of distributing the quantity confirmed to Vigil and St. Vrain to the derivative claimants under them and of locating the remainder.

The same act also confirmed the claims recommended by the surveyor-general in his report and abstract marked exhibit A, communicated to Congress by the Secretary of the Interior, February 3, 1860, numbered from 20 to 38, both inclusive, except No. 26, in the name of Juan B. Vigil, which was not confirmed; but it provided that Juan B. Vigil might prosecute his claim against the United States, within two years, before the supreme court of the Territory, with right of appeal to the Supreme Court of the United States; and also that the heirs of Luis Maria Baca, who claimed the land confirmed to the town of Las Vegas (No. 20) might select and locate, in five parcels, the same quantity of vacant not mineral land—the confirmations by said act only to be construed as relinquishments on the part of the United States, and not to affect adverse rights.

By the act of March 1, 1861 (12 Stats., p. 887), the claim reported by the surveyor-general to the Commissioner of the General Land Office November 24, 1860, as No. 43, was confirmed, the confirmation only to have the effect of a quitclaim by the United States, and not to affect adverse rights.

The act of February 25, 1869 (15 Stats., p. 275), required the exterior lines of the Vigil and St. Vrain claim to be adjusted according to the lines of the public surveys, subject to the claims derived from said parties; and the claims of all actual settlers upon the tracts before then claimed by Vigil and St. Vrain, holding possession under them, who might establish their claims within one year to the satisfaction of the register and receiver, should in like manner be adjusted; the areas of such claims to be excluded from the adjusted limits of the claims of Vigil and St. Vrain, respectively; and for pre-emption and homestead claims falling within the located limits of the claims of Vigil and St. Vrain they (Vigil and St. Vrain) might locate a like quantity of public land, not mineral, not exceeding 160 acres in any one section.

By section 2 it was made the duty of the surveyor-general to cause the lines of the public surveys to be extended over the territory in question, and before the confirma-

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tion should become effective, Vigil and St. Vrain were required to pay the cost of so much of the surveys as inured to their benefit, respectively; and all settlers whose claims may be adjusted as valid to have the right to enter their improvements by compliance with the pre-emption and homestead laws.

By section 3 the surveyor-general was required, upon the adjustment of the claims of Vigil and St. Vrain, to furnish proper approved plats to them and to the derivative claimants, which shall be evidence of title.

By section 4 the surveyor-general, upon the running of the lines, was to give notice to Vigil and St. Vrain, who were to select and locate their claim within three months, &c., and on failure to make such selection and location within the time prescribed, they should be deemed to have abandoned their claims, &c.

Section 5 provides that if said claimants neglect or fail to accept the provisions of the act and of that to which it is amendatory, no suit shall be brought to establish their claims after six months from the passage of the act.

The act of March 3, 1869 (15 Stats. p. 342), confirms the claims designated as Nos. 41, 42, 44, 46, and 47, in the reports of the surveyor-general and the records of the General Land Office, the confirmation to be construed as a quitclaim only on the part of the United States, and not to affect adverse rights. The claims confirmed by the act to be surveyed at the expense of the claimants and patented; patents also to be issued for lands before confirmed by Congress and surveyed, and plats filed in the General Land Office. Surveys under the act to conform to, and be connected with, the public surveys as far as practicable; and lands confirmed, surveyed, and patented, to be in full satisfaction of all claim against the United States.

By the act of March 3, 1875 (18 Stats., p. 384), the provision of the third section of the act of May 13, 1862, requiring the expense of survey, &c., to be paid by claimant before issue of patent, was repealed. (But see section 2400 Revised Statutes.)

NUMBER OF CLAIMS PENDING.

After a lapse of nearly thirty years, more than 1,000 claims have been filed with the surveyors-general, of which less than 150 have been reported to Congress, and of the number so reported Congress has finally acted upon only 71. The construction of railroads through New Mexico and Arizona, and the consequent influx of population in those Territories, render it imperatively necessary that these claims should be finally settled with the least possible delay. I have, therefore, the honor to recommend that the attention of Congress be called especially to this subject, with a view to securing action upon the claims pending before it, and upon the pending bill providing for the settlement of the remaining claims. (Hon. Secretary of the Interior, report 1880.)

With no statute of limitation as to the time of filing these claims, with paper titles of grant held by men and women, stored away in old boxes or carried about their persons, no one can form any estimate of the area yet claimed in New Mexico or Arizona. The surveyors-general and Commissioners of the General Land Office, for years past, have called upon Congress for the enactment of a statute of limitation as to the time of filing these private land claims. There may yet be 1,000 or 5,000. As time moves along the best evidence is fast passing away, which will necessitate more energy and expense on the part of the United States to head off the prospective modern manufacture of ancient muniments of title. There have been patents issued by the United States for 4,456,158.43 acres of private land claims, in New Mexico and Colorado; the largest grant being for 1,714,764.94 acres, and the smallest for 1,720 acres.

[For correct area to June 30, 1883, see page 1151.]

There were, on the 30th of June, 1880, 46 claims for private land grants in New Mexico and Colorado, containing an area of 4,675,173.57 acres, pending in the General Land Office for patents, as follows:

List of confirmed private land claims in New Mexico and Colorado pending in the General Land Office.

[See page 1152.]

	Acres.
Preston Beck	318,699.72
Tierra Amarilla	594,515.55
Sangre de Cristo	1,038,195.16
Town of Casa Colorada	131,779.87

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	Acres.
Brazito	10,612.57
Town of Tecolote	21,636.83
Las Trigos	9,646.56
Junta de las Rios	108,507.64
Town of Chilili	23,626.22
Agua Negra	17,361.11
Las Animas, parts of	17,087.35
Cañon de Pecos	574.34
Rancho of the Pueblo of San Cristoval	27,854.06
Las Vegas	496,446.96
Baca; location Nos. 1, 2, 3, 4, and 5	496,446.96
Town of Tejique	7,185.55
Town of Torreon	14,146.11
Town of Manzano	17,360.97
Town of San Ysidro	11,476.68
Town of Cañon de San Diego	116,286.89
Town of Las Trampas	46,461.22
Sebastian Martin grant	51,387.80
Anton Chico	383,856.81
Indian Pueblo of Laguna	101,510.78
Vicente Duran Armijo grant	57.18
Town of Chamito	1,636.29
Town of Tejon	12,801.46
Pedro Sanchez grant	31,802.92
Ojo del Añil	69,445.55
Town of Cevolletta	200,843.25
Antoine Leroux grant	126,024.50
Mesita de Juan Lopez	42,022.85
Ojo del Espirita Santo	127,875.86
Total acres	4,675,173.57

June 30, 1880, there were 60 private land claims in Colorado and New Mexico pending in Congress for confirmation, embracing an area, so far as the same have been surveyed, of 4,294,672.473 acres. The largest contains 472,736.90 acres, and the smallest 1,003.55 acres, as follows:

List of private land claims in New Mexico and Colorado reported to Congress, and now awaiting action.

[See page 1153.]

Name.	Acres.	Remarks.
B. M. Montana grant	151,056.97	
Cañada de los Apaches	88,079.78	
Nerio Antonio Montoya, jr	3,546.06	
Roque Lovato grant	1,619.86	
Cañada de los Alamos	13,706.02	
Bernardino de Sena		No survey.
J. B. Valdez grant	6,583.29	
Juan de Dios Peña		No survey.
José F. Baca y Terrus	1,589.87	
Rio Grande	109,043.80	
Serrillos	2,287.41	
Town of Galisteo		No survey; rejected by surveyor-general.
Cebolla tract	17,159.57	
Town of Cieneguilla	43,961.54	
Cojo del Rio	62,343.01	
Cajon del Rio de Tesuque	11,619.56	
San Joaquin del Nacimiento	131,725.87	
San Clemente tract	89,403.40	
Grant to Luis de Armenta		No survey.
Grant to Juan Salas	436.41	
Grant to Antonio Sandoval	415,036.56	
Cañon de Chama	472,736.95	
Ojo del Apache		No survey; rejected by surveyor-general.
Piedra Lumbre	48,336.12	
Grant to Bartolome Marquez and Francisco Padilla	637.23	
Sierra Mosca	33,250.39	
Town of San Antonio del Colorado		No survey.
Town of Ojo Caliente	38,590.20	
San Miguel Spring tract	25,176.39	

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List of private land claims in New Mexico and Colorado, &c.—Continued.

Name.	Acres.	Remarks.
Arroyo de San Lorenzo	130,138.98	
Grant of Juan de Mestas	1,686.47	
Cuyamungue Pueblo tract		No survey.
Grant to Salvador Gonzales	103,959.31	
Town of Bernalillo	11,674.37	
Angustura tract	2,319.04	
Dona Anna Bend	19,323.57	
Mesilla Colony grant	33,960.33	
Grant to Gaspar Ortiz		No survey on file in General Land Office.
Santa Fé City land claim	17,361.11	
Talaya tract	1,003.55	
Refugio Colony grant	26,130.19	
Grant to F. M. Vigil	106,274.87	
Ignacio de Roival and Jacinto Pelaez	46,341.48	
Grant to Antonio E. Armenta	42,939.21	
Town of Cevilleta	224,770.13	
Grant to Ignacio Chaves	248,036.43	
Grant to Mestas Joaquin	3,632.94	
Bernardo de Miera y Pacheco	148,862.945	
Felipe Tafoya *et al*	22,578.12	
Miguel Montoya	3,253.09	
Antonio Baca	43,653.03	
Montano	1,890.62	
Luis Jaramillo	18,046.59	
Baltazat Baca & Sons	12,207.408	
Petaca grant	186,977.11	
Ojo de la Cabra	4,340.26	
Town of Socorro	843,259.59	
Vallicito grant	114,400.54	
Anaya Almazon	45,244.73	
Antonio Martinez grant	67,480.20	
Total	4,294,672.473	

In General Land-Office, to be transmitted to Congress: Una de Gato grant. Reported to be fraudulent by special agent Department of Justice and surveyor-general of New Mexico.

ARIZONA AND COLORADO.

The legislation of July 22, 1854, related to that part of New Mexico which was included within the lines defined by the treaty of Guadalupe Hidalgo until the act of August 4, 1854 (10 Stats., p. 575), which provided that, "until otherwise provided by law, the territory acquired under the late treaty with Mexico, commonly known as the Gadsden treaty, be, and the same is hereby, incorporated with the Territory of New Mexico, subject to all the laws of said last-named Territory."

Under this act the Secretary of the Interior, in his decision, dated February 17, 1872, held that the laws therein referred to were *United States laws*, including the above act of July 22, 1854, and hence that the jurisdiction of the surveyor-general of New Mexico for the settlement of these claims extended over all the territory acquired by the Gadsden treaty, unless, in the words of the act of August 4, 1854, some other mode had been "provided by law." Since the date of this act the settlement of a part of these claims in the Gadsden purchase has been otherwise provided for by law.

The provisions of the eighth section of the said act of July 22, 1854, were extended to Colorado by the seventeenth section of the act of February 28, 1861 (12 Stats., p. 176).

By the act of February 24, 1863 (12 Stats., p. 664), a part of the Gadsden purchase was incorporated into the Territory of Arizona, and by the same act authority was given for the appointment of a surveyor-general for that Territory. By the subsequent act of July 15, 1870 (16 Stats., p. 304), the provisions of the eighth section of the act of July 22, 1854, were extended to Arizona, and the surveyor-general thereof was thereby clothed with as ample jurisdiction over grants therein as was vested in the surveyor-general of New Mexico over like claims in the Territory of New Mexico.

On the 9th of January and 11th of April, 1877, this officer issued instructions to the surveyors-general of Arizona and Colorado, approved by the Secretary of the Interior,

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respectively on the 11th of January and 1st of May, 1877, directing those officers to proceed, in compliance with the requirements of said act of July 22, 1854, and supplemental legislation, to report to Congress the origin, nature, and extent of all private land claims within their respective districts.

List of private land claims in Arizona reported to Congress.

[See page 1154.]

	Acres.
San Rafael del Valle	17,360.760
San Ignacio del Babocomori	34,722.028
San Ignacio de la Canoa	17,208.333
Tamacacori and Calabazas	52,007.950
Total	121,299.071

List of private land claims in Arizona in General Land Office to be reported to Congress.

	Acres.
San José de Sanvita	7,598.070
San Rafael de la Sanja	17,361.108
Total	24,959.178

As the law stands, there are two Territories, New Mexico and Arizona, and one State, Colorado, in which there are no provisions of law for the settlement of Spanish and Mexican titles, the protection of which is guaranteed by treaty stipulations.

See "Report with testimony of Public Land Commission, 1880," for condition of grants and recommendations.

See Reports Commissioner General Land Office, 1876, '77–'79. Title, "Private land claims."

MINERAL IN LANDS EMBRACED IN PRIVATE LAND GRANTS.

The Commissioner of the General Land Office, in his annual report for 1876, says:

The owners of the grants which have been confirmed by Congress claim all the minerals embraced within their limits, upon the ground that the unqualified confirmation by Congress, and subsequent issue of patents, operates as a quit-claim to the minerals on the part of the United States Government.

The Spanish and Mexican Governments reserved the right to the minerals unless expressly granted; therefore, if the United States patents include the minerals, they not only make good the grants made by Spain and Mexico, but convey additional rights, and there is no inducement to prospectors to make discoveries. (See report of special agent to investigate this subject in report of Public Land Commission, February, 1880, pp. 4–12; also, see "Compilation of laws, regulations, usages and conditions of Spain and Mexico, under which lands were granted and held, and missions, presidios, and pueblos established and governed," by John Wasson, U. S. surveyor-general for Arizona.)

The total estimated area of lands embraced within the limits of private land claims on the public domain, patented and unpatented, is 80,000,000 acres.

UNDER THE THIRD ARTICLE OF THE TREATY WITH GREAT BRITAIN OF JUNE 15, 1846,

there is another class of private land claims growing out of possessory rights to lands held by and under the Hudson's Bay Company and by the Puget Sound Agricultural Company, on the north side of the Columbia. The claim of the last-named company was for 160,000 acres. These claims were for lands now in Washington Territory and Oregon, and were all settled by the executive and legislative departments many years ago. (See Statutes at Large, 1858, 1860, &c.)

UNDER TREATY WITH RUSSIA—THE ALASKA PURCHASE.

Under the third article of the treaty with Russia for the purchase of Alaska March 30, 1867, the United States agreed and guarantied that the inhabitants of Alaska should be "maintained and protected in the free enjoyment of their liberty, property, and religion."

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The Russian and American commissioners, authorized to make and receive transfer of the province of Alaska, at Sitka (New Archangel), October 18, 1867, signed inventories of public and private property held by individuals under grant from Russia. (For lists of these, see Ex. Doc. No. 125, second session Fortieth Congress.)

There has as yet been no legislation in reference to private land claims in Alaska.

MANNER OF SURVEY OF PRIVATE LAND CLAIMS.

Private land claims are surveyed by deputy surveyors, who enter into a contract with the surveyor-general for that purpose, which contract is approved by the Commissioner of the General Land Office.

After the contract has been approved and the necessary bond filed by the deputy, the surveyor-general issues special instructions for the survey, describing the boundaries of the claim as confirmed. These surveys are invariably of an irregular shape, and therefore do not conform to the legal subdivisions of the public surveys.

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CHAPTER XXXII.

To December 1, 1883.

[See pages 1157-1179.]

EXISTING METHODS OF SALE AND DISPOSITION OF PUBLIC LANDS.

To June 30, 1880.

The several existing laws for the sale and disposition of the public domain permit entries and locations by individuals, associations, and corporations.

A single man, a married man, a single woman, or a married woman, if (legally) the head of a family, citizens of the United States, or have declared their intentions to become such, can have the benefits of the several settlement laws.

The theory of the settlement laws is that an individual, if he be not already the owner of 320 acres of land, can purchase 160 acres under the pre-emption act after six months' settlement, occupation, and improvement, and can acquire 160 acres under the homestead act by residence, improvement, and cultivation for a term of five years, with certain legal rebates as to time of settlement, or can purchase at the end of six months by commutation.

Under the several settlement and occupancy laws, however, a person can legally acquire 1,120 acres of the public domain.

CLASSIFICATION.

The existing laws recognize several classes of lands, as follows:

Mineral.—"In all cases 'lands valuable for minerals' shall be reserved from sale, except as otherwise expressly directed by law." (Section 2318, R. S.)

Timber and stone.—Lands valuable chiefly for timber and stone, unfit for cultivation.

Saline.—Salt springs.

Town-site lands.—Any unoccupied public lands.

Desert.—Lands which will not, without irrigation, produce an agricultural crop.

Coal lands.—Lands containing coal.

And all others as *agricultural.*

Special laws are provided for each of the seven classes named. Lands reserved or withdrawn "are not subject to entry or location."

AGRICULTURAL LANDS.

Agricultural lands can be taken in tracts of from 40 to 160 acres under the pre-emption, homestead, and timber-culture acts, or purchased at public sale or private entry.

Of agricultural public lands there are two classes: the one class at $1.25 per acre, which is designated as *minimum*, and the other at $2.50 per acre, or *double minimum.* The latter class consists of tracts embraced within the alternate sections of land reserved to the United States in acts of Congress making grants within prescribed limits of the lines of railroads, or other works of internal improvements, to aid in the construction thereof, such reserved sections being double in price. Congress, by an act approved June 15, 1880, reduced to $1.25 per acre any lands then subject to entry (meaning, in this connection, ordinary cash entry of offered lands), which were put in market at the enhanced price prior to the 1st of January, 1861. Title may be acquired by purchase at public sale, or by ordinary "private entry," and in virtue of the pre emption, homestead, timber-culture, and other laws.

All lands obtained under the homestead laws are exempt from liability for debts contracted prior to the issuing of patent therefor.

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FEES AND COMMISSIONS.

For homestead entries on lands in Michigan, Wisconsin, Iowa, Missouri, Minnesota, Kansas, Nebraska, Dakota, Alabama, Mississippi, Louisiana, Arkansas, and Florida, commissions and fees are to be paid according to the following table:

Acres.	Price per acre.	Commissions.		Fee.	Total of fee and commissions.
		Payable when entry is made.	Payable when certificate issues.	Payable when entry is made.	
160	$2 50	$8 00	$8 00	$10 00	$26 00
80	2 50	4 00	4 00	5 00	13 00
40	2 50	2 00	2 00	5 00	9 00
160	1 25	4 00	4 00	10 00	18 00
80	1 25	2 00	2 00	5 00	9 00
40	1 25	1 00	1 00	5 00	7 00

In addition to the States and Territories above named, the same rates will apply to Ohio, Indiana, and Illinois, if any vacant tracts can be found liable to entry in these three States, where but very few isolated tracts of public land remain undisposed of.

In the Pacific and other political divisions, viz: On lands in California, Nevada, Oregon, Colorado, New Mexico, and Washington, and in Arizona, Idaho, Utah, Wyoming, and Montana, the commissions and fees are to be paid according to the following table:

Acres.	Price per acre.	Commissions.		Fee.	Total of fee and commissions.
		Payable when entry is made.	Payable when certificate issues.	Payable when entry is made.	
160	$2 50	$12 00	$12 00	$10 00	$34 00
80	2 50	6 00	6 00	5 00	17 00
40	2 50	3 09	3 00	5 00	11 00
160	1 25	6 00	6 00	10 00	22 00
80	1 25	3 00	3 00	5 00	11 00
40	1 25	1 50	1 50	5 00	8 00

PRE-EMPTION ACTS.

Under the pre-emption acts (see Chapter X, p. 214,) settlers pay a fee of $1.50 in the the Pacific division, and in all other localities $1, each, to the register and receiver of the land office upon filing declaratory statement, and at the time of final proof and entry pay an acreage of $1.25 per acre, or $2.50 per acre, as the case may be, for single or double minimum land.

MINERAL LANDS.

Mineral lands are located and sold thereafter in the manner described in Chapter XXVI.

COAL LANDS.

The public lands of the United States containing coal are disposed of under the act of Congress approved March 3, 1873.

The sale of coal lands is provided for by this act—

1. By ordinary private entry under section 1.

2. By granting a preference right of purchase based on priority of possession and improvement under section 2.

The land entered under either section must be *by legal subdivisions*, as made by the regular United States survey. Entry is confined to surveyed lands; to such as are

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vacant, not otherwise appropriated, reserved by competent authority, or containing valuable minerals other than coal.

Individuals and associations may purchase. If an individual, he must be twenty-one years of age and a citizen of the United States, or have declared his intention to become such citizen.

If an association or persons, each must be qualified as above.

A person is not disqualified by the ownership of any quantity of other land, nor by having removed from his own land in the same State or Territory.

Any individual may enter by legal subdivisions as aforesaid any area not exceeding 160 acres.

Any association may enter not to exceed 320 acres.

Any association of not less than four persons, duly qualified, who shall have expended not less than $5,000 in working and improving any coal mine or mines, may enter under section 2 not exceeding 640 acres, including such mining improvements.

The price per acre is $10 where the land is situated *more* than fifteen miles from any completed railroad, and $20 per acre where the land is *within* fifteen miles of such road.

Where the land lies *partly within* fifteen miles of such road and in *part outside* such limit, the *maximum* price must be paid for all legal subdivisions the greater part of which lies within fifteen miles of such road.

The term "completed railroad" is held to mean one which is actually constructed on the face of the earth, and lands within fifteen miles of any point of a railroad so constructed will be held and disposed of at $20 per acre.

One year from and after the expiration of the period allowed for filing the declaratory statement is given within which to make proof and payment, but no party will be allowed to make final proof and payment, except on notice to all others who appear on the records as claimants to the same tracts.

SALINE LANDS.

The act of Congress of January 12, 1877, provides that where tracts are found to be saline in character, and therefore under pre-existing laws not subject to disposal, they shall be offered at public sale at not less than $1.25 per acre, and if not then sold shall be thereafter held subject to private entry at the same price, as other public lands. The act provides for an investigation to ascertain by testimony the true character of public lands, where there shall be reason to suppose that they are saline. This act is confined in its operations to States which have had grants of salines which have been fully satisfied, or under which the right of selection has expired by efflux of time. This act excepts from its operation the Territories and the States of Mississippi, Louisiana, Florida, California, and Nevada.

TOWN SITES.

There are two methods of acquiring title to town sites on the public lands. By one method, under sections 2382, 2383, 2384 and 2385 of the Revised Statutes of the United States, the area of the city or town is limited to 640 acres. The founders are to lay it off into lots. A map is to be made describing its exterior boundaries according to the lines of the public surveys, where such lines are executed, giving the name of the city or town, exhibiting the streets, squares, blocks, lots, &c., the lots not to exceed 4,200 square feet, with a statement of the extent and general character of the improvements, the map and statement to be verified under oath by the party acting for and in behalf of the persons proposing to establish the city or town. The map and statement must be filed with the recorder for the county in which the town is situated. When the town is situated in an organized land district a verified copy of such map and statement must be filed with the register and receiver. A similar copy is to be filed in the General Land Office within one month after the filing thereof in the recorder's office, as also the testimony of two witnesses that the city or town has been

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established in good faith. The lots may then be offered at public sale to the highest bidder, at a minimum of $10 for each lot. Any tracts not then sold are afterwards liable to private entry at said minimum, or at such reasonable price as the Secretary of the Interior may order from time to time as the municipal property may increase or decrease, after at least three months' notice. A privilege is allowed to any actual settler upon any lot of pre-empting the same and any additional lot on which he may have substantial improvements, at the minimum price at any time before the day fixed for the public sale.

Where it is preferred, as it usually is, the sections 2387, 2388 and 2389 of the Revised Statutes of the United States grant to the inhabitants of cities and towns on the public lands the privilege of entering the lands occupied as town sites at the minimum price of $1.25 per acre, through the corporate authorities of such towns and cities, or the judges of the county courts acting as trustees for the occupants thereof. The maximum quantity liable to entry varies with the number of the inhabitants. If 100 and less than 200, the maximum is 320 acres; if more than 200 and less than 1,000, it is 640 acres; if 1,000 and over, it is 1,280 acres; and for each additional 1,000 inhabitants, not exceeding 5,000 in all, a further quantity of 320 acres is allowed to be entered.

STONE AND TIMBER LANDS.

Surveyed lands in California, Oregon, Nevada, and the Territory of Washington, not yet proclaimed and offered for sale, valuable chiefly for timber and stone, unfit for cultivation, and consequently for disposition under the pre-emption and homestead laws, may be entered under the first, second, and third sections of the act of Congress of June 3, 1878. The quantity is limited to 160 acres to any one person, and the price is fixed at $2.50 per acre. The applicant must be a citizen of the United States, or must have declared his intention to become a citizen under the naturalization laws. He must make affidavit that he is a citizen, and produce evidence of the fact; also a sworn statement designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that it is unfit for cultivation and valuable chiefly for its timber or stone; that it is uninhabited, contains no mining or other improvements except for ditch or canal purposes, where any such do exist, save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit, and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself. The statement must be verified by the oath of the applicant before the register or receiver of the district land office,

A notice of the application, describing the land, shall be posted in the office of the register for sixty days, and shall be published by the applicant in a newspaper published nearest the location of the premises for the same period of time. At the expiration of that time, proof of the publication of the notice and of the character and condition of the land as set forth in the sworn statement must be made, after which, if no objection appear, the entry will be allowed. The character and condition of the land must be shown by the affidavits of disinterested witnesses taken before the register or receiver, or any officer using a seal and authorized to administer oaths in the land district in which the land lies. Entry will be allowed and return thereof made to the General Land Office for the issue of the patent as in case of an ordinary cash sale.

The register and receiver are entitled to a fee of $5 each for allowing an entry under said act, and jointly at the rate of 22½ cents per hundred words for testimony reduced by them to writing for claimants.

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DESERT LANDS.

The desert-land law of March, 3, 1877, is confined in its operation to the States of California, Oregon, and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and Dakota. Only one entry can be made by any one person, and the maximum quantity which may be embraced therein is one section or 640 acres. A person desiring to avail himself of this law must be a citizen of the United States, or must have declared his intention to become a citizen. He must first submit proof that the land is of a class which will not without irrigation produce any agricultural crop, and, if it lies along streams or about bodies of water, that it will not produce hay without irrigation. He must also file his sworn declaration setting forth his qualification under the statute, and his intention to reclaim the tract applied for by conducting water thereon within three years from date of his declaration. If foreign-born, he must produce the record evidence of his naturalization, or of his having declared his intention to apply therefor, as the case may be. The land must be described in the declaration by legal subdivisions, if surveyed, and if not surveyed, by reference to conspicuous landmarks, or the established lines of survey. Thereupon the entry may be allowed, the party paying twenty-five cents per acre, the register and receiver issuing their joint certificate, and within three years the applicant must produce satisfactory proof of having reclaimed the land applied for by conducting water thereon, after which he may perfect his entry by paying the additional sum of one dollar per acre. This proof of reclamation must consist of the testimony of at least two disinterested and credible witnesses who must appear in person before the register and receiver of the proper district land office. The proof being found satisfactory, and full payment made, the receiver issues his final receipt, and the register his final certificate, on which the patent is issued.

No assignments are recognized under the desert-land law.

PUBLIC OFFERING AND PRIVATE ENTRY.

Lands are sold at public sale after offering in the manner indicated in prior pages of this volume, but no lands can be entered at private sale unless they have first been offered at public sale. The area of lands that can be so entered is small and they lie in isolated tracts in various States and Territories, except the total area of surveyed offered public lands in the five Southern States of Alabama, Arkansas, Florida, Louisiana, and Mississippi, which can be purchased at any district land office in said States in legal subdivisions, having been duly offered under the act of Congress of June 22, 1876.

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CHAPTER XXXIII.

TO DECEMBER 1, 1883.

[See pages 1179-1214.]

STATES AND TERRITORIES, 1776 TO 1880.

TO JUNE 30, 1880.

By the terms of the Constitution of the United States any of the original thirteen States were to become States in the Union upon ratification of that instrument, and without further legislation than official information of ratification. After its adoption by the ratification of eleven States (nine only being necessary), and going into effect March 4, 1789, the two outstanding States, North Carolina and Rhode Island, upon message from the President were admitted into the Union by the seating of their Senators and Representatives in Congress, and the extension of the terms of the judiciary act over them.

NEW STATES.

Under the third section of the fourth article of the Constitution, the United States, through Congress, reserved to themselves the right to admit new States, by declaring that "New States *may* be admitted by the Congress into this Union"; and, as the fourth section of the same article requires that "The United States shall guarantee to every State in this Union a republican form of government," it has in practice been deemed a prerequisite that the people proposing to form a new State shall be authorized by law to form a constitution, to be submitted to Congress, so as enable that body to judge of its republican character, before admitting them to the rights, privileges, and immunities secured through the organization of a State government, and upon an equal footing with other States; still this has been varied in several cases hereafter noted.

The Constitution of the United States declares, that "New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress."

The Constitution also declares that "the Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

Under this clause Congress exercises the power of creating Territorial governments, which in process of time, by the increase of population, apply on behalf of the people for authority to form constitutions and State governments, with a view to admission into the Union, and it is for the Congress of the United States, in the exercise of their constitutional powers, to judge of the expediency and the time of admitting them to all the privileges and immunities of States in the American Union.

AS TO THE ADMISSION OF NEW STATES.

The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State, and not to be held as a colony, and governed by Congress with absolute authority, and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a

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suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion. It is a question for the political department of the Government, and not the judicial; and whatever the political department of the Government shall recognize as within the limits of the United States, the judicial department is also bound to recognize and to administer in it the laws of the United States, so far as they apply. (Supreme Court United States, in Dred Scott *v.* Sandford, 19, How., 393.)

The entire subject of the admission of a State into the Union from a Territorial or other condition, with a constitution and a complete State government in operation, as in the case of California, or without a constitution, as in the case of Kentucky, is wholly within the province of Congress.

TERRITORIES.

Under section 3, Article IV, of the Constitution, Congress governs the territory of the United States. Congress can acquire territory by purchase or treaty, and then can enact laws for its government.

The Supreme Court of the United States, in American Insurance Co. *v.* Canter (1 Peters, 511), said:

In legislating for the Territories Congress exercises the combined powers of the General and of a State government.

The right to govern the territory of the United States is the inevitable consequence of the right to acquire territory. (Dred Scott *v.* Sandford, 19 How., 393; American Insurance Co. *v.* Canter, 1 Pet., 511; U. S. *v.* Gratiot, 14 Pet., 526.)

Congress possesses the absolute power of governing and legislating for the Territories, and may give a Territorial court jurisdiction over a suit brought by or against a citizen of a Territory. (Sere *v.* Pilot, 6 Cranch., 332.)

The power to govern the Territories subject to the Constitution is in Congress. It may do it mediately or immediately, either by the creation of a Territorial government with power to legislate for the Territory, subject to such restraints and limitations as Congress may impose upon it, or by the passage of laws directly operating upon the Territory, without the intervention of a subordinate government. (Edwards *v.* Panama, 1 Oregon, 418.)

A Territorial government is the only mode by which the purchasers and occupants of lands beyond the limits of any State can be protected in their rights of person and property. Hence the implied power of Congress to establish such a government. (U. S. *v.* Railroad Bridge Co., 6 McLean, 517; U. S. *v.* Gratiot, 14 Pet., 526; State *v.* Navigation Co., 11 Mart., 309.)

The power to acquire necessarily carries with it the power to preserve and apply to the purposes for which it was acquired. It is therefore the duty of Congress to establish a government over the people in a Territory. The form of government to be established necessarily rests in the discretion of Congress. Some form of civil authority is absolutely necessary to organize and preserve civilized society and prepare it to become a State, and what is the best form must always depend on the condition of the Territory at the time, and the choice of the mode must depend upon the exercise of a discretionary power by Congress, acting within the scope of its constitutional authority. (Dred Scott *v.* Sandford, 19 How., 393.)

REFERENCES TO EXISTING ORGANIC ACTS.

Territories are bodies politic, and have legal status under an organic act, but no sovereignty.

Organic acts have been passed from time to time from 1784 to 1868, viz: Ohio, ordinance of 1787; Louisiana, March 3, 1805; Indiana, May 7, 1800; Mississippi, April 7, 1798; Illinois, February 3, 1809; Alabama, March 3, 1817; Missouri, June 4, 1812; Arkansaw (Arkansas), March 2, 1819; Michigan, January 11, 1805; Florida, March 30, 1822; Iowa, June 12, 1838; Wisconsin, April 20, 1836; Minnesota, March 3, 1849; Oregon, August 14, 1848; Kansas, May 30, 1854; Nevada, March 2, 1861; Nebraska, May 30, 1854; Colorado, February 28, 1861. All of the above are now States.

EXISTING TERRITORIES.

New Mexico, September 9, 1850; Utah, September 9, 1850; Washington, March 2, 1853; Dakota, March 2, 1861; Arizona, February 24, 1863; Idaho, March 3, 1863; Montana, May 26, 1864; Wyoming, July 25, 1868.

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GOVERNMENT OF THE TERRITORIES.

The territory northwest of the river Ohio (the one first created) was organized by the ordinance of July 13, 1787. The form of government provided for the direct control of the Territory by officers appointed by the United States, and consisted of a governor, secretary, and three judges of the superior court. The legislative power was in the governor and the judges of the court. All their laws were subject to disapproval by Congress, and the United States paid all official salaries and the necessary expenses of government. When the Territory should have 5,000 free male inhabitants of full age they were to be entitled to a general assembly, consisting of a council and house of representatives. The members of the house were to be elected by the people. The council, consisting of 5 members, was nominated by the house, and appointed by Congress from ten names thus selected. This form of government was extended over Indiana by the act of May 7, 1800, but the feature of a council appointed by Congress was changed to one elected by the people by the act of February 27, 1809. The organic act for Mississippi, April 7, 1798, the Illinois act of 1809, the Alabama act of 1817, Missouri act of 1812, Michigan act of 1805, and Arkansaw act of 1819, were gradual enlargements of the rights and privileges of the Territories. In the Florida act of March 30, 1822, the powers were much enlarged, and this was really the first organic act. It set out and defined fully the powers and duties of a Territory and its people, with the exception of the method of appointing the members of the council, fifteen in all, to be appointed by the President of the United States. This feature was not enacted into the organic act for the Territory of Wisconsin, April 20, 1836, but the old system of an elective assembly was restored. This act was in the form of all the present organic acts, with slight alterations.

The usual method of organizing a Territory prior to the Florida act of 1822 was for Congress to describe the metes and bounds of a certain portion of the public domain and organize it into a Territory by name, re-enacting, with slight additions, an existing law relating to some other Territory, such as the ordinance of 1787, which was, in terms or effect, with slight modifications, extended over or embraced in the organic laws and acts for all of the Territories of the Union.

PRESENT FORM OF GOVERNMENT.

In each of the eight organized Territories the United States appoint and pay the governor, secretary, chief justice, and 2 associate justices, the marshal, and district attorney. In some of the Territories the judges create the judicial districts from the several counties, and the justices are assigned to hold court therein; in others the governor of the Territory performs this duty, and in some instances the matter is regulated by the legislature. Dakota has 3 associate justices.

The legislature, council and house, are elected by the people. The legislative term and length of time of holding session are fixed by Congress, which pays the members and expenses of holding sessions and for printing laws. Biennial sessions are the rule under the act of March 3, 1869.

In all the Territories, except Utah, where his veto power is absolute, the governor has a veto which may be overcome by a two-thirds vote.

Citizens of the Territories vote for local officers and Delegates to Congress, but not for President and Vice-President.

The legislative power extends to all "rightful subjects of legislation"; all acts are to be approved by Congress, to whom they are reported at once after each session of the legislature. Acts stand approved until disapproved.

The Secretary of the Interior now has charge, formerly exercised by the Department of State, over the Territories.

The Territories contain counties and municipalities chartered under special laws by the legislature, or under a general act. County and city officials are elected by the people, and in some of the Territories there are Territorial officers, controllers, auditors,

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or treasurers, &c., elected by the people, or appointed under laws of the legislature. Taxes are levied and paid out for the common benefit. Loans are created and bonds issued by the cities, counties, and Territories.

The courts, supreme and district, held by the United States judges, have both a United States and Territorial side, trying offenses and enforcing suits under the laws of the United States, or the codes enacted by the legislatures of the respective Territories; courts of probate and justices' courts are provided for under local laws. The court expenses, on behalf of the United States, or while sitting as United States courts, are paid by the United States. Expenses while sitting as Territorial courts are paid by the several counties in which the district courts are sitting. Appeals are granted and writs of error issued to the Supreme Court of the United States, where the amount in controversy exceeds a given sum, varying in the several Territories.

Each Territory has a Delegate in Congress, elected for two years by the people, who draws the same pay as a member of the House of Representatives and sits therein. He may (and does on the Public Lands, Mines, and Indian) serve on committees, and can speak, but cannot vote.

These Territorial governments, under an act of incorporation, are custodians on behalf of the United States of certain functions of government to be used for the benefit of persons or citizens within certain definite geographical divisions. These governments are or can be altered, abolished, reduced, or the Territory transferred by the United States at the pleasure of Congress. Territorial forms of government are replaced by the State governments, upon the entry of a Territory into the Union as a State, usually (except in four instances) retaining the name under which it was organized; the laws of the Territory governing until all functions are taken up by the State government. (See secs. 1839 to 1895, Chap. I, and 1925 to 1976, Chap. II, title The Territories, U. S. Revised Statutes.)

THE THIRTEEN ORIGINAL STATES.

The thirteen original States were admitted as follows:

1. Delaware adopted and ratified Constitution December 7, 1787.
2. Pennsylvania adopted and ratified Constitution December 12, 1787.
3. New Jersey adopted and ratified Constitution December 18, 1787.
4. Georgia adopted and ratified Constitution January 2, 1788.
5. Connecticut adopted and ratified Constitution January 9, 1788.
6. Massachusetts adopted and ratified Constitution February 6, 1788.
7. Maryland adopted and ratified Constitution April 28, 1788.
8. South Carolina adopted and ratified Constitution May 23, 1788.
9. New Hampshire adopted and ratified Constitution June 21, 1788.
10. Virginia adopted and ratified Constitution June 26, 1788.
11. New York adopted and ratified Constitution July 26, 1788.
12. North Carolina adopted and ratified Constitution November 21, 1789.
13. Rhode Island adopted and ratified Constitution May 29, 1790.

For derivation of names of the thirteen original States, see page 464.

For population and statistics see compendium Ninth and Tenth Censuses, and tables Tenth Census.

THE LEGISLATIVE STATES.

The date of organization or admission of the several legislative States are given below, with population at periods. The public-domain States are noted, together with their rapid increase of population. Many of the acts referred to under these several States contain provisions general or special relating to the public lands therein.

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ADMISSION OF STATES INTO THE UNION BY CONGRESSIONAL ENACTMENT, AND ORGANIZATION OF THE PUBLIC DOMAIN INTO TERRITORIES AND STATES.

The first State admitted by Congressional enactment into the Union after the adoption of the Constitution of the United States and the organization of the government thereunder was—

VERMONT.

(From French words "verd," green, and "mont," mountain.)

Population.

1790	85,425
1800	154,465
1810	217,895
1820	235,966
1830	280,652
1840	291,948
1850	314,120
1860	315,098
1870	330,551
1880	332,286

Area, 10,212 square miles, or 6,535,680 acres.

No Territorial condition under laws of United States.

Act to admit approved February 18, 1791. It was formed from a part of the Territory of New York, its legislature consenting by act of March 6, 1790. (Journal Senate of the United States, February 9, 1791, and appendix to Journal House of Representatives, vol. 1, p. 412.)

See Chap. II, title "Vermont Colonization," for Vermont during colonial period.

July 2, 1777, a convention met, framed a constitution at Windsor; adjourned July 8, 1777. It was adopted by the legislature of 1779 and 1782, and became a part of the laws of the State.

July 4, 1786, Vermont, by convention, framed a second constitution, which was adopted by the legislature, and became law in March, 1787.

Application of the Commissioners of Vermont to Congress for admission into the Union was received at Philadelphia February 9, 1791, a constitution having been formed.

Vermont contains no public domain.

Entitled to two Representatives by act of Congress February 25, 1791.

An act giving effect to laws of the United States in Vermont, after March 3, 1791, approved March 2, 1791.

Admitted into the Union March 4, 1791.

KENTUCKY

(Indian—At the head of river) was the second State admitted into the Union.

Population.

Years.	White.	Colored.	Total.
1790	61,133	12,544	73,677
1800	179,873	41,082	220,955
1810	324,237	82,274	406,511
1820	434,622	129,491	564,113
1830	517,787	170,130	687,917
1840	590,253	189,575	779,828
1850	761,413	220,992	982,405
1860	919,484	236,167	1,155,684
1870	1,098,692	222,210	1,321,011
1880	1,377,179	271,451	1,648,690

Area, 37,680 square miles, or 24,115,200 acres.

Act to admit approved February 4, 1791. Admitted into the Union June 1, 1792.

No Territorial condition under laws of United States.

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Formed from the territory of Virginia with the consent of its legislature by act of December 18, 1789 (Journal Senate of the United States, December 9, 1790; Laws of the United States; and message of President to Congress, December 8, 1790). Ten conventions were held by the people, and four enabling acts were passed by Virginia prior to admission of Kentucky. Application of the convention of Kentucky received December 9, 1790 (See Journal House of Representatives, vol. 1, p. 411, appendix). (Its constitution not then formed.) Act of Congress for its reception and admission on June 1, 1792, approved on February 4, 1791.

Entitled to two Representatives, by act of Congress February 25, 1791.

No act giving effect to the laws of the United States in Kentucky.

A copy of the constitution formed for the State of Kentucky, by a convention which met at Danville, April 2 to 19, 1792, but which was not submitted to the people for ratification, laid before Congress by the President of the United States on November 7, 1792.

Kentucky was nominally in the territory south of the river Ohio, but contained no public domain.

TENNESSEE

(Indian—River of big bend) was the third State admitted.

Population.

Years.	White.	Colored.	Total.
1790	31, 913	3, 778	35, 691
1800	91, 709	13, 893	105, 602
1810	215, 875	45, 852	261, 727
1820	339, 927	82, 844	422, 771
1830	535, 746	146, 158	681, 904
1840	640, 627	188, 583	829, 210
1850	756, 836	245, 881	1, 002, 717
1860	826, 722	283, 019	1, 109, 801
1870	936, 119	322, 331	1, 258, 520
1880	1, 138, 831	403, 151	1, 542, 359

Area, 45,600 square miles, or 29,184,000 acres.

No organic act. Act to admit approved June 1, 1796; admitted into the Union same date.

Part of the territory of the United States south of the river Ohio.

Formed of territory ceded to the United States by the State of North Carolina. Once called by the inhabitants, prior to 1784, the "Watauga" government. After 1784 the people organized a government known as the State of "Frankland." The Watauga constitution was the first west of the Alleghanies.

An act for the government of the territory of the United States south of the river Ohio was approved May 26, 1790. See also act of May 8, 1792. The people of that territory formed a convention, which met at Knoxville January 11, 1796, adopted a constitution on February 6, 1796, and applied for admission (see Journal of the House of Representatives April 8, and Senate Journal April 11, 1796, and folio State Papers, "Miscellaneous," vol. 1, pp. 146–7, 150); upon which "an act for the admission of the State of Tennessee into the Union" was passed and approved June 1, 1796, by which the laws of the United States were extended to that State, and it was allowed one Representative in Congress.

The said laws were again extended to the State of Tennessee by an act approved January 31, 1797, and by an act approved February 19, 1799. This last act divided the State into eastern and western districts.

The entire area of Tennessee was public domain, but the United States gave the

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same to the State, after deducting the lands necessary to fill the obligations in the deed of cession of North Carolina. (See Chapter III, title "Reservations in cessions by States.")

OHIO

(Indian—Beautiful) was the fourth State admitted.

Population.

Years.	White.	Colored.	Total.
1800	45,028	337	45,365
1810	228,861	1,899	230,760
1820	576,572	4,723	581,295
1830	928,329	9,574	937,903
1840	1,502,122	17,345	1,519,467
1850	1,955,050	25,279	1,980,329
1860	2,302,808	36,673	2,339,511
1870	2,601,946	63,213	2,665,260
1880	3,117,920	79,900	3,198,062

Area, 39,964 square miles, or 25,576,960 acres.

No Territorial condition as Ohio Territory. Act to admit April 30, 1802. Admitted November 29, 1802.

Under ordinance of 1787, territory northwest of the river Ohio ceded by Virginia.

Formed out of a part of the territory northwest of the river Ohio and part of Michigan Territory. An act to provide for the government of the territory northwest of the river Ohio was approved on July 13, 1787. This territory was divided into two separate governments by act of Congress of May 7, 1800.

For the entire history of the territory out of which this State and the States of Indiana, Illinois, Michigan, and Wisconsin, were formed, and its immediate connection with the formation of our "more perfect union," see chapter V.

The census of the territory, and petitions from the people thereof, referred to committee of the House of Representatives. (See Journal January 29, 1802. See report March 4, 1802, folio State Papers, Miscellaneous," vol. 1, p. 325.)

The State of Ohio.

An act to enable the people of the eastern division of said territory to form a constitution and State government was passed and approved April 30, 1802, by which that State was allowed one Representative in Congress. A constitution was accordingly formed by a convention which met at Chillicothe November 1 to 29, 1802, and presented to Congress. (See Journal Senate January 7, 1803.) This was not submitted to the people.

The said people having, on November 29, 1802, complied with the act of Congress of April 30, 1802, whereby the said State became one of the United States, an act was passed and approved on February 19, 1803, for the due execution of the laws of the United States within that State.

An act in addition to, and in modification of, the propositions contained in the act of April 30, 1802, was passed and approved on March 3, 1803.

All of the area of Ohio, except the Western Reserve and other reservations, was public domain, and was surveyed and disposed of under laws of the United States.

By act of July 31, 1876, the land-offices in Ohio, Indiana, and Illinois were abolished; and by act of March 3, 1877, the vacant tracts of public land in Ohio, Indiana, and Illinois were made subject to entry and location at the General Land Office, Washington, D. C. (See Regulations of General Land Office.)

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LOUISIANA

(after Louis XIV. of France) was the fifth State admitted.

Population.

Years.	White.	Colored.	Total.
1810	34, 311	42, 245	76, 556
1820	73, 383	79, 540	152, 923
1830	89, 441	126, 298	215, 739
1840	158, 457	193, 954	352, 411
1850	255, 491	262, 271	517, 762
1860	357, 456	350, 373	708, 002
1870	362, 065	364, 210	726, 915
1880	454, 954	483, 655	939, 946

Area, 41,346 square miles, or 26,461,440 acres.

A Territorial condition. Act organizing, March 3, 1805. Admitted April 30, 1812.

Formed out of part of the territory ceded to the United States by France.

The Territory of Louisiana.

On October 31, 1803, an act to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris on the 30th of April last, and for the temporary government thereof, was passed and approved.

Louisiana was erected into two Territories by act of Congress, approved March 26, 1804; one called the Territory of Orleans, and the other called the District of Louisiana, which became the State of Missouri.

The Territory of Orleans.

An act further providing for the government of the Orleans Territory was approved March 2, 1805, which authorized the people to form a constitution and State government when their number should amount to 60,000.

A memorial of the legislature of the Territory of Orleans, on behalf of the inhabitants (see folio State Papers, "Miscellaneous," vol. 2, p. 51) was presented in Senate United States. (See Journal, March 12, 1810.)

An act to enable the people of the Territory of Orleans to form a constitution and State government, &c., by which that State was allowed one Representative until the next census, was passed and approved February 20, 1811.

The State of Louisiana formed from the Territory of Orleans.

The people having, on January 22, 1812, formed a constitution (which was framed by a convention which met at New Orleans, November, 1811, and adjourned June 22, 1812) and State government, and given the State the name of Louisiana, in pursuance of the said act, an act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said State, was passed and approved April 8, 1812.

On May 22, 1812, an act supplemental to the act of April 8, 1812, was approved.

Excepting certain grants made by former sovereigns and other owners of the soil, all of the State of Louisiana was public domain, and was and is surveyed and disposed of by the United States.

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INDIANA

(from Indian) was the sixth State admitted.

Population.

Years.	White.	Colored.	Total.
1800	5,343	298	5,641
1810	23,890	630	24,520
1820	145,758	1,420	147,178
1830	339,399	3,632	343,031
1840	678,698	7,168	685,866
1850	977,154	11,262	988,416
1860	1,338,710	11,428	1,350,428
1870	1,655,837	24,560	1,680,637
1880	1,938,798	39,228	1,978,301

Area, 33,809 square miles, or 21,637,760 acres.

A Territorial condition. Act organizing, May 7, 1800. Admitted December 11, 1816. Formed out of a part of the Northwestern Territory. (See "Ohio.")

The Indiana Territory.

The Territory established by act of May 7, 1800.

The Territory divided into two separate governments, and that of Michigan created by act of January 11, 1805.

The Territory again divided into two separate governments, and that of Illinois created by act of February 3, 1809.

The legislature of the Territory, on behalf of the people, applied to be enabled to form a constitution, &c. (See Journal of House of Representatives, December 28, 1815, and January 5, 1816; also folio State Papers, "Miscellaneous," vol. 2, p. 277.)

The State of Indiana.

An act to enable the people of the Indiana Territory to form a constitution and State government, &c., by which that State was allowed one Representative, was passed April 19, 1816.

The said people having, on June 29, 1816 (through a convention at Corydon), formed a constitution, &c., a joint resolution for admitting the State of Indiana into the Union was passed and approved December 11, 1816.

The laws of the United States extended to the State of Indiana, by act of March 3, 1817.

All of the area of Indiana was public domain, except certain grants made by foreign sovereigns, former owners of the soil, and was surveyed and disposed of under laws of the United States. (See note under "Ohio," as to law placing the remainder of the public domain in Indiana under the General Land Office, directly in charge of the Commissioner, through whom entries must be made.)

MISSISSIPPI

(Indian—Great long river) was the seventh State admitted.

Population.

Years.	White.	Colored.	Total.
1800	5,179	3,671	8,850
1810	23,024	17,328	40,352
1820	42,176	33,272	75,448
1830	70,443	66,178	136,621
1840	179,074	196,577	375,651
1850	295,718	310,808	606,526
1860	353,899	437,404	791,305
1870	382,896	444,201	827,922
1880	479,398	650,291	1,131,597

Area, 47,156 square miles, or 30,179,840 acres.

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A Territorial condition. Act organizing, April 7, 1798. Admitted December 10, 1817.

Portion of the State once in the Territory south of the river Ohio. Part of the British province of West Florida.

Formed out of a part of the territory ceded to the United States by the State of South Carolina, and out of territory ceded by the State of Georgia and France.

The Mississippi Territory.

The government of the Territory established by act of Congress of April 7, 1798.

Limits settled and government established by act of Congress of May 10, 1800.

Territory on the north added to the Mississippi Territory, by act of Congress of March 27, 1804.

The boundaries enlarged on the south, by act of Congress of May 14, 1812.

A joint resolution of Congress "requesting the State of Georgia to assent to the formation of two States from the Mississippi Territory" was passed and approved June 17, 1812, and the Territory of Alabama was formed from Mississippi.

A motion was made in House of Representatives of the United States to inquire into the expediency of admitting Mississippi into the Union, December 28, 1810. Reported on by committee, January 9, 1811. (See folio State Papers, "Miscellaneous," vol. 2, p. 129.)

A petition from the inhabitants of Mississippi, that it be made a State, &c., presented in House of Representatives, November 13, 1811. Reported on by committee of House of Representatives, December 17, 1811. (See same book, p. 163.)

Bill passed House of Representatives. Report adverse in Senate, April 17, 1812, and bill postponed. (See same book, p. 182.)

A memorial presented in House of Representatives, January 21, 1815. Reported on February 23, 1815. (See same book, p. 274.)

A memorial presented in House of Representatives, December 6, 1815. Reported on December 29, 1815. (See same book, p. 276.)

A memorial presented in House of Representatives, December 9, 1816. Reported on December 23, 1816. (See same book, p. 407.) Reported on January 17, 1817. (See same book, p. 416.)

The State of Mississippi.

An act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, &c., was passed and approved on March 1, 1817, by which the State was to have one Representative until the next census.

The said people having (through a convention which met at the town of Washington, July 7 to August 15, 1817) formed a constitution, and which was ratified by the people at a special election, a joint resolution for the admission of the State of Mississippi into the Union was passed and approved December 10, 1817.

On April 3, 1818, an act to provide for the due execution of the laws of the United States within the State of Mississippi was approved.

All of the area of the State of Mississippi was public domain and was surveyed, and was and is now disposed of by the United States.

ILLINOIS

(Indian, "Illini," men, and French, "ois," tribe of men) was the eighth State admitted.

Population.

Years.	White.	Colored.	Total.
1810	11, 501	781	12, 282
1820	53, 788	1, 374	55, 162
1830	155, 061	2, 384	157, 445
1840	472, 254	3, 929	476, 183
1850	846, 034	5, 436	851, 470
1860	1, 704, 291	7, 628	1, 711, 951
1870	2, 511, 096	28, 762	2, 539, 895
1880	3, 031, 151	46, 368	3, 077, 871

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Area, 55,414 square miles, or 35,465,093 acres.

A Territorial condition. Act organizing, February 3, 1809. Admitted December 3, 1818.

Formed out of a part of the Northwestern Territory. (For proclamation of General Gage, respecting the country of Illinois, made December 30, 1764, see Bioren and Duane's edit. Laws, vol. 1, p. 506.)

Illinois Territory.

An act for dividing the Indiana Territory into two separate governments, and organizing the Illinois Territory, was passed and approved February 3, 1809.

An act to amend the act of April 16, 1814, extending the western boundary of Illinois to the middle of the Mississippi, to include the islands between the middle and eastern margin of that river, was passed and approved February 27, 1815.

A memorial of the legislative council, to be allowed to form a State government, &c., presented in House of Representatives, January 16, 1818.

The State of Illinois.

An act to enable the people of the Illinois Territory to form a constitution and State government, and authorizing one Representative in Congress, &c., was passed and approved April 18, 1818. By this act a part of the Territory of Illinois was attached to the Territory of Michigan.

The people having, on August 26, 1818 (through a convention at Kaskaskia), formed a constitution, &c., a joint resolution declaring the admission of the State of Illinois into the Union was passed and approved December 3, 1818.

An act to provide for the due execution of the laws of the United States within the State of Illinois was passed and approved March 3, 1819.

The entire area of Illinois, excepting certain grants made by foreign sovereigns prior to 1783, was public domain, and was surveyed, and was and is disposed of by the United States. (See note under Ohio in relation to entries of public domain in Illinois through the Commissioner of the General Land Office.)

ALABAMA

(Indian—Here we rest) was the ninth State admitted

Population.

Years.	White.	Colored.	Total.
1820	85,451	42,450	127,901
1830	190,406	119,121	309,527
1840	335,185	255,571	590,756
1850	426,514	345,109	771,623
1860	526,271	437,710	964,201
1870	521,384	475,510	996,992
1880	662,185	600,103	1,262,505

Area, 50,722 square miles, or 32,462,115 acres.

A Territorial condition. Act organizing, March 3, 1817. Admitted December 14, 1819.

Part of the British province of West Florida, and part of the Territory south of the River Ohio. Formed out of a part of the territory ceded to the United States by France and by the States of South Carolina and Georgia.

Alabama Territory.

The eastern part of Mississippi territory made a separate territory, and called "Alabama," by act of Congress approved March 3, 1817.

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A petition of the legislative council of Alabama on behalf of the people, praying to be allowed to form a constitution, &c., was presented in the House of Representatives December 7, 1818.

The State of Alabama.

An act to enable the people of the Alabama Territory to form a constitution and State government, &c., authorizing one Representative in Congress, was passed and approved March 2, 1819.

The people having, on August 2, 1819, through a convention which met at Huntsville, formed a constitution, &c., a joint resolution declaring the admission of the State of Alabama into the Union was passed and approved December 14, 1819.

The laws of the United States were extended to the State of Alabama by act of April 21, 1820, establishing a district court, &c.

All of the area of the State of Alabama was public domain, was surveyed, and was and is now disposed of under the laws of the United States.

MAINE

(Mænus) was the tenth State admitted.

Population.

Years.	White.	Colored.	Total.
1790	96,002	538	96,540
1800	150,901	818	151,719
1810	227,736	969	228,705
1820	297,340	929	298,269
1830	398,263	1,192	399,455
1840	500,438	1,135	501,793
1850	581,813	1,356	583,169
1860	626,947	1,327	628,279
1870	624,809	1,606	626,915
1880	646,852	1,451	648,936

Area, 35,000 square miles, or 22,400,000 acres.

No organic act. No Territorial condition under laws of United States. Act to admit, March 3, 1820. Admitted March, 15, 1820.

Formed out of a part of the territory of Massachusetts (see Chapter II, "Maine"), and from territory ceded to United States by Great Britain by the definitive treaty of September 4, 1783.

The legislature of Massachusetts, June 19, 1819, submitted the question of separation to the people of Maine, who, on July 19, 1819, voted 17,091 votes for, to 7,132 votes against a separate and independent State. A convention met at Portland October 11, 1819, to form a constitution. Adjourned from October 29 to January 5, 1820, to receive the results of the special election upon the adoption or rejection of the constitution, which received 9,010 votes for to 796 against. The illegal or unseasonable vote was 985 votes for to 77 against.

A petition of a convention on behalf of the people of the district of Maine, praying to be permitted to form a separate State, was presented in the House of Representatives of the United States December 8, 1819.

Cession of Maine by Massachusetts, approved by the governor February 25, 1820.

An act for the admission of the State of Maine into the Union was passed and approved March 3, 1820, in the following words:

Whereas, by an act of the State of Massachusetts, passed on the 19th day of June, in the year 1819, entitled "An act relating to the separation of the district of Maine from Massachusetts proper, and forming the same into a separate and independent State," the people of that part of Massachusetts heretofore known as the district of Maine, did, with the consent of the legislature of said State of Massachusetts, form

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themselves into an independent State, and did establish a constitution for the government of the same, agreeably to the provisions of the said act; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 15th day of March, in the year 1820, the State of Maine is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

On the 7th of April, 1820, the following act was passed and approved:

AN ACT for apportioning the Representatives in the seventeenth Congress, to be elected in the State of Massachusetts and Maine, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the election of Representatives in the seventeenth Congress, the State of Massachusetts shall be entitled to choose thirteen Representatives only; and the State of Maine shall be entitled to choose seven Representatives, according to the consent of the legislature of said State of Massachusetts, for this purpose given, by their resolve passed on the 25th day of January last, and prior to the admission of the State of Maine into the Union.

SEC. 2. *And be it further enacted,* That, if the seat of any of the Representatives in the present Congress, who were elected in and under the authority of the State of Massachusetts, and who are now inhabitants of the State of Maine, shall be vacated by death, resignation, or otherwise, such vacancy shall be supplied by a successor who shall, at the time of his election, be an inhabitant of the State of Maine.

The United States held no public lands in Maine.

MISSOURI

(Indian—Muddy) was the eleventh State admitted.

Population.

Years.	White.	Colored.	Total.
1810	17,227	3,618	20,845
1820	55,988	10,569	66,557
1830	114,795	25,660	140,455
1840	323,888	59,814	383,702
1850	592,004	90,040	682,044
1860	1,063,489	118,503	1,182,012
1870	1,603,146	118,071	1,721,295
1880	2,022,826	145,350	2,168,380

Area 65,350 square miles, or 41,824,000 acres.

A Territorial condition. Act organizing, June 4, 1812. Admitted August 10, 1821.

Formed out of part of the territory ceded by France.

The District of Louisiana.

Missouri was created under the name of the District of Louisiana by the "Act erecting Louisiana into two Territories, and providing for the temporary government thereof," which was approved March 26, 1804. By this act the government of this District was placed under the direction of the governor and judges of the Indiana Territory.

On the 3d of March, 1805, an act further providing for the government of the District of Louisiana was approved.

The Territory of Louisiana.

By this act a separate government was formed under the title of the Territory of Louisiana.

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Missouri Territory.

An act providing for the government of the Territory of Missouri was passed and approved June 4, 1812, by which it was provided "That the Territory heretofore called Louisiana shall hereafter be called Missouri," &c.

An act to alter certain parts of the act providing for the government of the Territory of Missouri was passed and approved April 29, 1816.

An act establishing a separate Territorial government in the southern part of the Territory of Missouri, to be called Arkansas Territory, was passed the 2d March, 1819.

A memorial of the legislative council and house of representatives of the Territory of Missouri, in the name and on behalf of the people, for admission into the Union as a State, was presented in the Senate on December 29, 1819.

The State of Missouri.

An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories, was passed March 6, 1820.

The people having, on July 19, 1820, through a convention which met at Saint Louis June 12 to July 19, 1820, and whose act was confirmed by the people at the ensuing election, formed a constitution in pursuance of said act, the same was laid before Congress on November 16, 1820. Mr. Lowndes, from the committee to which it was referred, made a report to the House of Representatives November 23, 1820, accompanied by a "Resolution declaring the admission of the State of Missouri into the Union." (See folio State Papers, "Miscellaneous," vol. 2, p. 625.)

The Senate passed a joint "Resolution declaring the admission of the State of Missouri into the Union," on December 12, 1820, which was referred to a select committee in the House of Representatives, and on February 10, 1821, Mr. Clay made a report. (See folio State Papers as above, p. 655.) The House rejected the resolution of the Senate on February 14, 1821. On February 22, on motion of Mr. Clay, a committee on the part of the House was appointed to join a committee on the part of the Senate on the subject of the admission of Missouri.

On February 26, Mr. Clay, from the joint committee, reported a "Resolution providing for the admission of the State of Missouri into the Union on a certain condition," which resolution was passed and approved March 2, 1821. The said condition was accepted by the legislature of Missouri by "A solemn public act, declaring the assent of this State" to "the fundamental condition" contained in a resolution passed by the Congress of the United States providing for the admission of the State of Missouri into the Union on a certain condition, which was approved by the governor on June 26, 1821.

On August 10, 1821, the President of the United States issued his proclamation declaring the admission of Missouri complete according to law.

On March 16, 1822, an act to provide for the due execution of the laws of the United States within the State of Missouri, &c., was passed and approved.

The entire area of Missouri, excepting certain grants made by foreign sovereigns, former owners of the soil, was public domain and was surveyed, and was and now is disposed of under laws of the United States.

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ARKANSAS

(*Arc*, a bow—prefixed to Kansas) was the twelfth State admitted.

Population.

Years.	White.	Colored.	Total.
1820	12, 579	1, 676	14, 255
1830	25, 671	4, 717	30, 388
1840	77, 174	20, 400	97, 374
1850	162, 189	47, 708	209, 897
1860	324, 143	111, 259	435, 450
1870	362, 115	122, 169	484, 471
1880	591, 531	210, 666	802, 525

Area 52,202 square miles, or 33,410,063 acres.

A Territorial organization. Act organizing, March 2, 1819. Admitted June 15, 1836. Formed out of part of the territory ceded to the United States by France.

The Arkansaw Territory.

An act establishing a separate Territorial government in the southern part of the Territory of Missouri was passed March 2, 1819, by which it was named Arkansaw.

Arkansas Territory.

An act relative to the Arkansas Territory, declaring that the act of June 4, 1812, for the government of Missouri, as modified by the act of April 29, 1816, should be in force in Arkansas, was passed April 21, 1820.

An act to fix the western boundary line of the Territory of Arkansas, and for other purposes, was passed May 26, 1824.

An act to run and mark a line dividing Arkansas from Louisiana was passed and approved May 19, 1828.

A memorial of the inhabitants, by a convention which met at Little Rock January 4 to 30, 1836, praying that Arkansas might be admitted into the Union, accompanied by a constitution formed by said convention, was presented in the House of Representatives on March 1, 1836. (See printed documents, House of Representatives, 1st session, 24th Congress, vol. 4, Nos. 133, 144–75.) The proceedings of said convention were also communicated to the House of Representatives through the President of the United States on March 10, 1836. (See said printed documents, vol. 4, No. 164.)

The State of Arkansas.

"An act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes," was passed June 15, 1836, containing the following preamble, viz:

Whereas the people of the Territory of Arkansas did, on the 30th day of January, in the present year, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and State government, which constitution and State government, so formed, is republican: And whereas, the number of inhabitants within the said Territory exceeds forty-seven thousand seven hundred persons, computed according to the rule prescribed by the Constitution of the United States; and the said convention have, in their behalf, asked the Congress of the United States to admit the said Territory into the Union as a State, on an equal footing with the original States.

By this act Arkansas was allowed one Representative until the next census, and the laws of the United States were extended over the same.

On June 23, 1836, an act supplemental to the foregoing act was passed and approved.

All of the area of the State of Arkansas was public domain, and was surveyed and was and now is disposed of under the laws of the United States.

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MICHIGAN

(Indian—A weir for fish) was the thirteenth State admitted.

Population.

Years.	White.	Colored.	Total.
1810	4,618	144	4,762
1820	8,591	174	8,765
1830	31,346	293	31,639
1840	211,560	707	212,267
1850	395,071	2,583	397,654
1860	736,142	6,799	749,113
1870	1,167,282	11,849	1,184,059
1880	1,614,560	15,100	1,636,937

Area, 56,451 square miles, or 36,128,640 acres.

A Territorial condition. Act organizing, January 11, 1805. Admitted January 26, 1837.

Formed out of part of the "Territory northwest of the river Ohio."

The Territory of Michigan.

An act to divide the Indiana Territory into two separate governments, and establishing that of the territory of Michigan, was passed and approved January 11, 1805.

An act to authorize the President of the United States to ascertain and designate certain boundaries, was passed and approved May 20, 1812, by which the boundary between Ohio and Michigan was directed to be ascertained and marked.

By the act of April 18, 1818, to enable the people of Illinois to form a constitution and State government, &c., a part of that territory was attached to the Territory of Michigan.

An act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes, was passed and approved March 3, 1823.

An act in addition to the above act, passed and approved February 5, 1825.

An act to provide for the taking of certain observations preparatory to the adjustment of the northern boundary line of the State of Ohio was passed and approved July 14, 1832.

A memorial of the legislative council, praying that Michigan be admitted into the Union, was presented in the Senate January 25, 1833. (See Senate documents second session Twenty-second Congress, vol. 1, No. 54.) A bill for that object was reported in the House of Representatives on February 26, 1833.

A memorial for admission was presented in the House of Representatives December 11, 1833, and in the Senate February 28, 1834. (See documents House of Representatives, first session Twenty-third Congress, vol. 3, No. 168, vol. 4, Nos. 245, 302.)

A report was made by a select committee of the House of Representatives on the subject of boundary, &c., on March 11, 1834. (See reports of committees of House of Representatives, first session Twenty-third Congress, vol 3, No. 334.) This report was accompanied by a bill to provide for taking a census or enumeration of the inhabitants of the eastern division of the Territory of Michigan, and of the Territory of Arkansas.

And on April 12, 1834, the same committee reported a bill establishing the Territorial government of Huron.

An act to attach the territory of the United States west of the Mississippi River, and north of the State of Missouri, to the Territory of Michigan, was passed and approved June 28, 1834.

A memorial was presented in the Senate December 23, and House of Representatives December 29, 1834, for the erection of "Wisconsin" into a separate government. (See documents House Representative, second session Twenty-third Congress, vol. 2, Nos. 34, 47.)

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Resolutions of the legislative council of Michigan, relative to boundary with Ohio, presented in House of Representatives January 3, 1835. (See said vol. 2, No. 53.)

A memorial of legislative council of Michigan, relative to southern boundary thereof, presented in the House of Representatives March 2, 1835. (See said documents, vol. 5, No. 183.)

Two maps prepared under resolution House of Representatives of June 11, 1834. (See said documents, vol. 5, No. 199.)

The constitution of Michigan was framed by a convention, called by the legislative council of the Territory, which met at Detroit May 11 to June 29, 1835. It was ratified by the people November 2, 1835, and transmitted to Congress by the President December 10, 1835. (See below.)

Two messages to Congress by the President of the United States, with documents relating to the boundaries and the admission of Michigan into the Union, were received on December 10, 1835. (See Senate documents, first session Twenty-fourth Congress, vol. 1. Nos. 5 and 6.)

A message from the President to Congress with documents and map relating to the boundary between Ohio and Michigan was received January 12, 1836. (See Senate documents as above, vol. 2, No. 51.)

A report was made by a committee of the Senate on the subject of the boundary line, accompanied by a map, on March 1, 1836. (See Senate documents as above, vol. 3, No. 211.)

A report was made by a committee of the House of Representatives, on March 2, 1836, on the subject of admission, boundary, &c. (communicating a large collection of documents relating to the entire subject). (See reports of committees, House of Representatives, first session Twenty-fourth Congress, vol. 2, No. 380.)

The State of Michigan.

"An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed," was passed June 15, 1836. By this act Michigan was authorized to send one Representative to Congress until the next census. An act supplementary to the said act was passed June 23, 1836.

An act to provide for the due execution of the laws of the United States within the State of Michigan was passed July 1, 1836.

An act to admit the State of Michigan into the Union upon an equal footing with the original States was passed January 26, 1837, containing the following preamble, viz:

Whereas, in pursuance of the act of Congress of June 15, 1836, entitled "An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed," a convention of delegates, elected by the people of the said State of Michigan, for the sole purpose of giving their assent to the boundaries of the said State of Michigan as described, declared, and established in and by the said act, did, on December 15, 1836, assent to the provisions of said act; therefore,

Be it enacted, &c., That the State of Michigan shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

An act to ascertain and designate the boundary line between the State of Michigan and the Territory of Wisconsin was passed and approved June 12, 1838.

All of the area of Michigan was public domain, excepting certain grants made by foreign sovereigns, former owners of the soil, and was and now is surveyed and disposed of under laws of the United States.

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FLORIDA

(after Easter Sunday; Spanish, Pæscua—Florida) was the fourteenth State admitted.

Population.

Years.	White.	Colored.	Total.
1830	18,385	16,345	34,730
1840	27,943	26,534	54,477
1850	47,203	40,242	87,445
1860	77,746	62,677	140,424
1870	96,057	91,689	187,748
1880	142,605	126,690	269,493

Area, 59,268 square miles, or 37,931,520 acres.

A territorial organization. Organic act, March 30, 1822; admitted March 3, 1845.

Formed out of the territory ceded by Spain to the United States.

The treaty of cession and boundaries.

The boundaries of East and West Florida, in the hands of the British Government October 7, 1763. (See vol. 1, Laws United States, Bioren and Duane's edition, p. 444.)

The boundaries of West Florida, as changed by the British Government June 6, 1764. (See same volume, p. 450.)

A resolution and several acts of Congress were passed to enable the President of the United States to take possession of the Floridas under certain contingencies at the following dates, viz:

A resolution January 15, 1811. (Laws United States, Bioren and Duane's edition, vol. 6, p. 592.)

An act January 15, 1811. (Same vol., p. 592.)

An act March 3, 1811. (Same vol., p. 593.)

An act February 12, 1813. (Same vol., p. 593.)

An act to authorize the President of the United States to take possession of East and West Florida and establish a temporary government therein was passed March 3, 1819.

An act for carrying into execution the treaty between the United States and Spain, concluded at Washington on February 22, 1819, was passed March 3, 1821.

Ratification of the treaty and exchange of ratification February 22, 1821. (Laws United States, Bioren and Duane's edition, vol. 6, p. 631.)

Copies of grants of lands annulled by said treaty. (Same vol., p. 632–637.)

Articles of surrender of East Florida to the United States on July 10, 1821. (Same vol., p. 638.)

Article of surrender of West Florida to the United States on July 17, 1821. (Same vol., p. 639.)

Proclamation of General Jackson, as governor, assuming authority over the said Territories in the name of the United States, July 17, 1821. (Same vol., p. 641.)

The Territory of Florida.

An act for the establishment of a Territorial government in Florida was passed March 30, 1822.

An act to amend "An act for the establishment of a Territorial government in Florida, and for other purposes," was passed March 3, 1823. By this act East and West Florida were constituted one Territory.

An act to amend the act of March 3, 1823, was passed and approved May 26, 1824.

An act to authorize the President of the United States to run and mark a line dividing the Territory of Florida from the State of Georgia was passed and approved May 4, 1826.

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An act to amend the several acts for the establishment of the Territorial government in Florida approved May 15, 1826.

An act relating to the Territorial government of Florida approved April 28, 1828.

An act to ascertain and mark a line between the State of Alabama and the Territory of Florida and the northern boundary of the State of Illinois, and for other purposes, was passed March 2, 1831.

A convention to form a constitution met in pursuance of an act of the governor and council of Florida of date February 2, 1838, at the city of Saint Joseph December 3, 1838, and adopted a constitution.

A memorial of the people of Florida, proceedings of a convention, constitution, &c., presented to House of Representatives February 20, 1839. (See documents House of Representatives, third session Twenty-fifth Congress, vol. 4, No. 208.)

A memorial of the inhabitants of Saint Augustine, in Florida, that a law be passed to organize a separate Territorial government for that part of Florida east of the Suwanee River, was presented in Senate January 10, 1840. (See Senate Documents, first session Twenty-sixth Congress, vol. 3, No. 67.)

A memorial of the people of Florida, praying admission into the Union, was presented in Senate February 12, 1840.

A bill to authorize the people of Middle and West Florida to form a constitution and State government, and to provide for the admission of said State into the Union, was reported in House of Representatives March 5, 1840.

Resolutions by the senate of Florida, adverse to the division of that Territory, were presented in the Senate of the United States on March 6, 1840.

Resolutions of the legislature of Florida, for admission and against division, were presented in Senate of United States March 11, and in House of Representatives March 16, 1840.

A bill for the admission of Florida into the Union on certain conditions, and a bill for the division of Florida and the future admission of the States of East and West Florida, on certain conditions, were reported in Senate July 2, 1840.

The memorial for admission and the constitution again presented in House of Representatives May 9, 1842. (See documents House of Representatives, second session Twenty-seventh Congress, vol. 4, No. 206.)

Memorials of citizens of Florida for the admission of that Territory into the Union presented in the Senate July 15 and 21, August 10, 13, 15, 17, and 30, 1842.

Resolutions of the legislative council of Florida for a division of that Territory and the formation of two Territorial governments were presented to Congress March 26, 1844.

On June 17, 1844, the following resolution was reported in the Senate: *Resolved*, That the prayer of the memorialists ought not to be granted.

On same day a report adverse to a division of the Territory was made. (See reports of committee, House of Representatives, first session Twenty-eighth Congress, vol. 3, p. 557.)

Resolutions of the legislative council for dividing the Territory again presented in House of Representatives December 30, 1844.

The State of Florida.

A bill for the admission of the States of Iowa and Florida into the Union was reported January 7, 1845.

Resolutions of the legislative council of Florida for the admission of Florida at the same time with Iowa were presented in House of Representatives February 11, 1845. (See documents House of Representatives, second session Twenty-eighth Congress, vol. 3, No. 111.)

An act for the admission of the States of Iowa and Florida into the Union was passed on March 3, 1845, contained the following preamble, viz:

Whereas the people of the Territory of Iowa did, on the seventh day of October, 1844, by a convention of delegates called and assembled for that purpose, form for

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themselves a constitution and State government; and whereas the people of the Territory of Florida did, in like manner, by their delegates on the 11th day of January, 1839, form for themselves a constitution and State government, both of which said constitutions are republican; and said conventions having asked the admission of their respective Territories into the Union as States, on equal footing with the original States:

Be it enacted, &c., That the States of Iowa and Florida be, and the same are hereby, declared to be States of the United States of America, and are hereby admitted into the Union on equal footing with the original States, in all respects whatsoever, &c.

SEC. 5. *And be it further enacted*, That the said State of Florida shall embrace the Territories of East and West Florida which, by treaty of amity, settlement, and limits, between the United States and Spain, on the 22d day of February, 1819, were ceded to the United States.

One Representative in Congress was allowed to Florida until the next census.

An act supplemental to the act for the admission of Florida and Iowa into the Union, and for other purposes, was passed March 3, 1845.

By this act grants of land were made to Florida, and the laws of the United States were extended to that State.

Resolutions of the legislature of Florida, in relation to the disputed boundaries between that State and Georgia and Alabama, were presented in the Senate February 2, 1846. (See Senate documents, first session Twenty-ninth Congress, vol. 4, Nos. 96 and 133.)

On March 4, 1846, a bill respecting the settlement of the boundary line between the State of Florida and the State of Georgia was reported from the committee.

All of the area of Florida was public domain, except certain grants made by foreign sovereigns, former owners of the soil, and was and now is surveyed and disposed of under laws of the United States.

TEXAS

(Indian—Friends) was the fifteenth State in order of admission.

Population.

Years.	White.	Colored.	Total.
1850	154, 034	58, 558	212, 592
1860	420, 891	182, 921	604, 215
1870	564, 700	253, 475	818, 579
1880	1, 197, 237	393, 384	1, 591, 749

Area, 274,356 square miles, or 175,587,840 acres.

No organic act. No Territorial condition under laws of United States.

Annexed (former Republic of Texas), December 29, 1845, and admitted on that date.

A republic, formerly belonging to the Republic of Mexico and a portion of the Mexican States of Coahuila and Texas, admitted into the Union by joint resolutions and act of Congress.

The joint resolution for annexing Texas to the United States, approved March 1, 1845, was as follows:

JOINT RESOLUTION for annexing Texas to the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress doth consent that the territory properly included within and rightfully belonging to the Republic of Texas may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

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SEC. 2. *And be it further resolved,* That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit:

First. Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other governments; and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

Second. Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports, and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to or be due and owing said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct, but in no event are said debts and liabilities to become a charge upon the Government of the United States.

Third. New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery, or involuntary servitude (except for crime), shall be prohibited.

SEC. 3. *And be it further resolved,* That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas, as an overture on the part of the United States, for admission, to negotiate with that republic; then,

Be it resolved, That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two Representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States, shall be agreed upon by the Governments of Texas and the United States: That the sum of one hundred thousand dollars be, and the same is hereby, appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two houses of Congress, as the President may direct.

The joint resolution for the admission of the State of Texas into the Union, was approved December 29, 1845.

JOINT RESOLUTION for the admission of the State of Texas into the Union.

Whereas the Congress of the United States, by a joint resolution approved March the first, eighteen hundred and forty-five, did consent that the territory properly included within and rightfully belonging to the Republic of Texas might be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing government, in order that the same might be admitted as one of the States of the Union; which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution; and whereas the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing government, did adopt a constitution, and erect a new State, with a republican form of government, and, in the name of the people of Texas, and by their authority, did ordain and declare that they assented to and accepted the proposals, conditions, and guarantees contained in said first and second sections of said resolution; and whereas the said constitution, and the proper evidence of its adoption by the people of the Republic of Texas, have been transmitted to the President of the United States, and laid before Congress, in conformity to the provisions of said joint resolution: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Texas shall be one, and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

SEC. 2. *And be it further enacted,* That until the Representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of Texas shall be entitled to choose two Representatives.

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An act to extend the laws of the United States over the State of Texas, and for other purposes, was approved December 29, 1845, viz:

AN ACT to extend the laws of the United States over the State of Texas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the laws of the United States are hereby declared to extend to and over, and to have full force and effect within, the State of Texas, admitted at the present session of Congress into the confederacy and Union of the United States.

The United States owned no public lands in Texas. The State retained title to the soil on her admission to the Union, and has since disposed of them under her own laws.

IOWA

(Franco-Indian—"Drowsy," applied to a tribe of Indians) was the sixteenth State admitted.

Population.

Years.	White.	Colored.	Total.
1840	42,924	188	43,112
1850	191,881	333	192,214
1860	673,779	1,069	674,913
1870	1,188,207	5,762	1,194,020
1880	1,614,600	9,516	1,624,615

Area, 55,045 square miles, or 35,228,800 acres.

A Territorial organization. Organic act, June 12, 1838. Admitted December 28, 1846.

Formed from territory purchased from France.

On December 19, 1836, a resolution directing the Committee on Territories to inquire into the expediency of establishing the Iowa Territory out of part of Wisconsin passed the House of Representatives.

On December 14, 1837, a resolution of same tenor passed House of Representatives.

On December 13 and 20, 1837, memorials of the people of Iowa for a division or separation from Wisconsin were presented in the Senate.

On December 14, 1837, same presented in House of Representatives.

On December 13, 1837, a memorial of the people of Iowa for settlement of boundary with Missouri was presented in the Senate.

On January 2, 1838, proceedings of legislature of Wisconsin relative to boundary line between Iowa and Missouri were presented in the Senate. (See Senate documents, second session Twenty-fifth Congress, vol. 1, No. 63.)

On February 6, 1838, a report was made by committee of House of Representatives on expediency of establishing a separate Territorial government for Iowa, accompanied by a bill.

The Territory of Iowa.

On June 12, 1838, an act to divide the Territory of Wisconsin and to establish the Territorial government of Iowa was approved.

On June 18, 1838, an act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked was approved.

On January 30, 1839, a report of the Secretary of State, with maps, made in compliance with resolutions of the Senate and House of Representatives, in relation to the southern boundary of the Territory of Iowa, were received. (See documents, House of Representatives, third session Twenty-fifth Congress, vol. 4, No. 128.)

On March 3, 1839, an appropriation was made for the survey of the southern boundary of the Territory of Iowa, of $969.05.

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On March 3, 1839, an act to define and establish the eastern boundary line of the Territory of Iowa was approved.

On March 3, 1839, an act to alter and amend the organic law of the Territories of Wisconsin and Iowa was approved.

On December 24, 1839, a message from the President, with documents relating to the disputed boundary between Missouri and Iowa, was received in the Senate, and in the House of Representatives on December 27. (See Senate documents, first session Twenty-sixth Congress, vol. 1, No. 4. House of Representatives, vol. 1, No. 5.)

On December 30, 1839, additional documents on same subject communicated to House of Representatives, and to the Senate on January 3, 1840. (See Senate documents, first session Twenty-sixth Congress, vol. 2, No. 35. House of Representatives, vol. 2, No. 36.)

On January 9, 1840, additional documents on same subject communicated to the Senate.

On January 31, 1840, additional documents on same subject were communicated to the Senate, in compliance with two resolutions of the Senate of December 30, 1839. (See Senate documents, first session Twenty-sixth Congress, vol. 4, No. 138.)

On January 8, 1840, a memorial of the legislative council of Iowa, praying the settlement of the disputed boundary with Missouri, was presented in Senate. (See Senate documents, first session Twenty-sixth Congress, vol. 2, No. 53.)

On January 9, 1840, a document relating to the same subject presented in Senate by Mr. Benton.

On January 10, 1840, a representation by Delegate from Iowa, on same subject, presented in Senate.

On February 4, 1840, report made in House of Representatives, by a committee, on boundary between Missouri and Iowa, with a bill to establish and define the northern boundary line of the State of Missouri. (See reports of committees of House of Representatives, first session Twenty-sixth Congress, vol. 1, No. 2.)

On February 12, 1840, a message from the President, with additional documents, relating to disputed boundary between Missouri and Iowa. (See documents, House of Representatives, first session Twenty-sixth Congress, vol. 3, No. 97.)

On March 5, 1840, a bill, reported by the Committee on Territories of the House of Representatives, "to enable the people of Iowa to form a constitution and State government, and for the admission of such State into the Union."

On February 11, 1841, a bill for ascertaining and settling the southern boundary line of the Territory of Iowa reported in Senate.

On March 9, 1841, a resolution of legislative council of Iowa, relative to southern boundary line of said Territory, was presented in House of Representatives.

On March 19, 1841, a message from the President, relative to boundary line between Missouri and Iowa, received in House of Representatives. (See documents, House of Representatives, second session Twenty-seventh Congress, vol. 3, No. 141.)

On May 26, 1841, the Committee on Territories of the House of Representatives made a report, with a bill fixing the boundary line between Missouri and Iowa, which passed the House of Representatives only. (For report, see reports, House of Representatives, second session Twenty-seventh Congress, vol. 4, No. 791.)

On January 21, 1843, a report made in House of Representatives, from Committee on Territories, accompanied by a bill fixing the boundary between Missouri and Iowa. (For report, see reports committees, House of Representatives, third session Twenty-seventh Congress, vol. 1, No. 86.)

On December 31, 1842, a resolution that report of Albert M. Lea, in reference to the northern boundary of Missouri; the report of Captain Guion and Lieutenant Frémont, in reference to the Des Moines River, and the evidence in reference to the northern boundary of Missouri, be referred and printed, was passed. (See documents, House of Representatives, third session Twenty-seventh Congress, vol. 3, No. 38.)

On December 22, 1843, an act of the legislature of Missouri, respecting the boundary

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line with Iowa Territory, was presented in House of Representatives. (See documents, House of Representatives, first session Twenty-eighth Congress, vol. 1, No. 26.)

On February 12, 1844, a message from the President, with a memorial from the legislative assembly of Iowa for admission into the Union, was received in Senate.

On April 2, 1844, the Committee on Territories of House of Representatives reported a bill to enable the people of Iowa to form a constitution and State government, and for the admission of such State into the Union.

On December 9, 1844, a memorial of a convention, with a copy of constitution adopted for the people of Iowa, asking admission into the Union, was received in Senate, and on December 12 in House of Representatives. (See Senate documents, second session Twenty-eighth Congress, vol. 1, No. 3, and documents House of Representatives, vol. 1, No. 5, and vol. 3, No. 77.)

On January 7, 1845, a bill for the admission of the States of Iowa and Florida into the Union was reported in the House of Representatives.

On February 19, 1845, a memorial of the general assembly of Missouri, praying that the southern boundary line of Iowa be made to conform to the northern boundary line of Missouri, &c., was presented in Senate. (See Senate documents, second session Twenty-eighth Congress, vol. 7, No. 110.)

On June 17, 1844, an act respecting the northern boundary of the State of Missouri was approved.

The State of Iowa.

On March 3, 1845, an act for the admission of the States of Iowa and Florida into the Union was passed and approved. To this act the assent of the people of Iowa was to be given, to be announced by proclamation by the President, and the State then admitted without further proceedings on the part of Congress. The State to be entitled to one Representative in Congress until the next census.

The boundaries of Iowa as fixed by this act were not agreed to by the people, who refused their consent, by a vote of 7,235 for and 7,656 against them. This vote was provided for in the act.

On March 3, 1845, an act supplemental to the act for the admission of the States of Iowa and Florida into the Union was approved. This act extended the laws of the United States to the State of Iowa.

On December 19, 1845, a bill to define the boundaries of the State of Iowa and to repeal so much of the act of March 3, 1845, as relates to the boundaries of said State, was introduced, on leave, in House of Representatives, and referred to a Committee on Territories.

On March 27, 1846, an amendatory bill reported by said committee.

On January 9, 1846, a joint resolution of the legislative council of the Territory of Iowa, relative to boundaries of the future State of Iowa, was presented in House of Representatives.

On February 5, 1846, a memorial of a convention of the people of Missouri on subject of the northern boundary of that State and the admission of Iowa into the Union was presented in House of Representatives. (See documents, House of Representatives, first session Twenty-ninth Congress, vol. 4, No. 104.)

On February 17, 1846, a memorial of the legislature of the Territory of Iowa relative to boundary between Iowa and Missouri was presented in House of Representaives. (See same documents, vol. 4, No. 126.)

On June 10, in Senate, and July 6, 1846, in House of Representatives, copies of the constitution of Iowa were presented. (See documents, House of Representatives, first session Twenty-ninth Congress, vol. 7, No. 217, and documents of Senate, vol. 8, No. 384.)

On August 4, 1846, an act to define the boundaries of the State of Iowa and to repeal so much of the act of March 3, 1845, as relates to boundaries of Iowa, was approved. This act was to amend the boundaries of the State as defined in the act of March 3, 1845, which had been rejected by a vote of the people.

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On December 15, 1846, a copy of the constitution adopted by the people of Iowa, with a proclamation of the governor, &c., were presented in House of Representatives. (See documents, House of Representatives, second session Twenty-ninth Congress, vol. 2, No. 16.)

On December 28, 1846, an act for the admission of the State of Iowa into the Union was approved.

All of the State of Iowa was public domain, and was surveyed and was and now is disposed of under laws of the United States.

WISCONSIN

(Indian—Wild rushing channel) was the seventeenth State admitted.

Population.

Years.	White.	Colored.	Total.
1840	30,749	196	30,945
1850	304,756	635	305,391
1860	773,693	1,171	775,881
1870	1,051,351	2,113	1,054,670
1880	1,309,618	2,702	1,315,479

Area 53,924 square miles, or 34,511,360 acres.

A Territorial organization. Organic act, April 20, 1836. Admitted May 29, 1848.

Formed from territory ceded to the United States and from part of the territory northwest of the river Ohio.

On December 12, 1832, a resolution passed in House of Representatives directing a committee to inquire into the expediency of creating a Territorial government for Wisconsin out of part of Michigan.

On December 6, 1832, the committee made a report accompanied by a bill. (See reports of committees House of Representatives, first session Twenty-second Congress, vol. 1, No. 145.)

A memorial of the legislative council of Michigan for the division of that Territory, and that the Territory of Wisconsin be established, was presented in Senate of the United States December 23, 1834. (See Senate documents, second session Twenty-third Congress, vol. 2, No. 24.)

On February 11, 1836, a bill establishing the Territorial government of Wisconsin reported in House of Representatives.

On March 1, 1836, a memorial of legislative council of Michigan for same presented in House of Representatives. (See documents House of Representatives, first session Twenty-fourth Congress, vol. 4, No. 153.)

The Territory of Wisconsin.

On April 20, 1836, an act establishing the Territorial government of Wisconsin was passed and approved.

On March 5, 1838, a resolution directing a committee to inquire into the expediency of authorizing the Territory of Wisconsin to take a census and adopt a constitution, preparatory to being admitted into the Union, was passed.

On May 11, 1838, the said committee reported a bill to enable the people of East Wisconsin to form a constitution and State government, and for the admission of such State into the Union.

On June 12, 1838, an act to divide the Territory of Wisconsin, and to establish the Territorial government of Iowa, was approved.

On June 12, 1838, an act to ascertain and designate the boundary line between the State of Michigan and the Territory of Wisconsin, was approved.

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On January 28, 1839, a memorial of the legislative assembly of Wisconsin, praying an alteration in the southern boundary of that Territory, was presented in the Senate. (See Senate documents, third session Twenty-fifth Congress, vol. 3, No. 149.)

On March 3, 1839, an act to alter and amend the organic law of the Territories of Wisconsin and Iowa was approved.

On May 25, 1840, the proceedings of a public meeting at Galena in relation to the southern boundary of Wisconsin Territory, was presented in the House of Representives. (See documents House of Representatives, first session Twenty-sixth Congress, vol. 6, No. 226. For "An ordinance for the government of the territory of the United States, northwest of the River Ohio," passed by the Congress of the Confederation, July 13, 1787, see the same under the head "Ohio.")

On February 3, 1841, a message was received in Senate from the President, communicating the reports, maps, &c., relating to boundary line between Michigan and Wisconsin. (See Senate documents, second session Twenty-six Congress, vol. 4, No. 151.)

On February 8, 1841, a memorial of the legislative assembly of Wisconsin, that a law defining the western boundary line of said Territory be passed, was presented in Senate. (See Senate documents as above, vol. 4, No. 171.)

On February 15, 1841, resolutions of the general assembly of Michigan in relation to the boundary line between that State and the Territory of Wisconsin, were presented in the Senate. (See Senate documents, second session Twenty-sixth Congress, vol. 4, No. 186.)

On March 19, 1841, resolutions of the legislative assembly of Wisconsin Territory in relation to the boundary between Michigan and Wisconsin, were presented in House of Representatives. (See documents House of Representatives, second session Twenty-seventh Congress, vol. 3, No. 147.)

On March 20, 1845, a resolution of the legislative council of Wisconsin asking that provision be made for taking a census and holding a convention to form a State constitution, was presented in the Senate.

On January 13, 1846, a bill to enable the people of Wisconsin to form a constitution and State government, was introduced on leave in House of Representatives.

The State of Wisconsin.

On August 6, 1846, an act to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of such State into the Union, was approved. To be entitled to two Representatives until the next census, and the laws of the United States extended to the same when admitted.

A constitution was formed under this act, which was rejected by the people of the State.

On January 21, 1847, the constitution adopted by the people of Wisconsin, the census, and other documents were presented in House of Representatives. (See documents House of Representatives, second session Twenty-ninth Congress, vol. 3, No. 49.)

On March 3, 1847, an act for the admission of the State of Wisconsin into the Union was approved. To be admitted on condition that the constitution adopted on December 16, 1846, shall be assented to by the qualified electors of the State, and as soon as such assent shall be given, the President of the United States shall announce the same by proclamation, and therefrom the admission of Wisconsin shall be considered as complete. This act was rendered null by the refusal of the people of the State to accept the constitution of 1846.

A new constitutional convention was called, which met at Madison December 15, 1847, and on February 1, 1848, adjourned after forming a constitution. It was ratified by the people by a vote of 16,442 for to 6,149 votes against it.

By act 29th May, 1848, the State of Wisconsin was admitted into the Union. Entitled to three Representatives in Congress after 3d March, 1849.

All of the area of Wisconsin was public domain and was and is surveyed and disposed of under the laws of the United States.

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CALIFORNIA

(supposed to be Arabic—Khalafa, to succeed) was the eighteenth State admitted.

Population.

Years.	White.	Colored.	Chinese.	Total.
1850	91,635	926	.....	92,597
1860	323,177	4,086	34,933	379,994
1870	499,424	4,272	49,277	560,247
1880	767,181	6,018	75,132	864,694

Area, 157,801 square miles, or 100,992,640 acres.

No organic act. No Territorial organization under laws of United States. Admitted September 9, 1850.

Governed by the United States military until December 20, 1849, when the government was transferred to the State government, by General Riley, military governor.

Formed from territory acquired from Mexico by treaty of Guadalupe Hidalgo, 1848.

Bill (S. 324) reported in Senate by Hon. John M. Clayton from select committee "to establish the Territorial governments of Oregon, California, and New Mexico," July 18, 1848. (Senate Journal, first session Thirtieth Congress, pp. 477, 490, 492, 495, 498.)

Passed Senate July 26, 1848. Laid on the table House of Representatives, July 28, 1848.

Bill (S. 350) introduced by Hon. Stephen A. Douglas, "for the admission of California into the Union as a State," December 11, 1848, and referred. Reported from committee and not again taken up.

Bill (H. R. 685) reported in House of Representatives by Hon. Caleb B. Smith, "to establish the Territorial government of Upper California," December 20, 1848, passed February 27, 1849. In Senate referred February 28; committee discharged March 3, 1849, and Senate refused to consider the bill.

The "Bill (H. R. 692) making appropriations for the civil and diplomatic expenses of the government for the year ending the 30th June, 1850, and for other purposes," being under consideration in the Senate, the Hon. Isaac P. Walker, of Wisconsin, on February 21, 1849, submitted an amendment for the regulation and government of all the territory acquired from the Mexican Republic by the treaty of February 2, 1848. (See Senate Journal, second session Thirtieth Congress, pp. 241, 255, 257, 262, 264, 277.)

Agreed to in Senate February 28, 1849. The House of Representatives agreed to said amendment with an amendment. The Senate disagreed to said amendment of the House of Representatives, and receded from said amendment submitted by Mr. Walker, March 3, 1849. (For proceedings of House of Representatives on this amendment, see Journal House of Representatives, second session Thirtieth Congress, pp. 600, 601, 637-647, 670.)

Constitutional convention of California and organization of State.

A convention to frame a constitution for California called by General Benet Riley, military governor, met in Monterey, Cal., September 1 to October 13, 1849. The constitution then adopted was ratified by the people November 13, 1849, by a vote of 12,061 for to 811 against. State officers were elected and a government organized, to which General Riley, December 20, 1849, turned over complete control of the Territory of California. This was nearly a year before the admission of the State.

The "Bill (S. 55) to provide for the organization of the Territorial governments of California, Deseret, and New Mexico, and to enable the people of Jacinto, with the consent of the State of Texas, to form a constitution and State government, and for the admission of such State into the Union upon an equal footing with the original States in all respects whatever," was introduced, on leave, by Hon. Henry S. Foote,

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January 16, and on January 22, 1850, referred to the Committee on Territories. Not reported.

Resolutions submitted by Hon. Henry Clay, relative to California, &c., January 29, 1850. (See Senate Journal, 1850, pp. 118, 299.)

Resolutions submitted by Hon. John Bell, relative to California, &c., February 28, 1850. (See Senate Journal, 1850, pp. 184, 299.)

Resolutions submitted by Hon. Thomas H. Benton, relative to California, &c., April 18, 1850. (See Senate Journal, 1850, pp. 293, 299.)

"A bill (S. 225) to admit California as a State into the Union, to establish Territorial governments for Utah and New Mexico, and making proposals to Texas for the establishment of her western and northern boundaries," together with a special report from the select committee, was submitted by Hon. Henry Clay, May 8, 1850. (See Senate Journal, first session Thirty-first Congress, 1850, pp. 327, 374, 379, 382, 392, 396, 405, 408, 410, 414, 428, 449, 455, 460, 462, 468, 471, 474, 479, 485, 491, 494.)

Amendment of Mr. Pearce, 495 (518); passed Senate as amended, August 1, 1850, being reduced to "An act to establish a Territorial government for Utah."

"A bill (S. 169) for the admission of the State of California into the Union," was reported by Hon. Stephen A. Douglas from Committee on Territories, March 25, 1850 (see Senate Journal, first session Thirty-first Congress, 1850, pp. 234, 292, 301, 517, 520, 522, 530, 533, 546, 553, 557), which bill passed the Senate August 14, 1850. Considered in the House of Representatives (see Journal, first session Thirty-first Congress, 1850, pp. 1415 to 1424) and passed September 7, and became a law September 9, 1850.

The act of September 28, 1856, provided "that all the laws of the United States which are not locally inapplicable shall have the same force and effect within said State of California, as elsewhere within the United States."

All of the area of California became public domain, except certain grants made by sovereigns and governments, former owners of the soil, and was and is surveyed and disposed of under laws of the United States.

MINNESOTA

(Indian—Cloudy water) was the nineteenth State admitted.

Population.

Years.	White.	Colored.	Total.
1850	6,038	39	6,077
1860	169,395	259	172,023
1870	438,257	759	439,706
1880	776,884	1,564	780,773

Area, 83,531 square miles, or 53,459,840 acres.

A territorial organization. Organic act, March 3, 1849; admitted May 11, 1858.

Formed out of part of territory ceded to the United States by France and from the territory northwest of the river Ohio.

A bill (H. R. 568) "establishing the Territorial government of Minnesota," was passed by the House of Representatives February 17, and laid upon the table in the Senate March 3, 1847.

A bill (S. 152) "to establish the Territorial government of Minnesota," was introduced on leave by Hon. Stephen A. Douglas, February 23, 1848. Reported and recommitted, and, on August 8, 1848, reported with amendments. Not further acted on at first session Thirtieth Congress.

The Territory of Minnesota.

Resumed December 20, 1848, second session Thirtieth Congress; passed the Senate January 19, 1849; passed House of Representatives with amendments February 28, and became a law March 3, 1849.

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The State of Minnesota.

A bill (H. R. 642) "to authorize the people of the Territory of Minnesota to form a constitution and State government, preparatory to their admission into the Union on an equal footing with the original States," was introduced, on leave, in the House of Representatives by Hon. Henry H. Sibley, December 30, 1850, and passed that House January 31, 1851. In Senate, referred to Committee on Territories, February 2; reported February 18; passed the Senate February 25, and became a law February 26, 1857.

The constitution for Minnesota under this law was framed by two separate conventions; each met July 13 to August 29, 1857, and mutually agreed to submit the same constitution to the people. It was ratified by 36,240 votes for to 700 against. In 1858, prior to the admission of the State, the legislature passed certain amendments, which were ratified by the people.

A bill (S. 86) "for the admission of the State of Minnesota into the Union," was, on January 26, 1858, reported in Senate by Hon. Stephen A. Douglas from Committee on Territories; passed the Senate April 7, 1858, passed the House of Representatives May 11, and became a law May 11, 1858.

All of the area of Minnesota was public domain, and was and is surveyed and disposed of under the laws of the United States.

OREGON

(Spanish—Oregano) was the twentieth State admitted.

Population.

Year.	White.	Colored.	Chinese.	Total.
1850	13,087	207	.....	13,294
1860	52,160	128	.....	52,465
1870	86,929	346	3,330	90,923
1880	163,075	487	9,510	174,768

Area, 95,274 square miles, or 60,975,360 acres.

A Territorial organization. Organic act, August 14, 1848; admitted February 14, 1859.

Formed from territory ceded by France.

A bill (H. R. 533) "to establish a Territorial government in Oregon" was reported by Hon. Stephen A. Douglas, House of Representatives, August 6, 1846, passed that House same day. In Senate referred August 7; reported August 8, 1846, with special report, but not further acted on.

A bill (S. 41) "to organize a Territorial government in the Oregon Territory, and for other purposes," was introduced on leave in Senate by Hon. Sidney Breese, December 23, 1846, and referred to Committee on the Judiciary, but not reported therefrom.

A bill (H. R. 571) "to establish the Territorial government of Oregon" was reported by Hon. Stephen A. Douglas, House of Representatives, December 23, 1846; passed that House January 16, 1847. In Senate referred to Committee on Judiciary, January 18; reported with amendments January 25; recommitted January 29; reported with amendments February 10; ordered, That it lie on the table, March 3, 1847.

A bill (S. 59) "to establish the Territorial government of Oregon" was introduced on leave in the Senate by Hon. Stephen A. Douglas, on January 10, 1848, and after consideration by the Senate until July 13, 1848, was, on motion of Hon. John M. Clayton, referred to a select committee. On July 18, Mr. Clayton from said committee reported it without amendment, and reported bill (S. 324) "to establish the Territo-

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rial governments of Oregon, California and New Mexico," which bill passed the Senate July 26, 1848, and was laid on the table in the House of Representatives July 28, 1848. Not further acted upon.

The Territory of Oregon.

A bill (H. R. 201) "to establish the Territorial government of Oregon" was reported from Committee on Territories, House of Representatives, February 8, 1848, by Hon. Caleb B. Smith; passed the House of Representatives August 2; passed the Senate with amendments August 10, 1848, and became a law on the 14th August, 1848.

A bill (H. R. 260) "to amend an act entitled "An act to establish the Territorial government of Oregon,' approved August 14, 1848," was reported in the House of Representatives by Hon. Wm. A. Richardson from Committee on Territories on 17th May, 1852; passed that House June 22, 1852; passed the Senate January 3, 1853, and became a law January 7, 1853.

A constitution was framed by a convention held under the laws of the Territory, which met at Salem, August 17 to September 18, 1857. It was submitted to the people and ratified November 9, 1857, by a vote of 7,195 for to 3,145 against. The State was admitted under this constitution.

The State of Oregon.

A bill (S. 239) "for the admission of Oregon into the Union" was, on the 5th April, 1858, reported in Senate by Hon. Stephen A. Douglas from Committee on Territories; passed the Senate May 18, 1858; passed the House of Representatives February 12, 1859, and became a law February 14, 1859.

All of the area of Oregon became public domain except grants made by former owners of the soil; and was and now is surveyed and disposed of under the laws of the United States.

KANSAS

(Indian—Smoky water) was the twenty-first State admitted.

Population.

Years.	White.	Colored.	Total.
1860	106,390	627	107,206
1870	346,377	17,108	364,399
1880	952,155	43,107	996,096

Area, 80,891 square miles, or 51,776,240 acres.

A Territorial organization. Organic act, May 30, 1854; admitted January 29, 1861.

Formed partly from territory included in the cession by France, and partly from that ceded by the State of Texas.

A bill (S. 22) "to organize the Territory of Nebraska" was introduced on leave in Senate by Hon. Augustus C. Dodge, on the 15th December, 1853, and passed the Senate March 3, 1854, under the title "An act to organize the Territories of Nebraska and Kansas." Not further acted upon.

The Territory of Kansas, Topeka constitution.

A bill (H. R. 236) "to organize the Territories of Nebraska and Kansas" was, on the 31st January, 1854, reported in the House of Representatives by Hon. Wm. A. Richardson from Committee on Territories; passed that House May 22, passed the Senate May 25, and became a law May 30, 1854. A constitution was adopted by a convention at Topeka October 23 to November 2, 1855. It was claimed that it was submitted to the people of the Territory, and ratified December 15, 1855, by a vote of 1,731 for to 46 against it.

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A bill (S. 172) "to authorize the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union, whenever they have the requisite population," was reported in the Senate by Hon. Stephen A. Douglas, from Committee on Territories, March 17, 1856, and recommitted June 25, 1856.

On April 7, 1856, a memorial of certain individuals, representing themselves as senators and representatives in the general assembly of the "State of Kansas," praying the admission of Kansas into the Union as a State upon an equal footing with the other States, was presented in the Senate by Hon. Lewis Cass, and referred to the Committee on Territories.

A bill (H. R. 411) "authorizing the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union on an equal footing with the original States," was reported from the Committee on Territories, House of Representatives, by Hon. Galusha A. Grow, May 29, 1856, and passed that House July 3, 1856. In Senate referred July 7, reported with amendment July 8, amended and passed Senate July 8, 1856, under same title as the preceding bill (S. 356). The House of Representatives took no action on the amended bill, and it therefore failed to become a law.

A bill (S. 343) "supplementary to an act to organize the Territories of Nebraska and Kansas" was introduced on leave in the Senate by Hon. John M. Clayton June 16, 1856, and referred to Committee on Territories June 24, 1856.

A bill (S. 351) "supplementary to an act to organize the Territories of Nebraska and Kansas, and to provide for the faithful execution of said act in the Territory of Kansas according to the true intent and meaning thereof," was introduced on leave in Senate by Hon. Henry S. Geyer June 24, 1856, and referred to Committee on Territories on same day.

A bill (S. 356) "to authorize the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union on an equal footing with the original States," was reported to the Senate from Committee on Territories by Hon. Stephen A. Douglas June 30, 1856, and passed the Senate July 2, 1856. Not acted upon by House of Representatives.

A bill (H. R. 75) "to reorganize the Territory of Kansas, and for other purposes," was passed by the House of Representatives July 29, and laid upon the table in the Senate August 11, 1856.

A bill (S. 464) "amendatory of an act passed May 30, 1854, entitled 'An act to organize the Territories of Nebraska and Kansas,'" was, on the 26th August, 1856, introduced on leave in Senate by Hon. John B. Weller, and on the 27th August, 1856, ordered to lie on the table.

A bill (S. 466) "to alter and amend the act of Congress entitled 'An act to organize the Territories of Nebraska and Kansas'" was introduced on leave in Senate by Hon. John J. Crittenden August 28, 1856, and ordered to lie on the table August 30, 1856.

A bill (S. 476) "amendatory of an act passed May 30, 1854, entitled 'An act to organize the Territories of Nebraska and Kansas'" was, on 16th December, 1856, introduced on leave in Senate by Hon. Henry Wilson, and passed the Senate January 21, 1857. Not acted upon by House of Representatives.

Lecompton constitution.

A convention met at Lecompton September 5, 1857, took a recess for a month, and finished a constitution November 7, 1857. It was at once sent to the President. The clause sanctioning slavery was submitted to the people, and ratified December 31, 1857, by a vote of 6,226 to 589 votes against it. The entire constitution was submitted to the people, and its friends and opponents both claimed a majority. It was claimed that on December 21, 1858, the constitution with slavery was ratified by 6,143 votes, against 589 received by the constitution without slavery. It was also claimed that January

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4, 1859, the constitution was rejected, there being 138 votes for it with slavery, 24 for it without slavery, and 10,126 votes against it.

A bill (H. R. 7) "to authorize the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union with all the rights of the original States," was introduced on leave in the House of Representatives by Hon. Nathaniel P. Banks, December 18, 1857, and referred to Committee on Territories. Not further acted upon.

A bill (S. 15) "to authorize the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union on an equal footing with the original States," was introduced on leave in the Senate by Hon. Stephen A. Douglas, December 18, 1857, and referred to Committee on Territories. No further action was had.

A bill (S. 37) "to provide for the admission of Kansas into the Union" was introduced on leave in the Senate by Hon. George E. Pugh, January 4, 1858, and referred to Committee on Territories. Not further acted upon.

On February 1, 1858, a preamble and joint resolution of the legislative assembly of the Territory of Kansas "in relation to the constitution framed at Lecompton, Kansas Territory, on the 7th November, 1857," and concurrent resolutions "reaffirming the Topeka constitution of October, 23, 1855," were presented in the House of Representatives by Hon. Marcus J. Parrot, and were laid on the table and ordered to be printed.

Mineola and Leavenworth constitution.

A constitution was adopted by a convention which met at Mineola March 23, 1858, and adjourned to Leavenworth March 25, 1858, and finished its work April 3, 1859. It was claimed that it was submitted to the people the third Tuesday in May, 1858, and ratified by a vote of 4,346 for it to 1,257 against it.

A bill (S. 161) "for the admission of Kansas into the Union" was reported from Committee on Territories, Senate, by Hon. James S. Green, February 18, 1858; passed the Senate March 23, passed the House of Representatives with an amendment April 1, 1858. On April 2, said amendment was disagreed to by the Senate, and a conference committee was appointed. The report of the conference committee was agreed to by both Houses April 30, and the bill became a law May 4, 1858. By this act, the ordinance—adopted on the 7th day of November, 1857, by a convention assembled at Lecompton for the purpose of forming a constitution and State government—which asserted the right of Kansas, when admitted into the Union, to tax the lands within her borders belonging to the United States, but proposed to relinquish such right on certain conditions, was declared to be unacceptable to Congress, and certain changes in said ordinance were submitted for acceptance or rejection by the people of Kansas.

A bill (S. 194) "for the admission of Kansas into the Union" was introduced on leave in Senate by Hon. William H. Seward, and referred to Committee on Territories. Not reported on.

The Wyandotte constitution.

This constitution, under which the State was admitted (after some amendments), was adopted by a convention which met at Wyandotte July 5–29, 1859. October 4, 1859, it was ratified by the people by a vote of 10,421 for, to 5,530 against.

The State of Kansas.

A bill (H. R. 23) "for the admission of Kansas into the Union" was introduced on leave in the House of Representatives by Hon. Galusha A. Grow February 15, 1860, passed that House April 11, 1860, and passed the Senate January 21, 1861, with an amendment to which the House of Representatives agreed January 28, 1861. This act declared the State of Kansas admitted into the Union on an equal footing with the original States, a constitution and State government republican in form, which was formed by the convention which assembled for that purpose at Wyandotte on July 29,

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1859, having been duly ratified by the people of said State. The bill became a law January 29, 1861.

All of the area of the State of Kansas became public domain, was surveyed, and was and now is disposed of under laws of the United States.

WEST VIRGINIA

(formed from a portion of Virginia, named in honor of Queen Elizabeth) was the twenty-second State admitted.

Population.

Year.	White.	Colored.	Total.
1870	424,033	17,980	442,014
1880	592,537	25,886	618,457

Area 23,000 square miles, or 14,720,000 acres.

No organic act. No Territorial organization. Admitted June 19, 1863.

Formed from a portion of the State of Virginia lying west of the Allegheny Mountains. The name first proposed was "Kanawha."

A convention, assembled at Wheeling on the 26th day of November, 1861, to February 18, 1862, to form a constitution. It was submitted to the people April 3, 1862, and ratified by a vote of 28,321 for to 572 against. A certified copy of said constitution and schedule was presented in the Senate, May 29, 1862, by Hon. Waitman T. Willey, and referred to the Committee on Territories.

The memorial of the commissioners, appointed by the convention of the State of West Virginia, praying the admission of that State into the Union, was presented in the Senate, May 31, 1862, by Hon. Benjamin F. Wade, and referred to Committee on Territories.

A bill (S. 365) "for the admission of the State of West Virginia into the Union, and for other purposes," was reported from Committee on Territories, Senate, by Hon. Benjamin F. Wade, June 23, 1862; passed that House July 14, and passed the House of Representatives December 10, 1862. This act sets forth that the people of that section of the State of Virginia known as West Virginia, having, by a convention assembled at Wheeling on November 26, 1861, framed a constitution with a view of becoming a separate and independent State; that said constitution having been adopted by the duly qualified voters of the proposed State; that the legislature of Virginia, having, by an act passed May 13, 1862, given the consent of said State to the formation within its borders of the proposed State of West Virginia; that said convention and said legislature having requested the admission of the proposed State into the Union, and that Congress having consented thereto, the State of West Virginia is thereupon admitted into the Union on an equal footing with the original States.

The bill became a law December 31, 1862.

The United States owned no public domain in West Virginia.

NEVADA

(Spanish—White with snow) was the twenty-third State admitted.

Population.

Years.	White.	Colored.	Chinese.	Total.
1860	6,812	45	.....	6,857
1870	38,959	357	3,152	42,491
1880	53,556	488	5,416	62,266

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Area 112,090 square miles, or 71,737,600 acres.

A Territorial organization. Organic act, March 2, 1861. Admitted October 31, 1864. Formed from territory included in the cession from Mexico of 1848.

A bill (H. R. 567) "to organize the Territory of Nevada" was reported from Committee on Territories, House of Representatives, by Hon. William Smith, May 12, 1858, and ordered to be printed. No further action thereon.

A bill (S. 44) "to organize the Territory of Nevada" was introduced on leave in Senate by Hon. William M. Gwin, January 9, 1860, and referred to Committee on Territories. Not further acted upon.

The Territory of Nevada.

A bill (S. 563) "to organize the Territory of Nevada," was reported from Committee on Territories, Senate, by Hon. James S. Green, February 14, 1861; passed the Senate February 26; passed the House of Representatives March 1, and became a law March 2, 1861.

A bill (H. R 437) "to extend the territorial limits of the Territory of Nevada," was reported from Committee on Territories, House of Representatives, by Hon. James M. Ashley, April 28, 1862; passed that House May 8; passed the Senate July 12, and became a law July 14, 1862.

A bill (S. 524) "to enable the people of Nevada to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," was introduced on leave in Senate by Hon. James H. Lane, February 12, 1863, and referred to Committee on Territories. The bill was reported February 23, and passed the Senate March 3, 1863. Not acted upon by House of Representatives.

A bill (S. 96) "to enable the people of Nevada to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," was introduced on leave in Senate by Hon. James R. Doolittle, February 8, 1864; passed the Senate February 24; passed the House of Representatives March 17, and became a law March 21, 1864.

Under this act a convention to form a constitution met at Carson City, and framed and adopted one, adjourning July 28, 1864.

The State of Nevada.

A bill (S. 267) "to amend the act entitled 'An act to enable the people of Nevada to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States,'" was reported from Committee on Territories, Senate, by Hon. Benjamin F. Wade, May 5, 1864, and on the same day passed the Senate; passed the House of Representatives May 19, and became a law May 21, 1864

A proclamation, declaring the State of Nevada admitted into the Union, was issued by the President of the United States October 31, 1864.

All of the area of the State of Nevada became public domain, is surveyed, and was and now is disposed of under laws of the United States.

NEBRASKA

(Indian—Water valley) was the twenty-fourth State admitted.

Population.

Years.	White.	Colored.	Total.
1860	28,696	82	28,841
1870	122,117	789	122,993
1880	449,764	2,385	452,402

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Area, 75,995 square miles, or 48,636,800 acres.

A Territorial organization. Organic act, May 30, 1854. Admitted March 1, 1867.

Formed out of part of the territory ceded to the United States by France.

A bill (H. R. 444) "to establish the Territory of Nebraska" was introduced on leave by Hon. Stephen A. Douglas, December 17, 1844, and referred. An amendatory bill was reported January 7, 1845, but no further action thereon.

A bill (S. 170) "to establish the Territory of Nebraska" was introduced on leave by Hon. Stephen A. Douglas March 15, and referred. Reported without amendment April 20, 1848. Recommitted December 20, 1848. Not reported.

A bill (S. 22) "to organize the Territory of Nebraska" was introduced on leave in Senate by Hon. Augustus C. Dodge December 15, 1853, and passed the Senate March 3, 1854, under amended title, viz: "An act to organize the Territories of Nebraska and Kansas." No action thereon by the House of Representatives.

The Territory of Nebraska.

A bill (H. R. 236) "to organize the Territories of Nebraska and Kansas" was reported from Committee on Territories, House of Representatives, by Hon. William A. Richardson, January 31, 1854; passed that House May 22, passed the Senate May 25, and became a law May 30, 1854.

(For statement of propositions, supplementary to or amendatory of the act last referred to, entitled "An act to organize the Territories of Nebraska and Kansas," see, under head of Kansas, S. 343, S. 351, S. 464, S. 466, and S. 476.)

A bill (S. 522) "to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," was introduced on leave in Senate by Hon. James H. Lane February 12, 1863; referred to Committee on Territories same day; reported and further consideration postponed March 3, 1863.

A bill (H. R. 14½) "to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," was introduced on leave in the House of Representatives by Hon. James M. Ashley December 14, 1863; passed that House March 17, 1864; passed the Senate April 14, and became a law April 19, 1864. This act, when first submitted to the people of Nebraska, was rejected by them; but, subsequently, the legislature of the Territory instituted proceedings and framed a constitution February 9, 1866. It was submitted to the people June 21, 1866, and ratified by a vote of 3,938 for to 3,838 against it. This constitution was presented to Congress, with a request by the legislature for the admission of Nebraska into the Union as a State.

A bill (S. 447) "for the admission of the State of Nebraska into the Union" was introduced on leave in Senate by Hon. Benjamin F. Wade July 23, 1866; passed that house July 27, and, on the same day, passed the House of Representatives. The bill was presented to the President on the day of its passage, but was not signed by him, and, as Congress adjourned on the following day (July 28, 1866), the bill failed to become a law.

The State of Nebraska.

A bill (S. 456) "for the admission of the State of Nebraska into the Union" was introduced on leave in Senate by Hon. Benjamin F. Wade December 5, 1866; passed that house January 9, 1867, and passed the House of Representatives January 15, with an amendment to which the Senate agreed January 16, 1867. The bill was returned to the Senate, with a veto message, by the President January 30, but was passed over the veto—by the Senate February 8, and by the House of Representatives February 9, 1867. This act provided, as a condition precedent to the admission of said State, that its constitution should be amended by striking out the word "white" wherever it occurred therein, and upon such amendment being properly certified to the President of the United States, he was authorized to issue his proclamation declaring the State admitted into the Union upon an equal footing with the other States.

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In accordance with this authority, the condition having been complied with by the legislature of Nebraska February 20, 1867, the President issued his proclamation, declaring the State to be admitted into the Union, March 1, 1867.

All of the area of Nebraska became public domain, and was and is surveyed and disposed of under laws of the United States.

COLORADO

(Spanish—Red, or colored) was the twenty-fifth State admitted.

Population.

Years.	White.	Colored.	Chinese.	Total.
1860	34,231	46	7	34,277
1870	39,221	456	7	39,864
1880	191,126	2,435	612	194,327

Area, 104,500 square miles, or 66,880,000 acres.

A Territorial organization. Organic act, February 28, 1861. Admitted August 1, 1876.

Formed from portions of the territory ceded by France and that ceded by Mexico by the treaty of Guadalupe Hidalgo, in 1848.

The Territory of Colorado.

A bill (S. 366) "to provide a temporary government for the Territory of Colorado" was reported from Committee on Territories, Senate, by Hon. James S. Green, April 3, 1860; passed that house February 4, 1861; passed the House of Representatives with an amendment February 18; said amendment agreed to by Senate February 26; and became a law February 28, 1861

A bill (S. 311) "to amend the act entitled 'An act to provide a temporary government for the Territory of Colorado,'" was reported from Committee on Territories, Senate, by Hon. Morton S. Wilkinson, May 15, 1862; passed that house same day; passed the House of Representatives February 11, 1863, with amendments which were agreed to by the Senate February 28, and became a law March 2, 1863.

A bill (S. 523) "to enable the people of Colorado to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," was introduced on leave in the Senate, by Hon. James H. Lane, February 12, 1863, and passed that house March 3, 1863. Not acted upon by the House of Representatives.

A bill (S. 97) "to enable the people of Colorado to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," was introduced on leave in Senate, by Hon. James R. Doolittle, February 8, 1864; passed that house February 24; passed the House of Representatives March 17; and became a law March 21, 1864.

A constitution formed by a convention under this act was submitted to the people of Colorado, and rejected; in August, 1865, a convention formed a constitution, which was submitted to the people September 5, 1865, and ratified by a majority of 105 votes.

A bill (S. 291) "to amend an act entitled 'An act to enable the people of Colorado to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States,'" was reported from Committee on Territories, Senate, by Hon. Benjamin F. Wade, May 25, 1864; passed that house May 27; passed the House of Representatives June 15, and became a law June 18, 1864. In 1865, however, action was taken in Colorado upon those acts, and a constitution was formed which was, in December of that year, submitted to Congress, with a request for the admission of the State into the Union.

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A bill (S. 74) "for the admission of the State of Colorado into the Union" was introduced on leave in Senate, by Hon. William M. Stewart, January 12, 1866; passed that house April 25, and passed the House of Representatives May 3, 1866. The bill was returned to the Senate with a veto message by the President May 15, 1866, and, on May 16, 1866, was ordered by the Senate to lie on the table. The bill was never acted upon after the veto message was received.

A bill (S. 462) "to admit the State of Colorado into the Union" was introduced on leave in Senate, by Hon. Benjamin F. Wade, December 10, 1866; passed that house January 9, 1867, and passed the House of Representatives January 15, 1867. The bill was returned to the Senate with a veto message by the President, January 28, 1867, and failed to pass that body over the veto March 1, 1867.

The State of Colorado.

A bill (H. R. 435) "to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States," was introduced on leave in House of Representatives, by Hon. J. B. Chaffee, December 8, 1873; referred to Committee on Territories and reported May 28, 1874; same day ordered to be printed and recommitted; passed that House June 8, 1874; passed the Senate February 24, 1875, with an amendment which was agreed to by the House of Representatives March 3, and became a law March 3, 1875. A constitution was adopted under this act by a convention which met at Denver, December 20, 1875, to March 14, 1876. It was ratified by the people July 1, 1876. This law contains a provision authorizing the President of the United States—upon being notified by the proper authority that the terms of the law had been complied with—to issue his proclamation declaring the State to be admitted into the Union. In accordance with this provision a proclamation was issued by the President August 1, 1876, declaring the State of Colorado admitted into the Union.

All of the area of Colorado became public domain, except certain grants located therein made by sovereigns or governments, former owners of the soil; was and is surveyed and disposed of under laws of the United States.

THE TERRITORIES.

Existing laws relating to the several Territories of the United States are to be found under Title XXIII, "The Territories," chap. I, secs. 1839 to 1895, Revised Statutes, and session laws of Congress since 1878.

Chapter II of the above title relates to provisions concerning particular organized Territories; secs. 1896 to 1953, and see session laws of Congress since 1878. Chapter III of the above title relates to Alaska; secs. 1954 to 1976, and session laws of Congress since 1878.

NEW MEXICO.

(Aztec—"Mexitli," the Aztec god of war.)

[See also page 1182.]

Population.

Years.	White.	Colored.	Total.
1850	61,525	22	61,574
1860	82,924	85	93,516
1870	90,393	172	91,874
1880	108,721	1,015	119,563

Area, 121,201 square miles, or 77,568,640 acres.

Organic act passed September 9, 1850.

Formed from part of the territory ceded to the United States by Mexico in 1848.

For statement of propositions for forming a Territorial government for New Mexico, see under head of "California."

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A bill (S. 170) "to establish the governments of Utah and New Mexico, and for other purposes," was reported by Hon. Stephen A. Douglas March 25, and passed the Senate August 15, 1850, amended to "An act to establish a Territorial government for New Mexico." This bill, with the addition of a new section, was engrafted on bill (S. 307) in House of Representatives. See following statement:

In House of Representatives, August 28, 1850, the bill (S. 307) entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States," having been under consideration until September 5, 1850, was then amended by providing a Territorial government for New Mexico, and on the 6th of September was passed, and the title amended by adding, "and to establish a Territorial government for New Mexico." The Senate concurred in the amendments, and the bill became a law on the 9th of September, 1850.

August 4, 1854 (10 Stats., p. 575), the territory acquired from Mexico under the Gadsden purchase, so called, incorporated with the Territory of New Mexico.

February 24, 1863 (12 Stats., p. 664), the Territory of Arizona was erected from part of New Mexico.

July 27, 1868 (15 Stats., p. 239), the veto power of the governor made subject to two-thirds vote of legislature; biennial sessions of legislature ordered; secretary of Territory made *ex officio* superintendent of public buildings and grounds. (Salary as such superintendent abolished May 18, 1872; 17 Stats., p. 127.)

March 2, 1867 (14 Stats., p. 546), peonage abolished and forever prohibited in the Territory of New Mexico, or in any other Territory of the United States.

All of the area of the Territory of New Mexico is public domain, except certain grants made by sovereigns or governments, owners of the soil, and is surveyed and disposed of under laws of the United States.

UTAH.

(Named after a tribe of Indians.)

[See also page 1183.]

Population.

Years.	White.	Colored.	Chinese.	Total.
1850	11,330	50	.....	11,380
1860	40,125	59	.....	40,273
1870	86,044	118	445	86,786
1880	142,423	232	501	143,963

Area, 84,476 square miles, or 54,064,640 acres.

Organic act passed September 9, 1850.

Formed from part of the territory ceded to the United States by Mexico in 1848.

For statement of propositions for forming a Territorial government for Utah, see under head of California and New Mexico.

The bill (S. 225) "to admit California as a State into the Union, to establish Terririal governments for Utah and New Mexico, and making proposals to Texas for the establishment of her western and northern boundaries," was reported by Hon. Henry Clay, May 8, 1850, and was amended and passed the Senate August 1; being reduced to a provision for, and the title having been amended to, "An act to establish a Territorial government for Utah," which bill passed the House of Representatives September 7, and became a law on the 9th of September, 1850.

February 21, 1855 (10 Stats., p. 611), "An act to establish the office of surveyor-general of Utah, and to grant land for school and university purposes."

March 2, 1861 (12 Stats., p. 244) part of Territory of Utah north of the forty-first

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degree of north latitude and east of the thirty-third meridian of longitude west from Washington, incorporated with and made a part of Territory of Nebraska.

March 14, 1862 (12 Stats., p. 369), the Territories of Utah and Colorado were made one surveying district, the duties of surveyor-general to be performed by the surveyor-general of Colorado.

May 30, 1862 (12 Stats., p. 409), the Territories of Utah and Colorado to constitute one surveying district when so ordered by the President on the recommendation of the General Land Office, approved by the Secretary of the Interior.

July 16, 1868 (15 Stats., p. 91), "An act to create the office of surveyor-general in the Territory of Utah and establish a land office in said Territory, and extend the homestead and pre-emption laws over the same."

July 1, 1862 (12 Stats., p. 501), was passed "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the legislative assembly of Utah."

June 23, 1874 (18 Stats., p. 253), "An act in relation to courts and judicial officers in the Territory of Utah."

All of the area of Utah is public domain, and is surveyed and disposed of under laws of the United States.

WASHINGTON.

[See also page 1184.]

Population.

Years.	White.	Colored.	Chinese.	Total.
1860	11,138	30	.....	11,594
1870	22,195	207	234	23,955
1880	67,199	325	3,186	75,116

Area, 69,994 square miles, or 44,796,160 acres.

Organic act passed March 2, 1853.

Formed from the territory purchased from France; but the northern boundary was settled by the treaty with Great Britain known as the Oregon treaty, of June 15, 1846, establishing the boundary between the United States and the British Possessions, as at present defined, viz, the forty-ninth degree of north latitude.

A bill (H. R. 348) "to establish the Territorial government of Columbia," was reported from Committee on Territories, House of Representatives, by Hon. Charles E. Stuart, January 25, 1853; passed that House February 10, 1853, under amended title, viz, "An act to establish the Territorial government of Washington;" passed the Senate March 2, and became a law March 2, 1853.

February 14, 1859 (11 Stats., p. 384), part of Territory of Oregon incorporated with Washington Territory.

March 2, 1861 (12 Stats., p. 244) part of Territory of Washington added to Nebraska.

June 17, 1864 (13 Stats., p. 135), veto power of governor regulated.

June 29, 1866 (14 Stats., p. 77), sessions of legislative assembly to be biennial; members of council to be elected for four years, and members of house for two years.

March 3, 1869 (15 Stats., p. 300), members of both branches to be chosen for two years.

July 27, 1868 (15 Stats., p. 241), laws of United States extended over Alaska, and district court of Washington Territory to have original jurisdiction in cases arising in said Territory of Alaska.

June 20, 1874 (18 Stats., p. 129), "An act relating to the possessory rights of the Hudson's Bay Company and other British subjects.

All of the area of Washington is public domain excepting possessory rights given by sovereigns or governments, former owners of the soil, and is surveyed and disposed of under the laws of the United States.

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DAKOTA.

(Indian—Leagued.)

[See also page 1184.]

Population.

Years.	White.	Colored.	Total.
1860	2,576	.....	4,837
1870	12,887	94	11,481
1880	133,147	401	135,177

Area, 150,932 square miles, or 96,596,480 acres.

Organic act passed March 2, 1861.

Formed from territory ceded by France.

A bill (S. 475) "to organize the Territory of Dakota, and for other purposes," was introduced, on leave, in Senate by Hon. Graham N. Fitch, December 20, 1858, and referred to the Committee on Territories. Said committee was, on February 8, 1859, discharged from further consideration of the bill.

A bill (S. 555) "to provide temporary governments for the Territories of Dakota and Arizona, and to create the office of surveyor-general in the Territory of Arizona," was reported from Committee on Territories, Senate, by Hon. James S. Green, February 4, 1859. No action thereon was taken by the Senate.

A bill (S. 562) "to provide a temporary government for the Territory of Dakota, and to create the office of surveyor-general therein," was reported from Committee on Territories, Senate, by Hon. James S. Green, February 14, 1861; passed that house February 26; passed the House of Representatives March 1, and became a law March 2, 1861.

March 2, 1863 (12 Stats., p. 701), qualifications and powers of governor prescribed, and veto power regulated.

May 26, 1864 (13 Stats., p. 92), part of Territory of Idaho temporarily incorporated with and made part of Dakota Territory.

April 28, 1870 (14 Stats., p. 93), boundary line between Dakota Territory and State of Nebraska redefined.

February 17, 1873 (17 Stats., p. 464), western boundary of Dakota Territory readjusted, and detached portion of Territory, under former erroneous definition, attached to Territory of Montana.

All of the area of Dakota is public domain, and is surveyed and disposed of under the laws of the United States.

ARIZONA.

(Sand hills.)

[See also page 1186.]

Population.

Years.	White.	Colored.	Chinese.	Total.
1870	9,581	26	20	9,658
1880	35,160	155	1,630	40,440

Area, 113,916 square miles, or 72,906,304 acres.

Organic act passed February 24, 1863.

Formed from territory ceded by Mexico by the treaty of Guadalupe Hidalgo in 1848, and part by the "Gadsden purchase," in 1853.

A bill (S. 8) "to organize the Territory of Arizona, and to create the office of surveyor-general therein, to provide for the examination of private land claims, to grant donations to actual settlers, to survey the public and private lands, and for other purposes," was introduced on leave in Senate by Hon. William M. Gwin, and referred to

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Committee on Territories, December 17, 1857. The committee was discharged from further consideration of the bill February 8, 1859.

(For a statement of bill S. 555, introduced in the Senate February 4, 1859, see Dakota.)

A bill (S. 365) "to provide a temporary government for the Territory of *Arizuma*," was reported from Committee on Territories, Senate, by Hon. James S. Green, April 3, 1860; considered and amended December 27, and further consideration thereof postponed December 31, 1860.

A bill (H. R. 357) "to provide a temporary government for the Territory of Arizona," was reported from Committee on Territories, House of Representatives, by Hon. James M. Ashley, March 13, 1862; passed that house May 8, 1862; passed the Senate February 20, 1863, and became a law February 24, 1863.

March 3, 1867 (14 Stats., p. 542), attached to surveying district of California; made a land district; register and receiver authorized to be appointed.

July 11, 1870 (16 Stats., p. 230), made a separate surveying district; surveyor-general authorized.

July 19, 1876 (19 Stats., p. 91), veto power of governor regulated.

All of the area of Arizona is public domain, except certain grants made by sovereigns or governments, former owners of the soil, and is surveyed and disposed of under the laws of the United States.

IDAHO.

(Indian—Gem of the mountains.)

[See also page 1187.]

Population.

Years.	White.	Colored.	Chinese.	Total.
1870	10,618	60	4,274	14,999
1880	29,013	53	3,379	32,610

Area, 86,294 square miles, or 55,228,160 acres.

Organic act passed March 3, 1863.

Formed from the purchase from France.

A bill (H. R. 738) "to provide a temporary government for the Territory of Montana" was reported from Committee on Territories, House of Representatives, by Hon. James M. Ashley, February 11, 1863; passed that House February 12, 1863; passed the Senate March 3 under title amended so as to read "An act to provide a temporary government for the Territory of Idaho," to which amendment the House of Representatives agreed March 3; and became a law March 3, 1863.

May 26, 1864 (13 Stats., p. 92), part of Idaho transferred to Dakota.

July 2, 1864 (13 Stats., p. 353), made one surveying district with Montana.

June 27, 1866 (14 Stats., p. 77), made a land district; register and receiver authorized to be appointed.

June 29, 1866 (14 Stats., p. 77), made a separate surveying district; surveyor-general authorized to be appointed.

All of the area of Idaho is public domain, and is surveyed and disposed of under the laws of the United States.

MONTANA.

(Spanish—Mountain.)

Population.

Years.	White.	Colored.	Chinese.	Total.
1870	18,306	183	1,949	20,595
1880	35,385	346	1,765	39,159

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Area, 143,776 square miles, or 92,016,640 acres.

Organic act passed May 26, 1864.

Formed from part of the French purchase.

A bill (S. 521) "to provide a temporary government for the Territory of Montana" was introduced on leave in Senate by Hon. James H. Lane, February 12, 1863, and referred to Committee on Territories. Not reported.

(For a statement of bill H. R. 738, introduced in the House of Representatives February 11, 1863, see Idaho.)

A bill (H. R. 15) "to provide a temporary government for the Territory of Montana" was introduced on leave in the House of Representatives by Hon. James M. Ashley December 14, 1863; passed that House March 17, 1864, and passed the Senate, with amendments, March 31, 1864. Said amendments were disagreed to by the House of Representatives May 31, and, on April 1, the Senate was requested to return the bill, which it did the same day. On the 4th of April the bill was returned to the Senate and considered by that body, but its amendments to the bill were insisted upon, and a committee of conference was requested. The report of the conference committee was agreed to by the Senate April 14, but disagreed to by the House of Representatives April 15, the latter asking a further conference. The Senate refused a further conference, April 15, on the terms proposed by the House of Representatives, whereupon the latter house, insisting upon its disagreement to the Senate amendments, asked a "further free conference," to which the Senate agreed April 29. The report of the conference committee was agreed to by the Senate May 19 and by the House of Representatives May 20, and the bill became a law May 26, 1864.

July 2, 1864 (13 Stats., p. 353), made one surveying district with Dakota.

March 2, 1867 (14 Stats., p. 542), appointment of surveyor-general authorized; made a land district; register and receiver authorized.

All the area of Montana is public domain, and is surveyed and disposed of under the laws of the United States.

WYOMING.

(Indian—The large plains.)

Population.

Years.	White.	Colored.	Chinese.	Total.
1870	8,726	183	143	9,118
1880	19,437	298	914	20,789

Area, 97,833 square miles, or 62,645,120 acres.

Organic act passed July 25, 1868.

Formed from a part of the French purchase and the Mexican acquisition of 1848.

A bill (S. 357) "to provide a temporary government for the Territory of Wyoming" was introduced on leave in Senate by Hon. Richard Yates February 13, 1868; passed that house June 3; passed the House of Representatives July 22; and became a law July 25, 1868.

February 5, 1870 (16 Stats., p. 64), made a land district; appointment of register and receiver and surveyor-general authorized.

All the area of Wyoming is public domain, and is surveyed and disposed of under the laws of the United States.

RUSSIAN PURCHASE—ALASKA.

(Indian, Alakshak—Great country.)

[See also page 1187.]

Area, 577,390 square miles, or 369,529,600 acres.

This is unorganized territory, being the country purchased from Russia by treaty of 30th March, 1867.

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A bill (S. 619) "to extend the laws of the United States relating to customs, commerce, and navigation over the territory ceded to the United States by Russia, to establish collection districts therein, and for other purposes" passed the Senate July 16, 1868; passed the House of Representatives July 25; and became a law July 27, 1868. This act gave one of the United States district courts of Washington Territory original jurisdiction in causes arising in Alaska.

A bill (S. 239), "Joint resolution more efficiently to protect the fur seal in Alaska," was introduced on leave in Senate by Hon. James W. Patterson February 26, 1869; passed that house March 2; passed the House of Representatives March 3; and became a law March 3, 1869.

A bill (S. 32) "to prevent the extermination of fur-bearing animals in Alaska" was introduced on leave in Senate by Hon. Thomas W. Ferry March 6, 1869; passed that house March 9, 1869; passed the House of Representatives June 28, 1870, with amendment, to which the Senate agreed June 30; and became a law July 1, 1870.

A bill (H. R. 2944) "to provide a temporary civil organization for the Territory of Alaska" was reported from Committee on Territories, House of Representatives, by Hon. Shelby M. Cullom February 4, 1871, and passed by that house the same day. In Senate, referred February 6, reported adversely, and further consideration indefinitely postponed February 17, 1871.

All the area of Alaska is public domain. The laws of the United States relating to survey and disposition have not as yet been extended over Alaska.

INDIAN TERRITORY

[See also page 1187, and also see map to December 1, 1883, facing page 462.]

Not an organized Territory.

Population in 1870, 68,152.

Area,* 63,253 square miles, or 40,481,600 acres.

Set aside for Indians by act of June 30, 1834.

Unsurveyed lands in the Territory, estimated, 13,477,610 acres; unoccupied lands, 9,991,167 acres.

Attached for judicial purposes to the western district of the State of Arkansas.

That portion of the United States called "Indian country" is described in the act of March 30, 1802. (2 Stats., p. 139.)

After the Louisiana purchase in 1803, Congress, by the fifteenth section of the act of March 26, 1804 (2 Stat., p. 283), provided for the removal of the Indians on the east to the west side of the Mississippi River; and in May 28, 1830 (4 *id.*, p. 411), the laying off of these lands west of said river was provided for, &c.

In June 30, 1834 (4 *id.*, p. 729), what was to be known as Indian country was again described in the first section of that act.

By article II of the treaty of May 6, 1828 (7 *id.*, p. 311), the Cherokee nation were granted lands by metes and bounds as therein described. See supplementary treaty of February 14, 1833 (7 *id.*, p. 414), and also the treaty of December 29, 1835. (7 *id.*, p. 748.)

By article II, treaty of October 18, 1820 (7 *id.*, p. 210), the United States cedes to the Choctaw nation lands to the south of those granted the Cherokees in said "Indian Country." Boundary line between Choctaws and the United States fixed by first article treaty of January 20, 1825. (7 *id.*, p. 234.)

Boundaries of Choctaw grant made more specific by second article treaty of September 27, 1830. (7 *id.*, p. 333.)

By the first article treaty of February 12, 1825, the Creek Nation were ceded by the United States lands in said "Indian country." (7 *id.*, p. 237.)

For boundaries of Creek grant see article II, treaty February 14, 1833 (7 *id.*, p. 417. By this treaty (fourth article) Seminole Indians made part of said Creek nation.

The land granted the Cherokee Nation in the said Indian country west of Mississippi River was patented to them as a nation December 31, 1838, pursuant to said treaty stipulations.

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* Actual to June 30, 1883.

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The Choctaws as a nation received a patent for the lands ceded them in said Indian country, March 23, 1842.

The Creek Indians as a nation received patent for their lands in said Indian Country August 11, 1852.

These three patents included all the lands in what is now called Indian Territory, and some of the lands now included in the State of Kansas, except those lands lying in the northeast corner of said Territory, claimed by the Senecas and other tribes. These lands in Kansas have been relinquished.

For change of boundaries of said patented lands, see 11 Stats., p. 611; 14 *id.*, pp. 785, 799.

After the lands were ceded to said Indian nations they were called "Indian country," "Indian nation," and lastly "Indian Territory"; this latter name has been accepted and recognized by the Executive in issuing orders, &c., and by Congress in establishing post-routes, &c., as the proper name to apply to this region of country.

In pursuance of treaty stipulations, &c., a portion of the lands known as Indian Territory have been surveyed.

For Executive orders and treaties relative thereto, see the report of the Hon. Commissioner of Indian Affairs for 1879, pp. 220, 221.

The survey and patenting of the lands in this Territory are done by the Commissioner of the General Land Office upon the recommendation of the Commissioner of Indian Affairs, approved by the Secretary of the Interior.

No part of said Territory has been brought under the operation of general laws so as to make them subject to settlement as public lands.

The various treaties and acts of Congress relative to lands in this Territory have, as far as is known, been construed to reserve them for Indian purposes.

The maps and plats of the surveys of said Territory are on file in the General Land Office, and also in the office of the Commissioner of Indian Affairs.

INTERNAL CONDITION—SURVEYS—LAND-HOLDING RATES.

The following tracts of country in Indian Territory have been surveyed:

Surveys of reservations and tracts.

	Acres.
Quapaw reservation	56,685
Peoria, &c., reservation	50,301
Modoc reservation	4,040
Shawnee reservation	13,048
Wyandot reservation	21,406
Seneca reservation	51,958
Osage reservation	1,466,167
Kansas reservation	100,141
Pawnee reservation	283,026
Unoccupied Cherokee lands west of 96°, east of Pawnee reserve	105,456
Unoccupied Cherokee lands west of 96°, west of Pawnee reserve	6,239,106
Unoccupied Creek lands north of Cimarron River and west of Pawnee reserve	683,139
Sac and Fox reservation	479,667
Pottawatomie "30-mile square" tract	575,877
Chickasaw reservation	4,650,935
Kiowa and Comanche reservation	2,968,893
Wichita reservation	743,610
Cheyenne and Arapahoe reservation	4,297,771
Unoccupied Creek and Seminole ceded lands	1,645,890
Unoccupied Choctaw and Chickasaw leased lands	1,511,576
Total area surveyed	25,948,692

Of these the Sac and Fox Reservation and the Pottawatomie "30-mile square" tract, the Quapaw, Peoria, Modoc, Shawnee, Seneca, and Wyandot reservations have been surveyed and subdivided into 40-acre tracts; the remainder into sections, as the public surveys are made.

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The object of these surveys was the fulfillment of treaty stipulations, and to enable the Department to ascertain the exact location, quality, and quantity of these several tracts, with a view to the settlement of friendly Indians upon the unoccupied lands, and to aid the various tribes of Indians already settled upon reservations in the adoption of habits of civilized life and their permanent settlement upon individual allotments of farms.

The following tracts remain unsurveyed:

	Acres.
The Cherokee Reservation, estimated	5,031,351
The Creek Reservation, estimated	3,215,495
The Choctaw Reservation, estimated	6,688,000
The Ottawa Reservation, estimated	14,860
The Seminole Reservation, estimated	200,000
Total estimated area unsurveyed	15,149,706

Previous to the treaties of 1866—

	Acres.
The Quapaws owned	75,167
The Mixed Senecas and Shawnees	63,767
The Senecas of Sandusky	73,364
The Cherokees	13,172,235
The Creeks	6,998,808
The Seminoles	1,682,883
The Choctaws and Chickasaws	19,032,174
Total area of Indian Territory	41,098,398

By the fourth article of the Omnibus treaty of February 23, 1867 (15 Stats., p. 514), the Quapaws ceded to the United States 18,482 acres of their lands, at the rate of $1.15 per acre, and the United States, by the twenty-second article of the same treaty, sold the same to the Peorias, &c., at the same rate, leaving a reservation of 56,685 acres to the Quapaws, which they still hold.

By the second article of said treaty the Mixed Senecas and Shawnees ceded to the United States the north half of their reserve, estimated to contain 30,000 acres, for the sum of $24,000, which land, by the twenty-second article of the same treaty, was sold by the United States to the Peorias, &c., at the same price. This tract, by survey, contains 31,819 acres, which, with 18,482 acres of Quapaw lands, constitutes the present Peoria, &c., reservation of 50,301 acres.

By the third article the Mixed Senecas and Shawnees ceded to the United States that portion of their remaining lands west of Spring River, supposed to contain 12,000 acres, at $1 per acre, which land, by the sixteenth article, was sold to the Ottawa Indians by the United States, at $1 per acre, and constitutes the present Ottawa reserve, and contains, by survey, 14,860 acres. Of the remainder of their lands, 17,088 acres, the Shawnees, by an agreement with the Modoc Indians, made June 23, 1874, and confirmed by Congress March 3, 1875 (18 Stat., p. 447), sold to the United States 4,040 acres for $6,000 as a permanent reservation for the Modoc Indians, which is still held by them, leaving 13,048 acres, which the Shawnees hold and occupy as their reserve.

By the first article of the same treaty, the Senecas of Sandusky ceded to the United States a strip of land on the north side of their reservation, containing 20,000 acres, for $20,000, which land, by the thirteenth article, the United States set apart as a future home for the Wyandots. By the fourteenth article provision is made for the reimbursement to the United States of the cost of the land. This tract, the present Wyandot reserve, contains 21,406 acres. The Senecas hold the remainder, 51,958 acres, as their present reservation.

The Cherokees, by the sixteenth article of the treaty of July 19, 1866 (14 Stats., p. 799), ceded to the United States the authority to settle friendly Indians on any part of their lands west of 96°. These lands (8,140,884 acres), when so occupied by friendly Indians, are to be paid for to the Cherokees, at such price as may be agreed upon, as stipulated in said sixteenth article.

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In accordance with this stipulation and an act of Congress approved June 5, 1872 (17 Stats., p. 228), the Kansas and Osage tribes of Indians were settled upon the tract of country lying between the Arkansas River and 96°, the Kaws occupying a tract of 100,141 acres and the Osages a tract of 1,466,167 acres. The price paid for these two tracts was 70 cents per acre.

By the fourth section of an act of Congress approved April 10, 1876 (19 Stats., p. 28), there was set apart, for the use and occupation of the Pawnee Indians, a tract of country comprising 230,014 acres, out of the lands named in the sixteenth article of said Cherokee treaty, the price not to exceed 70 cents per acre. The Pawnees have been in possession of this reserve for several years, but no payment has been made to the Cherokees. The lands were appraised last year by a commission appointed under the 5th section of an act of Congress approved May 29, 1872 (17 Stats., p. 190), at an average valuation of 59.9 cents per acre. The remainder of the Cherokee lands west of 96° (6,344,562 acres) is unoccupied, the United States not having as yet settled thereon any other tribes.

By the third article of the treaty concluded June 14, 1866 (14 Stats., p. 786), the Creek Indians ceded to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, at 30 cents per acre. Of this cession there were sold to the Sac and Fox Indians, at the price paid the Creeks, 479,667 acres, and to the Seminoles, at 50 cents per acre, 200,000 acres.

There are included in the Pottawatomie "30-mile square" tract 222,668 acres, from which, by an act of Congress approved May 23, 1872 (17 Stats., p. 159), allotments were authorized to be made to the Pottawatomie citizen band, and the absentee Shawnee Indians, the cost thereof to the United States (viz, 30 cents) to be paid by said Indians. No money, however, has yet been paid, though a number of allotments have been made. Of the remainder, a portion is occupied by the Cheyenne and Arapahoe Indians, by authority from the President, dated August 10, 1869, and the remaining portion is unoccupied.

By the third article of the treaty of March 2, 1866 (14 Stats., p. 755), the Seminoles ceded to the United States their entire domain at 15 cents per acre, being the land ceded by the Creeks for the Seminoles in the treaty of August 7, 1856 (11 Stats., p. 699). Of this cession, 353,209 acres are included in the Pottawatomie "30-mile square" tract for the settlement of the Pottawatomie citizen band of the absentee Shawnee Indians as recited in the Creek cession. Of the remainder, a portion is occupied by Cheyennes and Arapahoes, by authority from the President, dated August 10, 1869, and the balance is unoccupied by any tribe.

By the ninth article of the treaty of June 22, 1855 (11 Stats., p. 613), the Choctaws and Chickasaws leased to the United States all their lands west of 98°, viz, 7,713,239 acres, for the permanent settlement of the Wichita and other Indians, the United States paying therefor the sum of $800,000, and by the first article of the treaty of April 28, 1866 (14 Stats., p. 769), in consideration of the sum of $300,000, the Choctaw and Chickasaw Indians ceded all of the lands west of 98° named in the treaty of June 22, 1855, and known as the "leased lands," to the United States.

By the second article of the treaty of October 21, 1867 (15 Stats., p. 582), the United States set apart out of these leased lands a tract of country containing 2,968,893 acres as a permanent home for the Kiowa and Comanche Indians, the consideration therefor being a relinquishment of all their right to occupy permanently the territory outside of this tract, including their old reservation, as defined in the treaty of 1865. By an unratified agreement, made October 19, 1872, the Wichitas were assigned another tract of country out of these leased lands, embracing an area of 743,610 acres. The Cheyenne and Arapahoe Indians, by authority from the President, dated August 10, 1869, occupy 2,489,160 acres, and the remainder of these leased lands (1,511,576 acres) are unoccupied by any tribes.

The above was the condition February 15, 1878. Since that date the Poncas and

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Nez Percés have been moved to and now occupy a portion of the Cheyenne and Arapahoe lands, being a portion of the Cherokee lands west of the Arkansas River, the former 101,894 acres, and the latter 90,135 acres.

The unoccupied lands in the Indian Territory are held by the United States. Under date of May 23, 1879, the Commissioner of Indian Affairs reports as to these lands as follows:

In reply to the last inquiry contained in said resolution [viz, resolution of United States Senate May 14, 1879], "whether it is the intention of the Government to use such unoccupied lands for the settlement of Indians and freedmen; and if the Government has such intention, what Indians and freedmen are to be located on such lands," I have to state that it is the intention of the Indian Department, whenever the policy of the Department and the best interests of the Indians demand it, to appropriate such unoccupied lands for the use of any Indians, where their removal to the Indian Territory is not prohibited by existing treaty stipulations or laws.

For a map of the Indian Territory, showing all the reservations and unoccupied land therein, see S. Ex. Doc. No. 124, second session Forty-sixth Congress, March 18, 1880, which is a report from the Commissioner of the General Land Office in response to Senate resolution of March 11, 1880, and exemplifications of land patents issued to Indian tribes in Indian Territory, and copies of applications of railway corporations and action thereon, with map.

See S. Ex. Doc. No. 26, first session Forty-sixth Congress, and S. Ex. Doc. No. 32, second session Forty-fifth Congress.

PUBLIC LAND STRIP.

[See pages 1167–1187.]

The "Public Land Strip," or unoccupied public lands west of Indian Territory and south of Kansas, is a part of the territory ceded to the United States by the State of Texas in 1850.

The area of the Public Land Strip is estimated at 5,740 square miles, equal to 3,673,600 acres. It is not attached to any judicial district.

The only legislative action in regard to it is some incomplete measures, one of which was bill S. No 1648, Forty-fifth Congress, third session, providing for the survey and sale of said lands; also bill S. No. 1783, Forty-sixth Congress, second session, granting to the Commissioner of the General Land Office general authority to survey public lands of the United States, islands, &c., neither of which measures have resulted in law.

This territory remains unsurveyed and unoccupied. It is public domain, but the land laws have not as yet been extended over it for survey, sale, or disposition.

THE DISTRICT OF COLUMBIA.

Population.

Year.	White.	Colored.	Total.
1800	10,066	4,027	14,093
1810	16,079	7,944	24,023
1820	22,614	10,425	33,039
1830	27,563	12,271	39,834
1840	30,657	13,055	43,712
1850	37,941	13,746	51,687
1860	60,763	14,316	75,080
1870	88,278	43,404	131,700
1880	118,236	59,378	177,638

Area 60 square miles, or 38,400 acres.)

During the Revolution and afterwards Congress held its sessions in Philadelphia, Baltimore, New York, Lancaster, York, Princeton, Annapolis, and Trenton. Having been interrupted at Philadelphia the sessions were removed to the halls of the college at Princeton. In 1784 commissioners were appointed to procure a site for the Capital,

* This map, correct, in fact, to December 1, 1883, is inserted facing this page.

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To accompany "Public Domain" By Thomas Donaldson. See Pages 458-462.

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between two or three miles square, upon the Delaware River, and erect suitable buildings, but nothing was done by them. In 1789 a bill passed one House of Congress in favor of a location upon the banks of the Susquehanna. The present seat of government (District of Cclumbia) was selected by virtue of acts passed in 1788–'89 by Virginia and Maryland ceding ten miles square upon the Potomac under the name of Connogocheague. The first session of Congress was held in the District November, 1800.

Washington City, in the District, is the political capital of the United States. It is situated on the left bank of the Potomac River between two small tributaries—the one on the east called the Eastern Branch and the one on the west called Rock Creek, the latter separating it from Georgetown, which is also embraced within the limits of the District of Columbia and under the direct control of Congress, as was the city of Alexandria at one time.

The seventeenth clause, eighth section, first article of the Constitution of the United States says:

"Congress shall have power to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States," &c.

In pursuance of this provision the State of Maryland, on December 23, 1788, passed "An act to cede to Congress a district of ten miles square in this State for the seat of Government of the United States."

And the State of Virginia, on December 3, 1789, passed "An act for the cession of ten miles square, or any lesser quantity of territory within this State, to the United States in Congress assembled for the permanent seat of the General Government."

These cessions were accepted by Congress, as required by the Constitution, and the permanent seat of government established by the "act for establishing the temporary and permanent seat of the Government of the United States," approved July 16, 1790, and the act to amend the same, approved March 3, 1791.

The district of ten miles square was accordingly located, and its lines and boundaries particularly established by a proclamation of George Washington, President of the United States, on March 30, 1791, and by the "act concerning the District of Columb a," approved February 27, 1801, Congress assumed complete jurisdiction over the said district, as contemplated by the framers of the Constitution.

The legislature of Virginia passed an act on February 3, 1846, providing for the acceptance by the State of Virginia of the county of Alexandria, in the District of Columbia, whenever the same shall have been receded by Congress; and on July 9, 1846, an act was passed by Congress, entitled "An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia."

The county of Alexandria, thus receded to the State of Virginia, comprised all that portion of the original district of ten miles square which lies south of the Potomac River, so that by the act of retrocession the District of Columbia was reduced to the county of Washington, comprising all that part of the original district which lies north of said river, and including within its limits the cities of Washington and Georgetown.

Until 1871 the Government of the District of Columbia was of the ordinary municipal character, resting upon charters granted by Congress, from time to time, to the cities of Washington and Georgetown. These charters continued in force until June 1, 1871, when they were repealed by an act of Congress, entitled "An act to provide a government for the District of Columbia," approved February 21, 1871. This act created a territorial government for the District, vesting the executive power and authority in a governor and secretary (appointed by the President by and with the advice and consent of the Senate), and a legislative assembly, consisting of a council and house of delegates; providing for the appointment of a board of public works; and authorizing the election of a Delegate to represent the District in Congress.

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The Territorial government thus established was in its turn abolished by the provisions of an act of Congress, entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874. This act provided for the appointment by the President, by and with the advice and consent of the Senate, of a Board of Commissioners, three in number; that such board should "exercise all the power and authority now lawfully vested in the governor and board of public works" of the District of Columbia, with certain unimportant limitations; and limited the representation in Congress to the term of the then incumbent.

Since June 20, 1874, the Government of the District of Columbia has accordingly been administered by a Board of Commissioners, appointed by the President, in pursuance of the act of Congress of that date.

DERIVATION OF NAMES OF THE THIRTEEN ORIGINAL STATES.

Delaware (after Lord de la War); Pennsylvania (Penn's "Sylva"—woods); New Jersey (after the Isle of Jersey); Georgia (after George II. of England); Connecticut (Indian, Qunni-tuk-ut—Upon the long river); Massachusetts (Indian—About the great hills); Maryland (after Henrietta Maria, Queen of Charles I. of England); South Carolina (after Charles I. of England); New Hampshire (after the county of Hampshire, England); Virginia (in honor of Queen Elizabeth of England, Virgin Queen); New York (after Duke of York—afterwards James II. of England); North Carolina (after Charles I. of England); Rhode Island (after the Island of Rhodes).

FRONTIER AND COAST LINE OF THE UNITED STATES.

The United States has a frontier of about 10,000 miles; 3,500 of which is sea coast, 1,600 Gulf coast, and 1,500 lake coast, or, more distinctly, as follows:

	Miles.
Length of the Atlantic coast, from the mouth of the St. Croix to the St. Mary's River	1,450
Length of the Atlantic coast, from St. Mary's River to Cape of Florida	450
Length of Gulf coast from Cape of Florida to the mouth of the Sabine River	1,200
Length of Gulf coast acquired by annexation of Texas, from the Sabine to the Rio Grande	400
Length of Pacific coast—in California, 970; in Oregon, 500; Straits of Juan de Fuca, 150	1,620
Total	5,120

Leaving a land frontier line of about 4,880 miles.

POPULATION OF THE COLONIES.

In 1624 there was an immigration of 9,000; in 1649 the colonies numbered 15,000; in 1689 the colonies numbered 200,000; in 1715 the colonies numbered 434,000; in 1733 the colonies numbered 750,000; in 1776 population of the United States was 2,243,000.

POPULATION OF THE UNITED STATES.

The population of the United States in 1790 was 3,929,214; in 1800, 5,308,483; in 1810, 7,239,881; in 1820, 9,633,822; in 1830, 12,866,020; in 1840, 17,069,453; in 1850, 23,191,876; in 1860, 31,443,321; in 1870, 38,900,898; in 1880, 50,155,783.

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CHAPTER XXXIV.

TENURES IN THE AMERICAN COLONIES.

To December 1, 1883.

FORM OF GOVERNMENT AND LAND TENURES IN THE AMERICAN COLONIES, WITH EXAMPLES OF WARRANTS, MANNER OF LOCATION, AND METHODS OF SURVEYS.

At the period of the Revolutionary War, although the thirteen colonies were under the sovereignty of Great Britain, many of their institutions and customs were of their own selection and adoption. Distance from the home government, and difference in charters or grants and forms, aided independence.

There were three forms of colonial government: The provincial, the proprietary, and the charter.

The provincial government had no fixed constitution, but was governed by commissions created at pleasure by the King. A governor and council were appointed, who were invested with general executive powers. They were authorized to call a general assembly consisting of two houses (the assembly being the lower and the council the upper house) of the representatives of the freeholders and planters of the province.

The governor had an absolute veto, and could prorogue and dissolve them.

The general assembly had power to make all local laws and ordinances for the government of the colony and its people not inconsistent with the laws of England.

At the beginning of 1776, New Hampshire, New York, Virginia, North Carolina, South Carolina, and Georgia were provinces as above defined.

The proprietary governments were grants by patents for special territory to one or more persons, from the Crown, giving them rights as proprietary or proprietaries over the soil, with general powers of government, in the nature of feudatory principalities or dependent royalties; subject, however, to control of the King.

The governors were appointed by the proprietary or proprietaries, and the legislatures were organized and called at his or their pleasure. Executive authority was performed by him or them or by the governor for the time being.

Pennsylvania and Delaware, with William Penn as proprietary, and Maryland, with Lord Baltimore as proprietary, were the three colonies with this form of government at the beginning of 1776.

Charter governments were corporations (political) created by letters patent, which gave to the grantees and their associates the soil within their territorial limits and powers of legislative government. Their charters provided a fundamental constitution for them, dividing the powers of government into three functions or heads, viz, legislative, executive, and judicial, and providing for the mode of exercising these powers, vesting them in proper officials.

Massachusetts, Rhode Island and Providence Plantation, and Connecticut, were the colonies possessing this form of government at the breaking out of the Revolutionary War of 1776.

All the colonies enjoyed generally the same rights and privileges.*

* See Story on the Constitution.

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RETROSPECT OF LAWS OF THE COLONIES AS TO LANDS.

The colonial legislatures, with the restrictions necessarily arising from their dependency on Great Britain, were sovereign within the limits of their respective territories. But there was this difference among them: that in Maryland, Connecticut, and Rhode Island the laws were not required to be sent to the King for his approval, whereas in all the other colonies the King possessed the power of abrogating them, and they were not final until they had passed under his review. In respect to the mode of enacting laws there were some differences in the organization of the colonial governments. In Connecticut and Rhode Island the governor had no negative upon the laws; in Pennsylvania the council had no negative, but was merely advisory to the executive; in Massachusetts the council was chosen by the legislature, and not by the Crown, but the governor had a negative on the choice.

In all the colonies the lands within their limits were, by the very terms of their original grants and charters, to be holden of the Crown in free and common socage, and not *in capite*, or by knight's service. They were all holden either as of the manor of East Greenwich, in Kent, or of the castle of Windsor, in Berkshire. All the slavish and military part of the ancient feudal tenures was thus effectually prevented from taking root in the American soil, and the colonists escaped from the oppressive burdens which for a long time affected the parent country and were not abolished until after the restoration of Charles II. Our tenures thus acquired a universal simplicity, and it is believed that none but freehold tenures in socage were ever in use among us. No traces are to be found of copyhold or gavelkind or burgage tenures. In short, for most purposes our lands may be deemed to be perfectly allodial, or held of no superior at all, though many of the distinctions of the feudal law have necessarily insinuated themselves into the modes of acquiring, transferring, and transmitting real estates.

One of the most remarkable circumstances in our colonial history is the almost total absence of leasehold estates. The erection of manors, with all their attendant privileges, was indeed provided for in some of the charters. But it was so little congenial with the feelings, the wants, or the interests of the people, that after their erection they gradually fell into desuetude, and the few remaining in our day are but shadows of the past, the relics of faded grandeur in the last steps of decay, enjoying no privileges and conferring no power.

In fact, partly from the cheapness of land and partly from an innate love of independence, few agricultural estates in the whole country have at any time been held on lease for a stipulated rent. The tenants and occupiers are almost universally the proprietors of the soil in fee simple.

The estates of a more limited duration are principally those arising from the acts of the law, such as estates in dower and in courtesy. Strictly speaking, therefore, there has never been in this country a dependent peasantry. The yeomanry are absolute owners of the soil on which they tread, and their character has, from this circumstance, been marked by a more jealous watchfulness of their rights, and by a more steady spirit of resistance against every encroachment, than can be found among any other people whose habits and pursuits are less homogeneous and independent, less influenced by personal choice and more controlled by political circumstances.

Connected with this state of things, and, indeed, as a natural consequence flowing from it, is the simplicity of the system of conveyances by which the titles to estates are passed and the notoriety of the transfers made.

From a very early period of their settlement the colonists adopted an almost uniform mode of conveyance of land at once simple and practical and safe. The differences are so slight that they become almost evanescent. All lands were conveyed by a deed commonly in the form of a feoffment or a bargain and sale, or a lease and release, attested by one or more witnesses, acknowledged or proved before some court or magistrate, and then registered in some public registry. When so executed, acknowledged, and recorded, it has full effect to convey the estate without any livery of seizin, or any other act or ceremony whatsoever. This mode of conveyance prevailed, if not in all, in nearly all the colonies from a very early period, and it has now become absolutely universal. It is hardly possible to measure the beneficial influences upon our titles arising from this source, in point of security, facility of transfer, and marketable value.—(Story on the Constitution, volume 1.)

SURVEYS, PRICE OF LANDS, AND GRANTS IN THE COLONIES.

The land systems of the several colonies were the germs and basis of the land system of the United States. The Congresses of the early period of the Confederation and Union were composed of members from the various colonies or States who were familiar with the systems therein. From their varied experiences the most practical method was reached for the disposition of the public domain.

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In all the colonies there prevailed a system of irregular allotment or sale and survey of tracts of land. This system produced confusion and litigation. The adoption of the rectangular system of surveys of the public domain grew out of the knowledge of the disputes occasioned by the crude methods which had theretofore prevailed.

In all the colonies lands were cheap, and the actual occupant or settler was preferred and protected.

In the New England colonies, Crown lands rated at from sixty cents to $1 per acre.

In New York and New Jersey, Crown or grant lands were very cheap, ranging from fifty cents to $1 per acre; and grants of large tracts were freely made. The great Patroon grants in New York, along the Hudson River, are evidences of personal land liberality hardly equaled in latter days.

In Maine, charter lands were from fifty cents upward per acre.

In the proprietary colonies, lands were very cheap, and quit rents were of small amount.

In Pennsylvania, lands ranged from sixty cents upward per acre. Quit rents were inserted in the deeds.

In Delaware, under the proprietary, and prior to this under the Swedes and Dutch, lands were allotted in irregular tracts for settlement. The prices of proprietary lands in Delaware did not vary much from those in Pennsylvania.

Pennsylvania, by reason of her liberal laws and inducements to colonists, was one of the most popular and prosperous of all the colonies up to the time of the Revolution.

In Virginia, charter and Crown lands were held at from sixty cents per acre and upward; and after 1610, were sold to colonists in tracts of one hundred acres and upward at $60 per one hundred acres.

Every immigrant, or person who sent an immigrant, received an allowance of one hundred acres of land, and one hundred acres additional when the first allowance had been actually occupied and cultivated. This was afterward reduced to fifty-acre lots, the second lot being made assignable at pleasure. After 1619, female immigrants were allowed the same privileges as males.

In the Carolinas, prior to the separation, charter and grant lands were held at nominal rates, actual settlement being the principal consideration.

Lands were granted and located in irregular tracts. Under the John Locke "Grand Model," or "fundamental constitution," lands were granted to such male persons over seventeen years of age, as had first declared themselves and been recorded as members of some church or religious profession.

Lands were granted in tracts of 10,000 acres for each one hundred planters.

According to the "Grand Model," the vast territory of Carolina, embracing the present States of North and South Carolina, Georgia, Tennessee, Alabama, and Mississippi, was to be divided into counties, each containing 480,000 acres. For each county a landgrave, and two caciques or barons, were to be created, who were to possess one-fifth of the land as inalienable property. Another fifth was to belong to the proprietaries, and the remaining three-fifths were reserved for the colonists, and might be held by lords of manors, with peculiar privileges. These landgraves and caciques were an hereditary nobility, and, together with the deputies of the proprietaries and the representatives chosen by freemen, were to constitute the parliament of the province, which was to assemble biennially. No man was eligible to any office unless he possessed property in land, and every freeman was allowed to possess absolute authority over his negro slaves, who had been early introduced and found necessary to till the soil. A man was required to own fifty acres in order to possess the elective franchise, and five hundred acres before he was eligible to parliament. Those who were merely tenants of the land were subject to perpetual degradation, "adscript to the soil," "under the jurisdiction of their lord, without appeal," "leet men or tenants to all generations."

All executive power, and even judicial, in the last resort, was vested in the proprietaries themselves, the oldest of whom received the title of Palatine, and presided in

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their meetings. Each proprietary was chief of a subordinate court. A complicated series of perplexing regulations enforced the duties and limited the rights of the freeholder. The Church of England became the established religion. This constitution was soon abandoned.

After the separation, lands were granted by the Crown authorities for plantations and settlements at from forty cents to $1 per acre.

The oldest land title in North Carolina is a grant from the king of the Yeokim Indians to George Durant for the neck that bears his name in Perquimans County, North Carolina, on the north side of Albemarle Sound.

The trustees of Georgia allowed immigrants fifty acres of land each. No grant could be made for more than five hundred acres to any individual. Women could not inherit lands, which were granted in tail male. In default of male heirs estates reverted to the trustees.

After 1733, eleven townships of 20,000 acres each were laid out on the Savannah, Altamaha, and Santee rivers for immigrants, who were given lots of fifty acres each. The trustees paid to the Crown four shillings (about $1) for every one hundred acres thus disposed of.

LAND LAWS AND SYSTEM OF THE COLONY OF PENNSYLVANIA.

The Congress of the United States, during the periods of forming the government of the Confederation and afterward, sat principally at Philadelphia, Pa. The land system of the colony of Pennsylvania was perhaps the best organized and systematized of any of the colonies. Its records were at hand and were no doubt frequently referred to before the ordinance to provide for the sale of western territory was formulated. Penn's idea of surveying, set out in the warrants of survey, was to have the survey of purchased tracts made within certain townships, containing five and ten thousand acres of land. This form of township may have had some influence in the adoption of the square form of survey of townships now the mode in the rectangular system. The irregular and uncertain marking upon the ground, consequent upon surveying irregular tracts of land, and the prevalence of litigation in the colonies arising from removals of stones, and decay or felling of trees used as markings, were known to the various delegates in the Continental Congress and aided in the adoption of a uniform method of surveying and marking lands in the public domain.

PENN'S AUTHORITY OVER THE SOIL OF THE COLONY.

[Extract from the charter for the province of Pennsylvania, March 4, 1681.]

Wee do also give and grant unto the said *William Penn*, his heires and assignes, the free and undisturbed use and continuance in and passage into and out of all and singular ports, harbours, bays, waters, rivers, isles and inletts belonging unto or leading to and from the countrey or islands aforesaid; and all the soyle, lands, fields, woods, underwoods, mountains, hills, fenns, isles, lakes, rivers, waters, rivuletts, bays and inletts, scituate or being within or belonging unto the limitts and bounds aforesaid, togeather with the fishing of all sorts of fish, whales, sturgeons and all royall and other fishes, in the sea, bayes, inletts, waters or rivers within the premisses and the fish therein taken; and also all veins, mines and quarries, as well discovered as not discovered, of gold, silver, gemms, and pretious stones, and all other whatsoever, be it stones, mettals, or of any other thing or matter whatsoever, found or to bee found within the countrey, isles or limitts aforesaid. And him, the said *William Penn*, his heires or assignes, wee doe by this our royal charter for us, our heires and successors, make, create, and constitute the true and absolute proprietarie of the countrey aforesaid and of all other the premisses, saving alwayes to us, our heires and successors, the faith and allegience of the said *William Penn*, his heires and assignes, and of all other proprietaries, tenants and inhabitants that are or shall be within the territories and precincts aforesaid; and saving also unto us, our heires and successors the sovereignty of the aforesaid countrey, *to have*, hold, possess and enjoy the said tract of land, countrey, isles, inletts and other premisses unto the said *William Penn*, his heires and assignes, to the only proper use and behoofe of the said *William Penn*, his heires and assignes forever, to be holden of us, our heirs and successors, Kings of England, as of our castle of *Windsor* in our county of Berks, in free and common socage, by fealty only for all services and not *in capite* or by knight's service, yealding and paying therefor to us, our heires and successors, two beaver skins, to bee delivered at our the said

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castle of Windsor on the first day of *January* in every year and also the fifth part of all gold and silver oare which shall from time to time happen to bee found within the limitts aforesaid cleare of all charges.

And by the seventeenth section of the charter, William Penn, his heirs and assigns were—

Empowered to assign, alien, grant, demise, or enfeoff of the premises so many and such parts and parcels to him or them that shall be willing to purchase the same as they shall see fit, to have and to hold them, the said person or persons willing to take and purchase their heirs or assigns, in fee simple or fee tail, or for the term of life, lives, or years, to be held of the said William Penn, his heirs or assigns, as of the said seigniory of Windsor, by such services, customs, or rents as shall seem meet to the said William Penn, his heirs and assigns, and not immediately of us, our heirs or successors, the statute made in the Parliament of Edward, the son of King Henry, late king of England, our predecessor (commonly called the statute of *quia emptores terrarum*) lately published in our kingdom of England, in anywise notwithstanding.

And further, by section nineteen, license was granted unto Penn and his heirs, and likewise to all and every such person or persons to whom the said Penn or his heirs shall at any time hereafter grant any estate or inheritance as aforesaid, to erect any parcels of land within the province aforesaid into manors, by and with the license to be first had and obtained for that purpose under the hand and seal of the said William Penn or his heirs; and in every of the said manors to have and to hold a court baron, with all things whatsoever which to a court baron do belong. And that every such person or persons who shall erect any such manor or manors aforesaid shall or may grant all or any part of his said land to any person or persons in fee simple or any other estate respectively, so as no further tenure shall be created, but that upon all further or other alienation thereafter to be made the said lands so aliened shall be held of the same landlord or his heirs.

Thus, by express provisions, the province was a feudal seigniory, of which Penn and his heirs were the lords proprietaries with the power of subinfeudation in fee, which had been taken away in England by the statute of *quia emptores*. The king was the lord paramount, the proprietary the mesne, and his grantees tenants par àvail.

THE LAND SYSTEM OF PENNSYLVANIA—METHOD OF GRANTING LANDS.

The proprietaries of Pennsylvania were authorized by the charter to convey and receive lands in fee. From the arrival of Penn to 1776 the proprietaries granted in person or through agents. William Markham, April 10, 1681, was authorized by Penn "to survey, set out, and sell lands." Markham issued warrants in pursuance of this authority. Penn while in Pennsylvania at various times signed warrants and patents in person; while absent he lodged this power in commissions of from three to four persons, called commissioners of property, who superintended the granting of lands within the province and signed warrants and patents therefor.

These several commissioners occupied a land office. The land officers consisted of the persons who were in any wise connected with the disposition of lands in the province. The several divisions were in charge of the secretary of the land office, the surveyor and receiver general. The commissioners of property were ex-officio members. All the officials were appointed by the proprietaries. Prior to about 1740, land warrants bore the seal of the province. After that period they have the seal of the land office.

The board of property was an important branch of the land service in the province. It consisted of all the officers of the land office, and had jurisdiction over all disputes concerning original land titles. It was not a court, nor were their decisions binding upon the judiciary. They were experts well versed in land laws. The system was continued in many features by the State after 1776.

Penn's first deeds of conveyance of lands in Pennsylvania were by deeds of lease and release, and were executed in England. "They conveyed ——— acres of land to be allotted and set out in such place or parts of the said tract, and at such time or times, and in such manner as by certain conditions and concessions are limited and appointed." These deeds reserved quit-rents and contained covenants by Penn agreeing to extinguish

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the Indian title. The purchasers were to record their deeds within six months after the establishment of a rolls-office in the province.

Thomas Holmes was the first surveyor-general. He laid out tracts for the first settlers. They were irregular in form and marked by natural objects. First settlers applied in writing to the proprietary or commissioners of property, who thereupon issued a warrant to the surveyor-general in form running as follows:

PROPRIETARY WARRANT. PENNSYLVANIA.

PENNSYLVANIA, *ss:*

By the Proprietaries:

[SEAL.] Whereas William Davison, of the county of Cumberland, hath requested that we would grant him to take up two hundred acres of land, including his dwelling plantation, late Richard Venable's, adjoining William Wilson & Henry Dinsmore, in Pennsboro Township, in the said county of Cumberland, for which he agrees to pay to our use fifteen pounds ten shillings, current money of this province, for each hundred acres, with lawful interest for the same, and the yearly quit-rent of one halfpenny sterling for every acre thereof, both to commence from the time of settlement. These are therefore to authorize and require you to survey, or cause to be surveyed, unto the said William Davison, at the place aforesaid, according to the method of townships appointed and the said quantity of ——— acres, if not already surveyed or appropriated; and make return thereof into the secretary's office, in order for further confirmation; for which this shall be your sufficient warrant: which survey, in case the said William Davison fulfil the above agreement within six months from the date hereof, shall be valid; otherwise void.

Given under my hand and seal of the land office by virtue of certain powers from the said proprietaries, at Philadelphia, this twenty-seventh day of July, anno Domini one thousand seven hundred and fifty-one.

JAMES HAMILTON.

To NICHOLAS SCULL,
Surveyor-General.

Persons who desired to purchase lands applied in writing to the land office, giving data as to acres and location desired. This was entered upon the records of the commissioners of property; a warrant was then issued. This warrant (above given) was an order to the surveyor-general to lay out land to the person named and make return of the same to the secretary of the land office. Before the mortgage to Gouldney and others to secure £6,600 borrowed moneys in 1708, the stipulation of payment was to William Penn or his heirs; after that time, to pay to the use of William Penn. After Penn's death and during the minority of his children by his second wife, payment was to be made to the proprietaries' trustees. These warrants were of several characters, classified as—

1. Descriptive warrants, wherein the marks or boundaries of the land to be surveyed were laid down with certainty, either precise or to a common intent. In these instances the title commenced from the date of the warrant, provided it was followed up with reasonable attention. But if a warrantee did not settle upon the land and occupy it, or abandoned his claim and failed to procure a survey or a proper return thereof within a reasonable time, he was liable to be postponed to a subsequent and more diligent claimant without notice.

2. Indescriptive or vague warrants, which did not describe the plat to be surveyed with accuracy, and which might therefore be laid out on any portion of a larger tract of country. The title in these instances dated only from the survey, and, as in the case of descriptive warrants, laches in occupying the land or in having a return of survey made might postpone the negligent warrantee.

3. Shifted warrants, where the lands actually surveyed were different from those described in the warrant. These gave a good title as against all warrantees having notice of them, and when once returned into the surveyor-general's office, and there accepted, were binding as against all claimants under warrants issued subsequent to that return.

4. Vacating warrants, which recited a former warrant, whose terms had not been complied with, and which had therefore become void, and directed a laying out of the same plat for some new claimant. These were sometimes also called special warrants

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5. Warrants of resurvey. The ignorance or haste of the early surveyors of this province, together with the great difficulties of the ground, led to the commission of many errors in the original survey of lands. It became, therefore, the custom to issue warrants of resurvey, either at the instigation of the land officers or of a purchaser who suspected that he had obtained less than the amount of land to which he was originally entitled by the requirements of his original warrant.

After July 4, 1776, the Commonwealth of Pennsylvania, as successor to the proprietary, issued warrants for vacant lands, as follows:

The vesting act of November 27, 1779, "An act for vesting the estates of the late proprietaries of Pennsylvania in this commonwealth," confirmed the State as proprietary.

STATE WARRANT FOR LANDS.

THE COMMONWEALTH OF PENNSYLVANIA, *ss:*

Whereas Daniel Leet, of the county of ——, hath requested to take up fifty acres of land on the south side of the Ohio River, joining Austin's settlement, sold to s'd Leet at public auction for tax in the county of Washington (provided the land is not within the last purchase made of the Indians), for which he agrees to pay immediately into the office of the receiver-general for the use of this State at the rate of 10 pounds per hundred acres in gold, silver, paper money of this State, or certificates agreeable to an act of assembly passed the first day of April, 1784, interest to commence from the date hereof. These are therefore to authorize and require you to survey or cause to be surveyed unto the said Daniel Leet, at the place aforesaid, according to the method of townships appointed, the said quantity of acres, if not already surveyed or appropriated, and to make return thereof in the secretary's office, in order for confirmation, for which this shall be your warrant.

[L. S.]

In witness whereof, his excell'y, Benja. Franklin, esq'r, president of the supreme executive council, hath hereunto set his hand and caused the less seal of the said Commonwealth to be affixed, the twenty-fifth day of October, in the year 1787.

To JOHN LUKENS, Esq'r, *Surveyer-General.*

SURVEY OF LANDS GRANTED.

These warrants were assignable.

Warrants, first original, afterwards copies, were sent by the surveyor-general, who received them from the secretary of the land office, to a deputy Surveyor, who performed the actual work. The purchaser and the deputy went upon the ground and the outlines of the land desired were fairly and visibly marked.

The purchaser paid the deputy surveyor's fees, who then returned the record of the same to the surveyor-general's office. A survey duly returned and accepted bound the owner of the tract to the actual limits.

The claim for the purchase money was a lien upon the land until paid, and no patent would issue until final payment was made.

Patent was issued by the secretary of the land office, containing a quit-rent clause, upon certificate from the surveyor-general, giving details as to quantity and survey.

The patent was signed and sealed by the proper commissioners, and upon payment of fees to the receiver-general was delivered to the claimant.

These patents could be afterwards attacked in court as to validity of their title to the land patented.

An attempt was made in the earliest days of the province to subdivide it into townships of five or ten thousand acres each, and the surveys ordered by the warrants for a long time contained the clause "according to the methods of townships appointed by the proprietaries."

This, however, was soon abandoned, and irregular tracts were surveyed.

The influence of these various forms of warrants, equities and rights of settlers, locations and methods of location, manner of selling, and disposing of proprietary lands in this colony, can be seen in the present system of disposition of the public domain of the United States.

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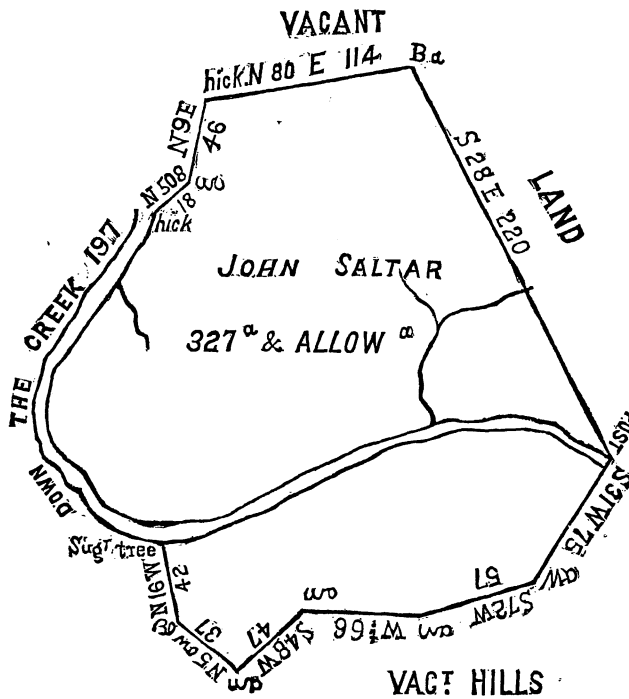
DEPUTY SURVEYOR'S RETURN TO A WARRANT.

The following is a diagram as returned to the surveyor-general of the province of a deputy surveyor's return to a warrant, after location and survey, showing the usual method of marking upon the ground:



Courses and distances on the creek.

Surveyed to John Salter, on the 22d May, 1776, the above-described tract of three hundred & twenty-seven acres & allowance of six p. ct., situate on both sides of Crooked Creek, about half a mile above land granted to William Sykes, in Westmoreland County, by war't of the 14th day of February, 1776.

JOHN LUKENS, ESQR., *S. Gen'l.*
JOSHUA ELDER, *D. S.*

In testimony that the above is a true copy of the original remaining in my office, I have hereunto set my hand & seal of office, at Lancaster, this 21st day of April, 1800.
[SEAL] DANIEL BROADHEAD, *S. G.*

The State of Pennsylvania after 1776 reorganized the land office, and the president of the supreme executive council issued the warrant. The price of land was reduced £15 10*s.* per hundred acres, in current money of the province, and a half-penny sterling yearly; quit rent per acre to £10 per hundred acres, in gold, silver, paper money of this State, or certificates of the stock.

The quit-rent clause was dropped after 1776.

In 1765 lands were sold at £5 per hundred acres and one penny sterling per acre quit rent. In 1732 was devised the scheme for a lottery of lands. One hundred thousand acres were set aside for this—£15 10*s.* current money for one hundred acres, amounting to £15,500. The tickets were issued at forty shillings each, and in sufficient numbers

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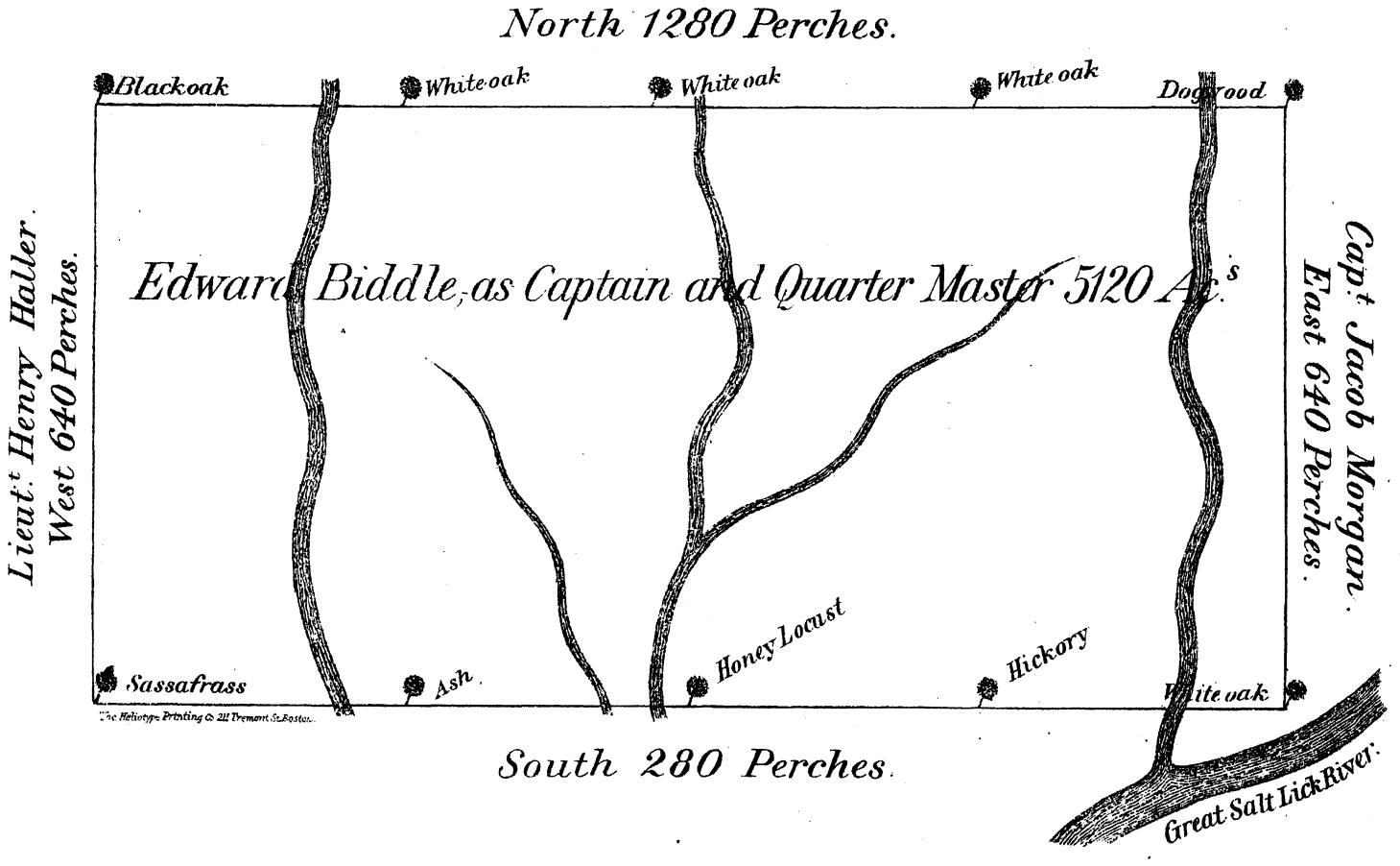

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to make the gross sum. The prizes were five lots from twenty-five acres to three thousand acres in area. Certain stipulationswere made as to where the grants should be located. The lottery was never filled. Still, purchasers of tickets used them for location, and they became in many instances the primary titles to lands. These lottery tickets contained a quit-rent clause of one shilling per acre, with a reservation of one-fifth of all gold and silver, deliverable at the pit's mouth.

William Penn, of his motion, made grants with peculiar rentals and considerations. He gave to Andrew Hamilton a grant—

in consideration of sundry good services by him done to our family, two several pieces of land, part of our manor of Springettsburg, in the County of Philadelphia, to be holden of us, our heirs and successors, proprietaries of Pennsylvania, * * * yealding and paying therefor, yearly, to us, our heirs and successors, at the city of Philadelphia, at or upon the first day of March in every year from the survey thereof, one beaver skin to such person or persons as shall from time to time be appointed to receive the same.

He granted the city of Philadelphia a potter's field—now Washington Square—on payment of one ear of corn; and the land upon which the city of Easton now stands on payment of a red rose (as of the manor of Northampton) to the head of the family at Christmas.

For much curious learning and exact information relating to lands under the colonial proprietaryship see Sergeant's "Land Laws of Pennsylvania;" "Law of Ground Rents in Pennsylvania," by Richard M. Cadwalader, and "Land Titles in Philadelphia," by Lawrence Lewis, jr.

LOCATION OF A GRANT IN VIRGINIA UNDER THE KING'S PROCLAMATION OF 1763.

The following survey of a grant of land in Virginia, with a form of deed usual at that date, is herewith given. It was a land bounty for military services. The plat of survey and location returned by the deputy surveyor shows the manner of marking upon the ground and location of a warrant.

Land on Salt Lick Creek emptying into the Ohio River in Virginia.

[See diagram of method of location facing this page.]

In pursuance of His Majestie's proclamation of 1763, on the 24th day of July, 1773, for Edward Biddle, esq'r, who was a captain & quartermaster in the Pennsylv'a regiment, the above-described tract of land, situate on the waters of Salt Lick Creek, the waters of the Ohio, in the Colony of Virginia, containing five thousand one hundred & twenty acres.

F. WM. THOMPSON.

Deed of conveyance.

To all persons to whom these presents shall come:

Edward Biddle, of Reading, in the county of Berks, the person above named, sends greeting. Know ye that the said Edward Biddle, for and in consideration of one hundred pounds, lawful money of Pennsylv'a, to him in hand paid by the Rever'nd Thomas Barton, hath granted, bargained, and sold, and by these presents he, the said Edward Biddle, doth grant, bargain, and sell all his, the said Edward Biddle, right, title, claim, interest, and demand of, in, and to the said tract of five thousand one hundred and twenty acres as the same is laid down and before described. To have and to hold all his, the said Edward Biddle's, estate, right, and title of, in, and to the same unto the said Thomas Barton, his heirs, and assigns forever.

In witness whereof the said Edward Biddle hath hereunto set his hand & seal the 24th November, anno Domini 1773.

EDWD. BIDDLE. [SEAL.]

Sealed and delivered in the presence of us:
JAMES SMITH,
ROBERT MCKENZIE.

The foregoing is a true copy of the original draught & certificate from William Thompson & grant thereunder, written from Edward Biddle to me, now remaining in my hands.

Witness my hand the 17th December, 1773.

THO. BARTON.

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FORMS OF WARRANTS FOR LANDS IN MARYLAND.

The two following examples of warrants for lands in Maryland under the proprietary are given. The charter of Maryland to Lord Baltimore and his heirs in succession, for the province of Maryland, and by which they became lords proprietary, was in consideration of the province being held of the Crown of England; the proprietary forever rendering annually to the Crown "two Indian arrows for the same."

A grant of date September 30, 1724, *by Benedict Leonard Calvert, Lord Proprietary.*

MARYLAND, *s't:*

Charles, absolute lord and proprietary of the provinces of Maryland, and Avalon, lord baron of Baltimore, &c., to all persons to whom these presents shall come, greeting in our Lord God Everlasting:

Know ye that for and in consideration that Arthur Nelson, of Prince George's County, in our said province of Maryland, hath due unto him three hundred and fifty-six acres of land within our said province by virtue of a warrant for that quantity granted him the twentieth day of August, seventeen hundred and twenty-four, as appears in our land office, and upon such conditions & termes as are expressed in our conditions of plantation of our said province, bearing date the fifth day of Aprill, sixteen hundred & eighty-four, and remaining upon record in our said province, together with such alterations as in them is made by our further conditions bearing date the fourth day of December, sixteen hundred and ninety-six, together also with the alterations made by our instructions bearing date at London the twelfth day of September, seventeen hundred & twelve, and registered in our land office of our said province: We do therefore hereby grant unto him, the said Arthur Nelson, all that tract of land called Nelson's Island, lying in Prince George's County, beginning at a bounded ash standing on the north side of Coynoy Island, in Potomock River, above Monococy, & running thence south thirty-seven degrs., east sixty p'ches; then south twenty degrs., east twenty ps.; then south forty degrs., east sixty pches; then south thirty-two degrs., east twenty pches.; then southeast sixty-four perches; then north sixty-nine & a half degrs., west one hundred and one perches; then north seventy-five degrs., west fifty perches; then north sixty-seven degrs., west sixty perches; then north sixty degrs., west forty ps.; then north forty-eight degrs., west fifty-one perches; then north thirty-four degrs., west thirty-two ps.; then north twenty-seven degrs., west twenty ps.; then north fourteen degrs., west fourteen pches.; then north twenty-three degrs., west eighteen p'ches; then north eighteen p'ches; then north eighty degrs.; east fourteen ps.; then east thirty-two ps.; then south seventy-three degrs., east sixty p'ches; then south sixty-six degrs., east sixty-six ps.; then north forty-nine degrs. east forty-eight p'ches; then north forty-two degrs. west twenty-one p'ches; then north sixty-two degrs. west ten p'ches; then north fifty-five degrees west twenty p'ches; then north sev'ty degrs west sixty p'ches; then north seventy-eight degrs. west twenty-four p'ches; then north seventy degrees west fifty p'ches; then north sixty-three degrs. west seventy-one p'ches; then north fifty-three degrees east forty-two perches; then east thirty-four perches; then south seventy degrees east eighty perches; then north twenty-five degrees east forty perches; then south seventy-seven degrees east fifty perches; then north thirty-seven degrees east one hundred and thirty perches; then south twenty-five degrees east one hundred fifty-six perches; then south seventy degrees west one hundred twenty-two perches; then south thirty-three degrs. east fifty perches; then with a straight line to the beginning tree, containing and now laid out for three hundred fifty-six acres of land more or less, according to the certificate of survey thereof taken & returned into our land office, bearing date the eighteenth day of February, seventeen hundred and twenty-four, & there remaining, together with all rights, profits, benefits, and priviledges thereunto belonging (royall mines excepted), to have and to hold the same unto him the said Arthur Nelson, his heirs and assigns forever, to be holden of us and of our heirs as of our mannor of Calverton in free and common soccage by ffealty only for all manner of services yeilding & paying therefore yearly unto us and our heirs at our receipt at the city of S., maried at the two most usuall ffeasts in the year, viz: the feast of the annunciation of the Blessed Virgin Mary and S. Michaell, the archangell by even and equall portions the rent of fourteen shillings and three pence sterling in silver or gold; and for a fine upon every alienation of the said land or any part or parcell thereof one whole year's rent in silver or gold or the full value thereof in such commodities as we and our heirs or such officer or officers as shall be appointed by us and our heirs from time to time to collect & receive the same shall accept in discharge thereof at the choice of us & our heirs or such officer or officers afores'd: *Pro-*

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vided, that if the said sum for a fine for alienation shall not be paid unto us & our heirs or such officer or officers afores'd before such alienation and the s'd alienation entered upon record either in the prov'll court or county court where the same parcell of land lyeth, within one month next after such alienation, then the said alienation shall be void and of no effect. Given under our great seal at armes this thirteenth day of September, seventeen hundred and twenty-eight.

Witness our Dear Brother Benedict Leonard Calvert, esq., governor and commander-in-chief in and over our said province of Maryland, chancellour and keeper of the great seale thereof.

BEN'DT LEON'D CALVERT, [HAND.]

(Heavy wax seal attached by tape.)
(Endorsed.)

PRINCE GEORGE'S COUNTY.

Mr. Arthur Nelson, 356 acres of land.
Passed Nelson's Island.
Recorded in the land records of Maryland, Lib. P. L. N. No. 7, page 450.
Examined.

J. LAWSON, *Ex'r.*

The following is a warrant issued in Maryland, in 1761, by Horatio Sharpe, lieutenant-general and chief governor of the province of Maryland:

MARYLAND, *ss:*

FREDERICK, absolute lord and proprietary of the provinces of *Maryland* and *Avalon*, lord baron of Baltimore, &c, to all persons to whom these presents shall come greeting in our Lord GOD everlasting

KNOW YE, that for and in consideration that Arthur Nelson of Frederick County in our said province of Maryland hath due unto him thirty acres of land within our said province by virtue of a warrant for that quantity granted him by renewment the twenty-second day of September, seventeen hundred and sixty-one, as appears in our land office, and upon such conditions and terms as are expressed in our conditions of plantation of our said province, bearing date the fifth day of *April*, sixteen hundred and eighty-four, and remaining upon record in our said province; *together* with such alterations as in them are made by our further conditions bearing date the fourth day of *December*, sixteen hundred and ninety-six; *together* also with the alterations made by our instructions bearing date at *London*, the twelfth day of *September*, seventeen hundred and twelve, and registered in our secretary's office of our said province; *together* with a paragraph of our instructions bearing date at *London*, the fifteenth day of *December*, seventeen hundred and thirty-eight, and registered in our land office. WE DO therefore hereby grant unto him the said Arthur Nelson all that tract or parcell of land called the Point of Rocks, lying in the aforesaid county, beginning at the end of the twenty-eighth line of a tract of land called Nelson's Island, the line being north fifty-three degrees east, running thence north eighty-six degrees west eighteen perches; north fifty-two degrees west twenty-four perches; south sixty-nine degrees east eighteen perches; north seventy-five and an half degrees east twenty-two perches; north thirty degrees east fifty-four perches; north eight degrees east eighteen perches; north seventy-eight degrees east twenty perches; south fifty-three degrees east seventy-seven perches, then by a straight line to the beginning, containing and now laid out for thirty acres of land, according to the certificate of survey thereof, taken and returned into our land office, bearing date the seventh day of October, seventeen hundred and sixty-one, and there remaining, together with all rights, profits, benefits, and privileges, thereunto belonging, royal mines excepted, TO HAVE AND TO HOLD the same, unto him the said Arthur Nelson, his heirs and assigns, forever, to be holden of us and our heirs, as of our manor of Conegocheege in free and common soccage, by fealty only for all manner of services, YIELDING AND PAYING therefore, yearly, unto us, and our heirs, at our receipt at our city of *St. Mary's* at two most usual feasts in the year, viz., the feast of the annunciation of the Blessed Virgin *Mary* and *St. Michael*, the archangel, by even and equal portions, the rent of one shilling and two pence half-penny sterling, in silver or gold; and for a fine upon every alienation of the said land, or any part or parcel thereof, one whole year's rent, in silver or gold, or the full value thereof, in such commodities as we and our heirs, or such officer or officers as shall be appointed by us and our heirs from time to time, to collect and receive the same, shall accept in discharge thereof, at the choice of us and our heirs, or such officer or officers aforesaid: PROVIDED, that if the said sum for a fine for alienation shall not be paid unto us and our heirs, or such officer or officers aforesaid, before such alienation, and the said alienation entered upon record, either in the provincial court, or county court, where the

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same parcel of land lieth, within one month next after such alienation, then the said alienation shall be void and of no affect. GIVEN under our great seal of our said province of *Maryland*, this seventh day of October, *anno Domini* seventeen hundred and sixty-one.

WITNESS our trusty and well-beloved HORATIO SHARPE, Esq., lieutenant-general and chief governor of our said province of *Maryland*, and chancellor and keeper of the great seal thereof.

(Heavy wax seal attached by tape.) HORO. SHARPE.

(Endorsed:)

Mr. Arthur Nelson's patent 30 acres.
The Point of Rocks.
Recorded in records of lands, S. No. 15, pg. 597.

WM. STEWART, *Rd.*

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CHAPTER XXXV.

METHODS OF SURVEY AND DISPOSITION OF PUBLIC OR CROWN LANDS IN CANADA, AUSTRALIA, BRAZIL, AND MEXICO.

TO DECEMBER 1, 1883.

The following several sections will show the methods of survey and disposition of public or Crown domain in the several countries named:

THE DOMINION OF CANADA.

Area, 3,483,952 square miles, or 2,229,729,280 acres.

The commissioner of lands of the Dominion of Canada, Lindsey Russell, esq., is appointed by and subject to the minister of the interior, and resides at Ottawa.

The Crown domains of the several provinces are disposed of under special laws, but the vast area of Dominion lands (corresponding with the public domain of the United States) is disposed of under the provisions of the statute known as the 42d Victoria, May 15, 1879.

Agents, known as agents of Dominion lands, are appointed in the several Territories, viz, Manitoba, Kerwatin, and Northwest Territories. These agents give notice, by publication, of the filing of maps of survey and that the lands are open to cash sale or settlement.

Surveyed townships are grouped into "districts," which are numbered from No. 1. These districts each have an agent at a local office. They are subordinate to the agent of the Territory, who is subordinate to the commissioner of the land office at Ottawa.

The Dominion does not control public lands in some of the provinces. A surveyor-general of the Dominion is also appointed, under whom the surveys are made. His office is at Ottawa, in the department of the interior. The law relating to the Dominion lands is here given entire. It will be noticed that this statute gives the executive charged with the control and disposition of the public domain large discretionary authority.

The body of this act is based upon the best features of the land system of the United States, with beneficial additions. Many features of this statute could be engrafted upon our system with profit.

LAW RELATING TO PUBLIC LANDS IN CANADA.

42 Victoria, Chap. 31.

[AN ACT to amend and consolidate the several acts respecting the public lands of the Dominion.—Assented to 15th May, 1879.]

Whereas it is expedient with a view to the proper and efficient administration and management of certain of the public lands of the Dominion, that the same should be regulated by statute, and divers acts have been passed for that purpose which it is expedient to amend and consolidate: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PRELIMINARY—INTERPRETATION.

1. This act shall apply exclusively to the lands included in Manitoba and the several territories of the Dominion, which lands shall be styled and known as Dominion lands; and this act shall be known and may be cited as the "Dominion lands act 1879," and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context; that is to say:

1. The term Minister of the Interior means the Minister of the Interior of Canada.

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2. The term surveyor-general means the said officer, or, in his absence, the chief clerk performing his duties for the time being.

3. The term agent or officer means any person or officer employed in connection with the administration and management, sale or settlement of Dominion lands; and the term local agent means the agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the term land office means the office of any such agent.

4. The term Dominion land surveyor means a surveyor duly authorized under the provisions of this act to survey Dominion lands.

5. The term Crown timber agent means the local officer appointed to collect dues and to perform such other duties as may be assigned to such officer, in respect to the timber on Dominion lands.

6. The term island, as used in connection with timber, means an isolated grove or clump of timber in prairie.

7. The term belt, as used in connection with timber, means a strip of timber along the shore of a lake, river, or water course.

8. The term section means a section of this act distinguished by a separate number and the term subsection means a subdivision of any clause distinguished by a separate number or letter, in smaller type.

9. The term Canada Gazette means the official gazette of the government, published at Ottawa.

DOMINION LANDS OFFICE.

2. The department of the Minister of the Interior of Canada shall be charged with the administration and management of the Dominion lands.

1. Such administration and management shall be effected through a branch of the said department, to be known and designated as "The Dominion lands office."

2. Copies of any records, documents, plans, books, or papers belonging to or deposited in the said office, attested under the signature of the Minister of the Interior or the surveyor-general, and of plans or documents in any Dominion lands or surveys office in Manitoba or the Northwest Territories, attested under the signature of the agent or inspector of surveys, as the case may be, in charge of such office, shall be competent evidence in all cases in which the original records, documents, books, plans, or papers could be evidence.

3. No person employed in or under the Dominion lands office shall purchase any of such lands, except under authority of an order in council, or shall locate military or bounty land warrants, or land scrip, or act as agent of any other persons in such behalf.

SYSTEM OF SURVEY.

3. Subject always to the provisions hereinafter made with respect to special cases—

1. The Dominion lands shall be laid off in quadrilateral townships, containing thirty-six sections of one mile square in each (except in the case of those sections rendered irregular by the convergence or divergence of meridians as hereinafter mentioned), together with road allowances of one chain and fifty links in width, between all townships and sections.

2. The sections shall be bounded and numbered as shewn by the following diagram:

N.

	31	32	33	34	35	36
	30	29	28	27	26	25
	19	20	21	22	23	24
W.	18	17	16	15	14	13	E.
	7	8	9	10	11	12
	6	5	4	3	2	1

S.

3. The township therefore will, subject to deficiency or surplus from converging or diverging meridians, as the case may be, measure on each side, from centre to centre

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of the road allowances bounding the same, four hundred and eighty-nine chains: Provided that the Governor in council may hereafter, should the same be deemed expedient, reduce the width of the road allowances on township and section lines in that part of the territory lying north of the line between townships eighteen and nineteen, and east of the tenth range east of the principal meridian, and west of the fourteenth range west of the said meridian.

4. The lines bounding townships on the east and west sides shall, in all cases, be true meridians, and those on the north and south sides shall be cords intersecting circles of latitude passing through the angles of the townships.

5. The townships shall be numbered in regular order northerly from the international boundary or forty-ninth parallel of latitude, and shall lie in ranges numbered, in Manitoba, east and west from a certain meridian line run in the year 1869, styled the "Principal meridian," drawn northerly from the said forty-ninth parallel at a point ten miles or thereabouts westwardly from Pembina.

6. In the territories east and west of Manitoba such other governing or guide meridians may be adopted and confirmed by the governor in council as may, from time to time, become expedient.

7. The townships shall be laid out the precise width of four hundred and eighty-nine chains, as aforesaid, on the base lines hereinafter mentioned, and the meridians between townships shall be drawn from such bases, north or south to the depth of two townships, that is to say, to the correction lines hereinafter mentioned.

8. The said forty-ninth parallel or international boundary shall be the first base line, or that for townships one and two. The second base line shall be between townships four and five, the third between townships eight and nine, the fourth between townships twelve and thirteen, the fifth between townships sixteen and seventeen, and so on northerly in regular succession.

9. The correction lines, or those upon which the "jog" resulting from the want of parallelism of meridians shall be allowed, will be as follows, that is to say, on the line between townships two and three, on that between six and seven, on that between ten and eleven, and so on. In other words, they will be those township lines running east and west which are equi-distant from the bases at the depth of two townships.

10. Each section shall be divided into quarter sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter made.

11. In the survey of any and every township, the deficiency or surplus, as the case may be, resulting from convergence or divergence of meridians shall be allowed in the range of quarter sections adjoining the west boundary of the township, and the north and south error in closing on the correction lines from the north or south shall be allowed in the ranges of quarter sections adjoining, and north or south respectively of the said correction lines.

12. The dimensions and area of the irregular quarter sections resulting from the provision in the next preceding clause, whether the same be deficient or in excess, shall, in all cases, be returned by the surveyor at their actual measurements and contents.

13. Preliminary to the subdivision into townships and sections of any given portion of country proposed to be laid out for settlement, the same shall be laid out into blocks of four townships each, by projecting the base and correction lines, and east and west meridian boundaries of each block:

1. On these lines, at the time of the survey, all township, section, and quarter section corners shall be marked, which corners shall govern, respectively, in the subsequent subdivision of the block.

2. Only a single row of posts or monuments to indicate the corners of townships, or sections (except as hereinafter provided), shall be placed on any survey line. These posts or monuments, as an invariable rule (with the exception above referred to), shall be placed in the west limit of the road allowances, on north and south lines, and in the south limit of road allowances, on east and west lines; and in all cases shall fix and govern the position of the boundary corner between the two adjoining townships, sections, or quarter sections on the opposite side of the road allowance

3. Provided that in the case of the township, section, and quarter section corners on correction lines, posts or monuments shall in all cases be planted and marked independently for the townships on either side; those for the townships north of the line, in the north limit of the road allowance; and those for the townships south, in the south limit.

14. The township subdivision surveys of the Dominion lands, according to the system above described, shall be carried out and shall be performed by contract at a certain rate per mile or per acre, fixed from time to time by the governor in council.

15. Legal subdivisions as applicable to the survey, sale, and granting of the Dominion lands, shall be as follows: and it shall be sufficient that such legal subdivisions be severally, as the case may require, designated and described by such names or numbers and areas for letters patent, that is to say:

1. A section or 640 acres;
   A half section or 320 acres;

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A quarter section of 160 acres;
A half quarter section or 80 acres:
A quarter quarter section or 40 acres

2. To facilitate the descriptions for letters patent of less than a half quarter section, the quarter sections composing every section in accordance with the boundaries of the same as planted or placed in the original survey, shall be supposed to be divided into quarter quarter sections, or forty acres, and such quarter quarter sections shall be numbered as shewn in the following diagram, which is intended to shew the above proposed subdivisions of a section.

N.

	13	14	12	16
	12	11	10	9
W.	5	6	7	8
	4	3	2	1

E.

S.

3. The area of any legal subdivision as above set forth, in letters patent, shall be held to be more or less, and shall in each case be represented by the exact quantity as given to such subdivision in the original survey.

16. Provided that nothing in this act shall be construed to prevent the lands upon the Red and Assineboine rivers surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as may be necessary in order to carry out section thirty-two of the act thirty-third Victoria, chapter three, or to prevent fractional sections or lands bordering on any river, lake, or other water course or public road, from being divided; or such lands from being laid out in lots of any certain frontage and depth, in such manner as may appear desirable; or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided; or from describing the said lands upon the Red and Assineboine rivers, or such subdivisions of fractional sections, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as may seem expedient.

DISPOSAL OF THE DOMINION LANDS.

LANDS RESERVED BY THE HUDSON'S BAY COMPANY.

17. Whereas by article five of the terms and conditions in the deed of surrender from the Hudson's Bay Company to the crown, the said company is entitled to one-twentieth of the lands surveyed into townships in a certain portion of the territory surrendered, described and designated as the "Fertile Belt":

And whereas by the terms of the said deed, the right to claim the said one-twentieth is extended over the period of fifty years, and it is provided that the lands comprising the same shall be determined by lot; and whereas the said company and the government of the Dominion have mutually agreed that with a view to an equitable distribution throughout the territory described, of the said one-twentieth of the lands, and in order further to simplify the setting apart thereof, certain sections or parts of sections, alike in numbers and position in each township throughout the said territory, shall, as the townships are surveyed, be set apart and designated to meet and cover such one-twentieth:

And whereas it is found by computation that the said one-twentieth will be exactly met, by allotting in every fifth township two whole sections of six hundred and forty acres each, and in all other townships one section and three quarters of a section each, therefore—

In every fifth township in the said territory; that is to say: in those townships numbered 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, and so on in regular succession northerly from the international boundary, the whole of sections Nos. 8 and 26, and in each and every of the other townships, the whole of section No. 8, and the south half and northwest quarter of section 26 (except in the cases hereinafter provided for), shall be known and designated as the lands of the said company.

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18. Provided that the company's one twentieth of the lands in fractional townships shall be satisfied out of one, or other, or both, as the case may be, of the sections numbers eight and twenty-six as above, in such fractional townships—the allotment thereof to be effected by the minister of the interior and the said company, or some person duly authorized by them respectively.

19. Provided further, that on the survey of a township being effected, should the sections so allotted, or any of them, or any portion of them, be found to have been *bona fide* settled on under the authority of any order in council, or of this act, then if the company forego their right to the sections settled upon as aforesaid, or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied.

20. Provided also, as regards the sections and parts of sections as mentioned in clause seventeen, that where the same may be situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions hereinafter contained, the same shall form no part of the timber limit or limits included in such townships, but shall be held to be the property of the company.

2. Provided further, that one-twentieth of the revenue derived from timber limits which may be granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall be annually, so long as the townships comprised in the same remain unsurveyed, paid and accounted for to the company, such one-twentieth to cease or to be diminished in proportion as the townships comprised in such limits, or any of them, may be surveyed, in which event the company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six as hereinbefore enacted: Provided, nevertheless, that on such sections being surveyed as aforesaid, should the same or either of them prove to have been denuded of timber by the lessee, to the extent of one-half or more, then, in such case the company shall not be bound to accept such section or sections so denuded, and shall have the right to select a section or sections to an equal extent in lieu thereof from any unoccupied lands in such township.

21. As townships are surveyed and the respective surveys therefore confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the governor of the said company shall be duly notified thereof by the surveyor-general, and thereupon this act shall operate to pass the title in fee-simple in the sections or three-quarter parts of sections to which the company will be entitled under clause seventeen, as aforesaid, and to vest the same in the said company, without requiring a patent to issue for such lands; and as regards the lands set apart by lot, and those selected to satisfy the one-twentieth in townships other than the above, as provided in clauses eighteen and nineteen, returns thereof shall be made in due course by the local agent or agents to the dominion lands office, and patents shall issue for the same accordingly.

EDUCATIONAL ENDOWMENT.

22. And whereas it is expedient to make provision in aid of education in Manitoba and the Northwest Territories, therefore sections eleven and twenty-nine in each and every surveyed township throughout the extent of the Dominion lands, shall be and are hereby set apart as an endowment for purposes of education.

1. The sections so dedicated shall be designated "school lands," and shall be dealt with in manner as hereinafter provided, and the same are hereby withdrawn from the operation of the clauses in this act relating to purchase by private entry and to homestead right, and it is hereby declared that no such right of purchase by private entry or homestead right shall be recognized in connection with the said sections or any part or parts thereof:

2. Provided, that on a township being surveyed, should such sections, or either of them, or any part of either, be found to have been settled on and improved, then and in such case the occupant or occupants conforming to the requirements of this act, shall be confirmed in such possession and the Minister of the Interior shall select a quantity equal to that found to have been so settled on from the unclaimed lands in such township, and shall withdraw the land so selected from sale and settlement, and shall set apart and publish the same as school lands, by notice in the Canada Gazette.

3. Provided further, that the land found to have been settled upon and improved as above is not embraced within the class of lands reserved from the operation of the homestead provisions of this act by subsection eighteen of section thirty-four thereof.

DISPOSAL OF SCHOOL LANDS.

23. The school lands shall be administered by the governor in council, through the minister of the interior:

1. Provided that all sales of school lands shall be at public auction, and that in no case shall such lands be put up at an upset price less than the fair value of corresponding unoccupied lands in the township in which such lands may be situate.

2. Provided, also, that the terms of sale of school lands shall be one-fifth in cash at the

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time of sale, and the remainder in nine equal successive annual instalments, with interest at the rate of six per cent. per annum, to be paid with each instalment on the balance of purchase-money from time to time remaining unpaid.

3. Provided, also, that all moneys from time to time realized from the sale of school lands shall be invested in Dominion securities, and the interest arising therefrom, after deducting the cost of management, shall be paid annually to the government of the province or territory within which such lands are situated towards the support of public schools therein—the moneys so paid to be distributed with such view by the government of such province or territory in such manner as may be deemed most expedient.

MILITARY BOUNTY LAND CLAIMS.

24. In all cases in which land has heretofore been or shall hereafter be given by the Dominion for military services, warrants shall be granted in favor of the parties entitled to such land by the minister of militia and defence, and such warrants shall be recorded in the Dominion lands office in books to be kept for the purpose, and shall be located as hereinafter provided, and patents for the lands so located shall be issued accordingly.

1. Such warrants may be located by the owners thereof, in any of the Dominion lands open for sale, or may be received in payment for a homestead claim for the same number of acres, or in payment in part or in full, as the case may be, for the purchase at public or private sale of Dominion lands, at the value shewn upon their face, estimating the number of acres in the warrant at the price mentioned therein: Provided always, that no greater area than twenty per cent. of the land, exclusive of school and Hudson Bay Company lands, in any township, shall be open for entry by military bounty warrants issued after the passing of this act.

2. In accepting warrants as so much purchase-money, any deficiency shall be payable in cash; but should any payment by warrant or by amount in warrants, be in excess, the government will not return any such excess.

3. In locating a warrant, should the same be for any aliquot part of a section, it must be located in a legal subdivision of corresponding extent; for instance, a warrant calling for one hundred and sixty acres must be located in a certain quarter section intact.

25. Assignments of military bounty-land warrants duly made and attested before any person entitled by law to take affidavits shall be recognized as conveying the beneficial interest therein, but no assignment of the interest of the original owner (except in the case of Red River soldiers' warrants as hereinafter mentioned) will be held as transferring such interest, unless the assignment be endorsed on the back of the warrant; and in subsequent assignments the warrant, unless the same has been lost (as hereinafter mentioned), must be attached to and form part of the claimant's or locatee's papers.

26. In all cases where an officer or soldier entitled to military bounty land dies before the issue of the warrant, or between the issue of the warrant and the location thereof, the warrant or the patent, or both, as the case may be, shall issue in favor of the legal representatives of such deceased officer or soldier, according to the law of the province or territory where the lands in question lie, who shall be ascertained in such manner and by such court, commissioners or other tribunal, as the legislature of such province shall prescribe by any act passed for that purpose, and shall be certified to the governor under such act,—or if the lands be in any territory in which there is then no legislature, then in such manner and by such commissioners as the governor in council may, from time to time, direct,—and any order in council in that behalf may vest in any commissioners under it power to summon witnesses and examine them on oath and to compel the production of documents, and generally may vest in them all such powers, and impose upon all other persons all such obligations as the Governor in council may deem necessary in order to ascertain and certify to the Governor the person or persons to whom the patent ought to issue,—and on any such certificate under this clause the patent shall issue in accordance therewith.

2. Provided that in the absence of any court, commissioners, or other tribunal established by the legislature of the province or territory within which the lands in question lie, to determine the legal representatives of such deceased officer or soldier, the minister of the interior may refer any case arising under the provisions of this section to the court authorized to be established under the act passed in the thirty-sixth year of Her Majesty's reign, chapter six, entituled "An act respecting claims to lands in Manitoba for which no patents have issued; and the provisions thereof shall be and are hereby declared to be in this respect applicable to cases arising under this section.

27. Whenever any warrant for military bounty land, issued in pursuance of this act, is lost or destroyed, whether the same may or may not have been sold and assigned by the original owner, the minister of militia and defence (such loss or destruction having been proved to his satisfaction) may, and he is hereby required to cause a new warrant of like tenor to be issued in lieu thereof, in favor of the person to whom the war-

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rant belonged at the time of its loss or destruction, if he be still living, or his legal representatives as aforesaid, if he be no longer living, which new warrant may be assigned, located, and patented, and shall be of like value in every respect, with the original warrant; and in any and all such cases of re-issue, the original warrant, in whosesoever hands it may be, shall be null and void.

28. And whereas by order of the Governor in Council, dated the 25th of April, 1871, it is declared that,—

The officers and soldiers of the 1st or Ontario and the 2nd or Quebec Battalion of Rifles, then stationed in Manitoba, whether in the service or depôt companies, and not having been dismissed therefrom, should be entitled to a free grant of land, without actual residence, of one quarter section,—such grant is hereby confirmed, and the minister of militia and defence is hereby authorized and required to issue the necessary warrants therefor accordingly.

29. And whereas effect could not be given to the above-mentioned order in council, until the lands in Manitoba had been surveyed, and in the mean time many of the said men so entitled as above have assigned their interest in such free grants,—such assigments duly made and attested, and having the certificate of discharge in the case of non-commissioned officers or private soldiers attached thereto, and filed in the Dominion lands office before the issue of the warrant, shall be held to transfer in each case the interest of the man so entitled in the warrant when issued, which latter, in every such case, shall be attached, after registry, to the assignment on file, and held for delivery to the party entitled thereto, or for location.

ORDINARY PURCHASE AND SALE OF LANDS.

30. Unappropriated dominion lands, the surveys of which may have been duly made and confirmed, shall, except as otherwise hereinafter provided, be open for purchase at the rate of one dollar per acre; but no such purchase of more than a section, or six hundred and forty acres, shall be made by the same person: Provided that whenever so ordered by the Minister of the Interior such unoccupied lands as may be deemed by him expedient from time to time may be withdrawn from ordinary sale or settlement, and offered at public sale (of which sale due and sufficient notice shall be given) at the upset price of one dollar per acre, and sold to the highest bidder:

2. Provided further, that any legal subdivision or other portion of unappropriated dominion land which may include a water power, harbour, or stone-quarry, shall not be open for purchase at the rate of one dollar per acre, but the same shall be reserved from ordinary sale, to be disposed of in such manner, and on such terms and conditions, as may be fixed by the Governor in council on the report of the minister of the interior.

PAYMENTS FOR LANDS.

31. Payments for lands, purchased in the ordinary manner, shall be made in cash, except in the case of payment by scrip or in military bounty warrants as hereinbefore provided.

TOWN PLOTS, &C.

32. The minister of the interior shall have power, from time to time, to set apart and withdraw from purchase and from the homestead clauses of this act, any tract or tracts of land which it may be considered by him expedient to lay out into town or village plots, and to cause the same to be surveyed and laid out, and the lots so laid out to be sold, either by private sale and for such price as he may see fit, or at public auction.

33. The Governor in Council may also set apart and appropriate such dominion lands as he may deem expedient, for the sites of market places, gaols, court houses, places of public worship, burying grounds, schools, benevolent institutions, squares and for other like public purposes, and at any time before the issue of letters patent therefor, may alter or revoke such appropriation, as he deems expedient, and he may make free grants for the purposes aforesaid of the lands so appropriated,—the trusts and uses to which they are to be subject being expressed in the letters patent.

HOMESTEAD RIGHTS OR FREE GRANT LANDS.

34. Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen years, shall be entitled to be entered for one hundred and sixty acres, or for a less quantity, of unappropriated dominion lands, for the purpose of securing a homestead right in respect thereof. (Form A.)

But a person obtaining such homestead entry shall be liable to the forfeiture thereof should he not become a *bona-fide* occupant of the land so entered within two months

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of the date of entry, and thenceforth continue to occupy and cultivate the same as hereinafter provided.

1. The entry of a person as aforesaid for a homestead right shall entitle him, on payment of a fee equal in amount to that hereinafter prescribed for such homestead entry, to receive at the same time therewith an entry for any adjoining one hundred and sixty acres, or less quantity, of Dominion land then unclaimed, and such entry shall entitle such person to take and hold possession of and cultivate such land so entered in addition to his homestead, but not to cut wood thereon for sale or barter, and, at the expiration of the period of three years, or upon the sooner obtaining a patent for the homestead under the fifteenth subsection of this section, shall entitle him to a pre-emption of the said land so entered at the government price of one dollar per acre; but the right to claim such pre-emption shall cease and be forfeited, together with all improvements on such land, upon any forfeiture of the homestead right under this act:

2. When two or more persons have settled on and seek to obtain a title to the same land, the homestead right shall be in him who made the first settlement.

3. Provided, that in cases where both parties may have made valuable improvements, the Minister of the Interior may order a division of such land, in legal subdivisions, in such manner as may preserve to the said parties, as far as practicable, their several improvements, and further, may direct that what the land of each of such parties, as so divided, may be deficient of a quarter-section, shall be severally made up to them in legal subdivisions from unoccupied quarter-sections adjoining.

4. Questions as to the homestead right arising between different settlers shall be investigated by the local agent of the division in which the land is situated, whose report and recommendation, together with the evidence taken, shall be referred to the Minister of the Interior for decision.

5. Every person claiming a homestead right on surveyed land must, previously to settlement on such land, be duly entered therefor with the local agent within whose district such land may be situate; but in case of a claim from actual settlement in then unsurveyed lands, the claimant must file such application within three months after due notice has been received at the local office of such land having been surveyed and the survey thereof confirmed, and proof of settlement and improvement shall be made to the local agent at the time of filing such application, whereupon such claimant shall be allowed to enter, to the extent of one hundred and sixty acres, as a homestead, the land as the same may have been surveyed and laid out, upon which he may be resident, in such manner as to cover his most valuable improvements: Provided that on the survey of a township being made, the government shall not be bound to protect any person found to have settled on land which, by law or by allotment duly made, may be claimed by the Hudson's Bay Company.

6. Persons owning and occupying Dominion lands may be entered for other land lying contiguous to their lands, but the whole extent of land, including that previously owned and occupied, must not exceed one hundred and sixty acres, and must be in legal subdivisions.

7. In entries of contiguous lands, the settler must describe in his affidavit the tract he owns and is settled upon as his original farm. Actual residence on the contiguous land entered is not required, but *bona-fide* improvement and cultivation of it must be thereafter shewn for the period required by the provisions of this act.

8. A person applying for leave to be entered for lands with a view of securing a homestead right therein, shall make affidavit before the local agent according to form B in the schedule of this act.

9. Upon making this affidavit, and filing it with the local agent, and on payment to him of an office fee of ten dollars for which he shall receive a receipt from the agent, he shall be permitted to enter the land specified in the application.

10. No patent shall be granted for the land until the expiration of three years from the time of entering into possession of it, except as hereinafter provided.

11. At the expiration of three years the settler or his widow, her heirs or devisees, or if the settler leaves no widow, his heirs or devisees, upon proof to the satisfaction of the local agent, that he or his widow or his or her representatives as aforesaid, or some of them, have (except in the case of entry upon contiguous lands as hereinbefore provided) resided upon and cultivated the land for the three years next after the filing of the affidavit for entry, or in the case of a settler on unsurveyed land, who may, upon the same being surveyed, have filed his application as provided in sub-section five, upon proof, as aforesaid, that he or his widow, or his or their representatives, as aforesaid, or some of them, have resided upon and cultivated the land for the three years next preceding the application for patent, shall be entitled to a patent for the land, provided such claimant is then a subject of Her Majesty by birth or naturalization:

Provided always, that the right of the claimant to obtain a patent under the said sub-section as amended, shall be subject to the provisions of section fifteen of this act:

Provided further that, in the case of settlements being formed of immigrants in

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communities, (such for instance as those of Mennonites or Icelanders,) the Minister of the Interior may vary or waive, in his discretion, the foregoing requirements as to residence and cultivation on each separate quarter-section entered as a homestead.

12. When both parents die, without having devised the land, and leaving a child or children under age, it shall be lawful for the executors (if any) of the last surviving parent, or the guardian or guardians of such child or children, with the approval of a judge of a superior court of the province or territory in which the lands lie, to sell the lands for the benefit of the infant or infants, but for no other purpose; and the purchaser, in such case, shall receive a patent for the land so purchased.

13. The title to lands shall remain in the Crown until the issue of the patent therefor, and such lands shall not be liable to be taken in execution before the issue of the patent.

14. In case it is proved to the satisfaction of the Minister of the Interior that the settler has voluntarily relinquished his claim, or has been absent from the land entered by him for more than six months in any one year without leave of absence from the Minister of the Interior, then the right to such land shall be liable to forfeiture, and may be cancelled by the said Minister, and the settler so relinquishing or abandoning his claim shall not be permitted to make more than a second entry.

15. Any person who has availed himself of the foregoing provisions may, before the expiration of the three years, obtain a patent for the land entered upon by him, including the wood lot, if any, appertaining to the same, as hereinafter provided, on paying the government price thereof at the date of entry, and making proof of settlement and cultivation for not less than twelve months from the date of entry.

16. Proof of actual settlement and cultivation shall be made by affidavit of the claimant before the local agent, corroborated on oath by two credible witnesses.

The Minister of the Interior may at any time order an inspection of any homestead or homesteads in reference to which there may be reason to believe the foregoing provisions, as regards settlement and cultivation, have not been or are not being carried out, and may, on a report of the facts, cancel the entry of such homestead or homesteads.

And in the case of a cancelled homestead, with or without improvements thereon, the same shall not be considered as of right open for fresh entry, but may be held for sale of the land and of the improvements, or of the improvements thereon, in connection with a fresh homestead entry thereof, at the discretion of the minister of the interior.

17. All assignments and transfers of homestead rights before the issue of the patent, except as hereinafter mentioned, shall be null and void, but shall be deemed evidence of abandonment of the right; and the person so assigning or transferring shall not be permitted to make a second entry:

Provided that a person whose homestead may have been recommended for patent by the local agent, the conditions in connection therewith having been duly fulfilled, may legally dispose of and convey, assign, or transfer his right and title therein.

Any person who may have obtained a homestead entry, shall be considered, unless and until such entry be cancelled, as having an exclusive right to the land so entered as against any other person or persons whomsoever, and may bring and maintain actions for trespass committed on the said land or any part thereof.

18. The above provisions relating to homesteads shall only apply to agricultural lands; that is to say, they shall not be held to apply to lands set apart as timber limits, or as hay lands, or to those lands on which coal or other valuable mineral is, at the time, known to exist, or to lands valuable for stone or marble quarries, or to those having water power thereon which may be useful for driving machinery.

GRAZING LANDS.

35. The governor in council may, from time to time, grant leases of unoccupied Dominion lands for grazing purposes to any person or persons whomsoever, for such term of years and at such rent in each case as may be deemed expedient; but every such lease shall, among other things, contain a condition by which, if it should thereafter be thought expedient by the Minister of the Interior to offer the land covered thereby for settlement, the said Minister may, on giving the lessee two years' notice, cancel the lease at any time during the term.

HAY LANDS.

36. Leases of unoccupied Dominion lands, not exceeding in any case a legal subdivision of forty acres, may be granted, for the purpose of cutting hay thereon, to any person or persons whomsoever being *bona-fide* settlers in the vicinity of such hay lands, for such term and at such rent, fixed by public auction or otherwise, as the minister of the interior may deem expedient; but such lease, except as may be otherwise specially agreed upon, shall not operate to prevent, at any time during the term thereof, the sale or settlement of the lands described therein under the provisions of

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this act—the lessee being paid in such case by the purchaser or settler, for fencing or other improvements made on such land, such sum as shall be fixed by the local agent, and allowed to remove any hay he may have made.

MINING LANDS.

37. No reservation of gold, silver, iron, copper, or other mines or minerals, shall be inserted in any patent from the Crown granting any portion of the Dominion lands.

38. Any person or persons may explore for mines or minerals on any of the Dominion lands, surveyed or unsurveyed, and not then marked or staked out and claimed or occupied, and may, subject to the provisions hereinafter contained, purchase the same.

39. Mining lands, if in surveyed townships, may be acquired under the provisions herein contained, and shall be sold in legal subdivisions. When situate in unsurveyed territory and without the limits of the fertile belt, such lands shall be sold in blocks to be called mining locations; and every such mining location, except as hereinafter provided, shall be bounded by lines due north and south and due east and west, astronomically; and each such location shall correspond with one of the following dimensions, namely, eighty chains in length by forty in width, containing three hundred and twenty acres, or forty chains square, containing one hundred and sixty acres, or forty chains in length by twenty in width, containing eighty acres:

1. Provided further, that in case of certain lands proving to be rich in minerals, the Minister of the Interior shall have the power to withdraw such lands from sale, and in lieu thereof institute a system of lease.

2. The rent payable to the Crown under any such lease shall be a royalty, not to exceed two and a half per cent. on the net profits of working.

3. Provided further, that when there are two or more applicants for the same tract, and a prior right in either or any of the applicants is not established to the satisfaction of the Minister of the Interior, the same may be tendered for by the claimants on stated terms of lease, and sold to the highest bidder.

4. Provided also, that in territory supposed to contain minerals the minister of the interior may in his discretion reserve from sale alternate locations, or quarter-sections, or other legal subdivisions, with the view of subsequently offering the same either for sale or lease at public competition.

40. Mining locations in unsurveyed territory shall be surveyed by a Dominion land surveyor, and shall be connected with some known point in previous surveys, or with some other known point or boundary (so that the tract may be laid down on the maps of the territory in the Dominion lands office) at the cost of the applicants, who shall be required to furnish, with their application, the surveyor's plan, field notes and description thereof.

41. No distinction in price shall be made between lands supposed to contain mines or minerals and farming lands, but both classes shall be sold at the uniform price of one dollar per acre; provided that section thirty of this act as regards offering lands at public sale shall apply to coal and mineral lands also, when the same are in surveyed townships.

42. It shall also be lawful for the Minister of the Interior to exempt from the preceding provisions of this act such of the Dominion lands upon or adjoining the banks of rivers or other waters as may be supposed to contain valuable "bar," "bench," or "dry" "diggings" for gold or other precious metals; and the governor in council shall regulate, from time to time, as the same may become necessary and expedient, the nature and size of the claims containing such diggings, and shall fix the terms and conditions upon which the same shall be held and worked, and the royalty payable in respect thereof, and shall appoint and prescribe the duties of such officers as may be necessary to carry out such regulations.

INDIAN TITLE.

43. None of the provisions of this act respecting the settlement of agricultural lands, or the lease of timber lands, or the purchase and sale of mineral lands, shall be held to apply to territory the Indian title to which shall not at the time have been extinguished.

COAL LANDS.

44. Coal lands designated by the government as such are hereby withdrawn from the operation of this act as regards the rights of squatters to homesteads on the Dominion lands in advance of the surveys.

45. The minister of the interior shall have power to protect any person or persons desiring to carry on coal mining in unsurveyed territory, in the possession of the lands on which such mining may be carried on: Provided, that before entering on the working of such mines, such person or persons make written application to the local agent to purchase such land; such application must be accompanied by a description by a Dominion land surveyor setting forth generally the situation and the dimensions of

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such land, and shall also be accompanied by payment of the price thereof, estimating the number of acres (which shall be in the discretion of the Minister, but shall in no case exceed three hundred and twenty) at the rate of one dollar per acre. Such application shall be filed by the agent receiving the same; and on the survey of the township containing the land applied for being effected, the claimant or claimants shall be entitled to a patent for such number of acres, in legal subdivisions, including and covering the mine worked, as shall correspond to the application and to the extent of land paid for:

Provided that all operations under this section shall be subject to the rights of the Hudson's Bay Company to sections 8 and 26 as hereinbefore enacted: Provided further, that the survey of the township within which such land may be situate, shall not be delayed beyond a period of five years after the date of the purchase of such land, without the consent of the Hudson's Bay Company thereto first had and obtained:

Provided further, that such mine shall have been continuously worked, to the satisfaction of the Minister of the Interior, during the interim between the application and the survey; but if the same should at any time during such interim cease to be worked for twelve consecutive months, unless the lands in question be no longer valuable for mining purposes, then the claim of the parties to the land shall lapse, and the mine shall be forfeited to the Crown, together with any and all purchase-money which may have been paid to the Government on account thereof.

46. The Minister of the Interior, with the view of preventing undue monopoly in coal lands, may in his discretion, on a township being surveyed, exempt from the sale and settlement provisions of this act, the sections or other legal subdivisions of land which may be said to contain coal, except those on which mining may have been carried on under the next preceding clause; and the same shall be subsequently sold or otherwise dealt with in such manner as may be deemed expedient by the Governor in Council.

TIMBER AND TIMBER LANDS.

TIMBER IN TOWNSHIPS SURVEYED FOR SETTLEMENT.

47. And whereas it is expedient that the timber forming islands or belts in townships thrown open for settlement, should be so disposed of as to benefit the greatest possible number of settlers and to prevent petty monopoly, it is therefore enacted as follows:—

1. The Minister of the Interior may direct that in the subdivision of townships which may consist partly of prairie and partly of timber land, such of the sections or subdivisions of sections containing islands, belts, or other tracts of timber, shall be subdivided into such number of wood lots of not less than ten, and not more than twenty acres in each lot, as will afford, so far as the extent of wood land in the township may permit, one such wood lot to each quarter-section prairie farm in such township:

2. Provided, that neither the sections and parts of sections in each township vested in the Hudson's Bay Company by this act nor those sections set apart herein for schools, shall be subject in any way to the operation of the next preceding sub-clause:

3. The division of such wood lots shall be by squared posts, numbered from one upwards, marked with a marking iron, and planted in the section lines bounding the timber tract so laid out; and each wood lot shall front on a section road allowance:

4. Provided, that in case an island or belt of timber be found in the survey of any township to lie in a quarter-section or several quarter-sections, but in such manner that no single quarter-section shall have more of such timber than twenty-five acres, such timber shall be taken to be appurtenant to such quarter-section or quarter-sections, and shall not be further divided into wood lots.

5. The local agent, as settlers shall apply for homestead rights in the township, and in the same order as such applications shall be made, shall, if so requested, apportion a wood lot to each quarter-section so applied for not having thereon more than ten acres of timber, and such wood lot shall be paid for by the applicant at the rate of one dollar per acre, and shall be entered on the local agent's books and be returned by him as in connection with the homestead so entered; and on such homestead claimant fulfilling all the requirements of this act in that behalf, but not otherwise, a patent shall issue to him for such wood lot. Provided always, that any person to whom a wood lot was apportioned in connection with a homestead under the provisions of sub-section five of section forty-six of The Dominion Lands Act of 1872, having duly fulfilled the conditions of such homestead grant required by the said act, shall receive a patent for such wood lot as a free grant, as provided in the said sub-section, notwithstanding the repeal of the said sub-section by the act of 1874: Provided further, that the cancellation of a homestead shall carry with it the cancellation of the wood lot which may have been apportioned thereto, and also the forfeiture of the purchase money of such wood lot:

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6. Provided, that any homestead claimant, who, previous to the issue of the patent, shall sell any of the timber on his claim or on the wood lot appertaining to his claim, to saw-mill proprietors or to any other than settlers for their own private use, without having previously obtained permission so to do from the Minister of the Interior, shall be guilty of a trespass, and may be prosecuted therefor before a justice of the peace, and upon conviction thereof, shall be subject to a fine or imprisonment, or both; and further, such person shall forfeit his claim absolutely.

TIMBER AND TIMBER LANDS.

48. Any tract of land covered by forest timber may be set apart as timber lands, and reserved from sale and settlement.

49. Except where it may be thought expedient by the Minister of the Interior to divide a township into two or more timber limits, the several townships composing any such tract shall each form a limit.

50. In the enactments and provisions under the present heading, *Timber and Timber Lands*, the word "timber" includes all lumber, and all products of timber hereinafter mentioned, or of any other kind whatever, including firewood or bark.

51. The right of cutting timber on such limits shall be put up at a bonus per square mile, varying according to the situation and value of the limit, and sold to the highest bidder by competition, either by tender or at public auction.

52. The purchaser shall receive a lease granting the right of cutting timber on the land for twenty-one years, and containing the following conditions, with such others as shall have been embodied in the notice of sale, that is to say:

1. The lessee to erect a sawmill or mills in connection with such limit and lease, and subject to any special conditions which may be agreed upon and stated in the lease, such mill or mills to be of capacity to cut at the rate of a thousand feet, board measure, in twenty-four hours, for every two and a half square miles of limits in the lease, or shall establish such other manufactory of wood goods as may be agreed upon as the equivalent of such mill or mills, and the lessee to work the limit, in the manner and to the extent provided in the lease, within two years from the date thereof, and during each succeeding year of the term;

2. To take from every tree he cuts down all the timber fit for use, and manufacture the same into sawn lumber or some other such saleable product as may be provided in the lease or by any regulations made under this act;

3. To prevent all unnecessary destruction of growing timber on the part of his men, and to exercise strict and constant supervision to prevent the origin or spread of fires;

4. To make returns to the government monthly, or at such other periods as may be required by the Minister of the Interior, or by regulations under this act, sworn to by him or by his agent or employé, cognizant of the facts, declaring the quantities sold or disposed of as aforesaid, of all sawn lumber, timber, railway-car stuff, ship timbers and knees, shingles, laths, cordwood or bark, or any other product of timber from the limit, in whatever form the same may be, sold or otherwise disposed of by him during such month or other period, and the price or value thereof;

5. To pay, in addition to the bonus, an annual ground-rent of two dollars per square mile, and further a royalty of five per cent. on his monthly account;

6. To keep correct books of such kind and in such form as may be provided by his lease or by regulation under this act, and to submit the same for the inspection of the collector of dues whenever required, for the purpose of verifying his returns aforesaid.

7. The lease shall describe the lands upon which the timber may be cut, and shall vest in the lessee during its continuance the right to take and keep exclusive possession of the lands so described, subject to the conditions hereinbefore provided or referred to; and such lease shall vest in the holder thereof all right of property whatsoever in all trees, timber, lumber, and other products of timber cut within the limits of the lease during the continuance thereof, whether such trees, timber and lumber or products be cut by authority of the holder of such lease or by any other person, with or without his consent; and such lease shall entitle the lessee to seize in replevin, revendication or otherwise, as his property, such timber where the same is found in the possession of any unauthorized person, and also to bring any action or suit, at law or in equity, against any party unlawfully in possession of any such timber, or of any land so leased, and to prosecute all trespassers thereon and other such offenders as aforesaid, to conviction and punishment, and to recover damages, if any: and all proceedings pending at the expiration of any such lease may be continued and completed as if the lease had not expired.

8. Such lease shall be subject to forfeiture for infraction of any one of the conditions to which it is subject, or for any fraudulent return; and in such case the Minister of the Interior shall have the right, without any suit or other proceeding at law or in equity, or compensation to the lessee, to cancel the same, and to make a new lease or disposition of the limit described therein, to any other party, at any time during the term of the lease so cancelled: Provided, that the Minister of the Interior, if he

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sees fit, may refrain from forfeiting such lease for non-payment of dues, and may enforce payment of such dues in the manner hereinafter provided.

9. The lessee who faithfully carries out the above conditions shall have the refusal of the same limits, if not required for settlement, for a further term not exceeding twenty-one years, on payment of the same amount of bonus per square mile as was paid originally, and on such lessee agreeing to such conditions, and to pay such other rates as may be determined on for such second term.

10. Provided, that in cases where application may be made for limits on which to cut timber in unsurveyed territory, the Governor in Council may, on the recommendation of the Minister of the Interior, authorize the same to be leased for such bonus as may be deemed fair and reasonable—such leases to be subject nevertheless to the foregoing conditions of this section, except as to that part of sub-section one, which provides for the erection of mills, which provision, in respect to limits in unsurveyed territory may, if considered expedient by the Minister of the Interior, be dispensed with.

Provided also, that territory in which the block outlines only of townships may have been run and marked, shall be considered surveyed territory for the purposes of this section; and provided further, that the Governor in Council may, on the recommendation of the Minister of the Interior, in special cases where the same may be deemed expedient, grant licenses in either surveyed or unsurveyed territory, as the case may be, to cut timber for one year, and renewable from year to year, in the discretion of the Minister of the Interior, at such ground rent as the minister may deem fair and reasonable; such license to be subject in all respects to the other provisions of this section, except where the same may be inconsistent herewith.

53. If, in consequence of any incorrectness in survey, or other error or cause whatsoever, a lease is found to comprise lands included in one of prior date, or any lands sold, granted, leased or lawfully set apart for any other purpose under this act, the lease first mentioned shall be void in so far as it interferes with any such previous lease, sale, grant or setting apart.

FURTHER OBLIGATIONS OF PARTIES OBTAINING LICENSES.

54. Any ground-rent, royalty or other dues to the Crown, on timber cut within any such limit, which are not paid at the time when they become due and payable, shall bear interest at the rate of six per cent. per annum, until paid, and shall be a lien on any timber cut within such limits. And whenever the ground-rent on any limit, or any royalty on any timber is not paid within three months after it becomes due under the lease or regulations in that behalf, the Crown timber agent may, with the sanction of the Minister of the Interior, seize so much of the timber cut on such limits and in the possession of the lessee or on his premises, whether sold or unsold, as will in his opinion be sufficient to secure the payment of such rent and royalty on the timber seized, and all interest and expenses of seizure and sale, and may detain the same as security for the payment thereof; and if such payment be not made within three months after such seizure, the Crown timber agent may, with such sanction as aforesaid, sell such timber by public auction, and after deducting the sum due to the Crown, the interest thereon and expenses aforesaid, he shall pay over the balance, if any, to the lessee or owner of the timber.

55. All timber cut under lease shall be liable for the payment of the Crown dues thereon, so long as and wheresoever the said timber or any part of it may be found (whether it be or be not manufactured into deals, boards or any other products); and all officers or agents employed in the collection of such dues may follow all such timber and may seize and detain the same wherever they are found until the dues thereon are paid or secured, and if payment be not made or secured within three months after such seizure, the timber may be sold by the Crown agent, and the proceeds disposed of as provided by the next preceding section.

56. And in case the payment of the Crown dues on any timber has been evaded by any lessee or other party, by the removal of such timber or products out of Canada, or otherwise, the amount of dues so evaded, and any expenses incurred by such officer or the government in enforcing payment of the said dues under this act, may be added to the dues remaining to be collected on any other timber cut on Dominion lands by the same lessee or by his authority, and be levied and collected or secured, on such timber, together with such last-mentioned dues, in the manner provided by section fifty-four; or the amount due to the Crown, of which payment has been evaded, may be recovered by action at law, in the name of the Minister of the Interior or his resident agent, in any court having jurisdiction in civil cases to the amount.

57. The Minister of the Interior may, in his discretion, take or authorize the taking of bonds or promissory notes for any money due to the Crown, interest and costs, as aforesaid, or for double the amount of all dues, fines and penalties and costs, incurred or to be incurred, and may then release any timber upon which the same would be leviable, whether under seizure or not; but the taking of such bonds or notes shall not

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affect the lien and right of the Crown to enforce payment of such money on any other timber cut on the same limit, if the sums for which such bonds or notes are given are not paid when due.

LIABILITY OF PERSONS CUTTING WITHOUT AUTHORITY.

58. If any person without authority cuts, or employs or induces any other person to cut or assist in cutting, any timber of any kind, on any Dominion lands wheresoever situate, or removes or carries away, or employs or induces, or assists any other person to remove or carry away any timber of any kind, so cut from any Dominion lands as aforesaid, he shall not acquire any right to the timber so cut, or any claim for remuneration for cutting the same, preparing the same for market, or conveying the same to or towards market; and when the timber has been removed out of the reach of the Crown timber officers, or it is otherwise found impossible to seize the same, he shall, in addition to the loss of his labour and disbursements, forfeit a sum not exceeding three dollars for each tree, which, or any part of which he is proved to have cut or carried away; and such sum shall be recoverable with costs, at the suit and in the name of the Crown, in any court having jurisdiction in civil matters to the amount of the penalty,—and in all such cases the burden of proof of his authority to cut and take the timber shall lie on the party charged, and the averment of the party seizing or prosecuting, that he is duly employed under the authority of this act, shall be sufficient proof thereof, unless the defendant proves the contrary.

1. Whenever satisfactory information, supported by affidavit made before a justice of the peace, or before any other competent officer or person, is received by any Crown timber officer or agent, that any timber has been cut without authority on Dominion lands, and describing where the same can be found,—or if any Crown timber officer or agent, from other sources of information, or his own knowledge, is aware that any timber has been cut without authority on such lands, the said agent, or officer, or either of them, may seize or cause to be seized in Her Majesty's name, the timber so reported or known to be cut, wherever it is found, and place the same under proper custody, until a decision can be had in the matter by competent authority:

2. And where the timber so reported or known to have been cut without authority, has been made up with other timber into a crib, dram, or raft, or any other manner has been so mixed up at any mill or elsewhere, as to render it impossible or very difficult to distinguish the timber so cut without authority from other timber with which it is mixed up, the whole of the timber so mixed shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, until satisfactorily separated by the holder.

3. In case any timber cut without authority on Dominion lands, or any product thereof, is seized under the provisions of this act, by any Crown timber agent or officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security, by bond or otherwise, to his satisfaction for the full value thereof, or for payment of double the amount of all dues, fines, penalties and costs incurred or imposed thereon, as the case may be.

RESISTING SEIZURE—REMOVING TIMBER SEIZED—CONDEMNATION OF SUCH TIMBER.

59. An officer or person seizing timber in the discharge of his duty under this act, may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized; and if any person under any pretence, either by assault, force or violence, or by threat of such force or violence, in any way resists or obstructs any officer or person acting in his aid, in the discharge of his duty under this act, such person shall be guilty of felony, and being convicted thereof, shall be punishable accordingly.

60. If any person, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away, or causes to be taken and carried away without permission of the officer or person who seized the same or of some competent authority, any timber seized and detained for any lawful cause under this act, before the same has been declared by competent authority to have been seized without due cause, such person shall be deemed to have stolen such timber, being the property of the Crown, and to be guilty of felony, and being convicted thereof, shall be punishable accordingly.

61. All timber seized under this act on behalf of the Crown as being forfeited, shall be deemed to be condemned, unless the person from whom it was seized, or the owner thereof, within one month from the day of the seizure, gives notice to the seizing officer, or to the Crown timber agent or officer, under whose authority the seizure was made, that he claims or intends to claim the same; pending which the officer or agent seizing shall report the facts to the Minister of the Interior, who may order the sale of the said timber, by said officer or agent, after a notice on the spot, or at the residence or office of the person from whom it was seized, of at least thirty days; or if, within fifteen days

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after the claim has been put in, the claimant shall not have instituted proceedings before a court of competent jurisdiction to contest the seizure; or if the decision of the court be against him; or should the claimant fail duly to prosecute such proceedings in the opinion of the judge before whom such case may be tried (and who may for that cause dismiss the suit on the expiration of three months from the date of which it was instituted,—anything to the contrary hereinbefore enacted notwithstanding), the timber may be confiscated and sold for the benefit of the Crown, by order of the Minister of the Interior, after a notice on the spot of at least thirty days: Provided, nevertheless, that in certain cases of timber being ascertained to have been cut without authority on any of the Dominion lands, or admitted to have been so cut by the holder thereof, the Minister of the Interior, shoud he see the cause for doing so, may impose and receive for the Crown a fine or penalty, to be levied on such timber, in addition to all costs incurred, and in default of such fine or penalty and costs being paid forthwith, may sell such timber by public sale after a notice of fifteen days, and may retain the whole proceeds of such sale, or the amount of the penalty and costs only, at the discretion of the Minister of the Interior.

GENERAL PROVISIONS.

62. Whenever any Crown timber agent or other officer or agent of the Minister of the Interior is in doubt as to whether any timber has, or has not, been cut without authority, or is or is not, liable to Crown dues on the whole or any part thereof, he may enquire of the person or persons in possession or in charge of such timber, as to when and where the same was cut: and if no satifactory explanation, on oath or otherwise, as he may require, be given to him, he may seize and detain such timber until proof be made to the satisfaction of the Minister of the Interior, or of such Crown timber agent or officer, that such timber has not been cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind; and if such proof be not made within thirty days after such seizure, such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been paid according to the circumstances of the case, and the dues thereon may be recovered as provided in the fifty-fourth section.

63. And whenever any timber is seized for non-payment of Crown dues, or for any cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this act, and any question arises whether the said dues have been paid on such timber, or whether the said timber was cut on other than any of the Dominion lands aforesaid, the burden of proving payment, or on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same, or the party bringing such prosecution.

SLIDES, &C.

64. No sale or grant of any Dominion lands shall give or convey any right or title to any slide, dam, pier or boom, or other work, for the purpose of facilitating the descent of timber or saw-logs, previously constructed on such land, or on any stream passing through or along such land, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam, pier or boom, or other work, is intended to be thereby sold or granted.

1. The free use of slides, dams, piers, booms or other works on streams, to facilitate the descent of lumber and saw-logs, and the right of access thereto for the purpose of using the same and keeping them in repair, shall not in any way be interrupted or obstructed by or in virtue of any sale or grant of Dominion lands made subsequent to the construction of such works.

65. The free use, for the floating of saw-logs and other timber rafts and drams, of all streams and lakes that may be necessary for the descent of timber from Dominion lands, and the right of access to such streams and lakes, and of passing and repassing on or along the land on either side thereof, and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads, other than road allowances, as owing to natural obstacles, may be necessary for the taking out of timber or saw-logs from Dominion lands, and the right of constructing slides where necessary, shall continue uninterrupted, and shall not be affected or obstructed by, or in virtue of, any sale or grant of such lands.

FOREST TREE CULTURE.

66. Any person, male or female, being a subject of Her Majesty by birth or naturalization, and having attained the age of eighteen years, shall be entitled to be entered for one legal sub-division, not in any case, however, exceeding one hundred and sixty acres, of unappropriated Dominion lands as a claim for forest tree planting.

67. Application for such entry shall be made in Form F in the schedule hereto, and the person so applying shall make an affidavit before the local agent according to Form

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G in the schedule hereto, and shall pay at the time of applying an office fee of ten dollars, in case such legal sub-division is one of one hundred and sixty acres, or of five dollars, in case such legal sub-division is one of eighty acres, or of two and a half dollars, in case such legal sub-division is one of forty acres, for which fee he or she shall receive a receipt and also a certificate of entry, and shall thereupon be entitled to enter into possession of the land.

68. No patent shall issue for the land so entered until the expiration of eight years from the date of entering into possession thereof, and any assignment of such land shall be null and void unless permission to make the same shall have been previously obtained from the minister of the interior.

69. At the expiration of eight years or at any time within five years after the expiration of the said term, as hereinafter provided, the person who obtained the entry, or, if not living, his or her legal representative or assigns, shall receive a patent for the land so entered on proof to the satisfaction of the local agent as follows:

1. That five acres of the land so entered, in case the same consists of a legal sub-division of one hundred and sixty acres, shall be broken or ploughed the first year after entry, and an equal quantity during the second year after entry;

2. That the five acres of the land entered, which have been broken or ploughed during the first year, shall be cultivated to crop during the second year, and the five acres broken or ploughed during the second year shall be cultivated to crop during the third year;

3. That the five acres broken or ploughed during the first year, and cultivated to crop during the second year as above provided, shall be planted in trees, tree-seeds or cuttings during the third year, and the five acres broken or ploughed during the second year, and cultivated to crop during the third year as above provided, shall be planted in trees, tree-seeds or cuttings during the fourth year:

Provided that in cases where the land entered consists of a legal sub-division less than one hundred and sixty acres, then the respective areas requiring to be broken or ploughed, cultivated to crop and planted, under this sub-section and the two sub-sections next preceding, shall be proportionately less in extent:

Provided also, that the Minister of the Interior, in his discretion, and on his being satisfied that any trees, tree-seeds, or cuttings, may have been destroyed from any cause not within the control of the person holding the tree-claim, may grant an extension of time for carrying out the provisions of the three sub-sections next preceding:

Provided also, that at the expiration of the said term of eight years, or at any time within five years thereafter, the person obtaining such tree-claim, on proving to the satisfaction of the minister of the interior that he or she has planted not less than two thousand seven hundred trees on each acre of the portion broken or ploughed and cultivated to crop as hereinbefore provided, and that at the time of applying for a patent for the tree-claim, there are then growing thereon at least six hundred and seventy-five living and thrifty trees to each acre, the claimant shall receive a patent for the legal sub-division entered.

70. If at any time the claimant fails to do the breaking up or planting or either, as required by this act, or any part thereof, or fails to cultivate, protect and keep in good condition, such timber, then and upon such event the land entered shall be liable to forfeiture in the discretion of the minister of the interior, and may be dealt with in the same manner as homesteads which may have been cancelled for non-compliance with the law as set forth in sub-section sixteen of section thirty-three of this act.

71. Provided that no person who may have obtained pre-emption entry of a quarter-section of land in addition to his homestead entry under the provisions of sub-section one, of section thirty-four of this act, shall have the right to enter a third quarter-section as a tree-planting claim; but such person, if resident upon his homestead, may have the option of changing the pre-emption entry of the quarter-section, or of a less quantity of such quarter-section, for one under the foregoing provisions, and on fulfilling the preliminary conditions as to affidavit and fee, may receive a certificate for such quarter-section, or for such quantity thereof as may have been embraced in the application; and thereupon the land included in such change of entry shall become subject in all respects to the provisions of this act relating to tree planting.

72. Any person who may have been entered for a tree-planting claim under the foregoing provisions, and whose right may not have been forfeited for non-compliance with the conditions thereof, shall have the same rights of possession, and to eject trespassers from the land entered by him as are given to persons on homesteads under sub-section seventeen of section thirty-four of this act, and the title to land entered for a tree-planting claim shall remain in the government until the issue of a patent therefor, and such land shall not be liable to be taken in execution before the issue of the patent.

73. Persons who may have been entered under the provisions of the act thirty-nine Victoria, chapter nineteen, for land as a claim for tree-planting, may, if they choose to do so, avail themselves of the provisions of this act in that behalf.

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PATENTS.

74. A deputy governor may be appointed by the Governor-General, who shall have the power in the absence or under instructions of the Governor-General to sign letters-patent of Dominion lands; and the signature of such deputy governor to such patents shall have the same force and virtue as if such patents were signed by the governor-general.

75. Whenever a patent has been issued to or in the name of a wrong party or contains any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the conditions of the grant, the Minister of the Interior may (there being no adverse claim) direct the defective patent to be cancelled and a correct one to be issued in its stead, which corrected patent shall relate back to the date of the one so cancelled and have the same effect as if issued at the date of such cancelled patent.

76. In all cases in which grants or letters patent have issued for the same land, inconsistent with each other, through error, and in all cases of sales or appropriations of the same land inconsistent with each other, the minister of the interior may order a new grant equivalent in value to the land of which any grantee or purchaser is thereby deprived, at the time the same was granted; or may, in cases of sale, cause repayment to be made of the purchase-money with interest; or when the land has passed from the original purchaser, or has been improved before the discovery of the error, or when the original grant was a free grant, the Minister of the Interior may assign land or grant a certificate entitling the party to purchase Dominion lands of such value as to him, the minister of the interior, may seem just and equitable under the circumstances; but no claim under this clause shall be entertained unless it is preferred within five years after the discovery of the error.

77. Whenever, by reason of false survey, or error in the books or plans of the Dominion lands office, any grant, sale or appropriation of land is found to be deficient, the Minister of the Interior may order a free grant equal in value to the ascertained deficiency at the time such land was granted or sold; or in case any parcel of land contains less than the quantity of land mentioned in the patent therefor, the minister of the interior may order the purchase-money of so much land as is deficient, with interest thereon at the rate of six per centum per annum, from the time of the application therefor, to be paid back to the purchaser; or if the land has passed from the original purchaser, then the purchase-money which the claimant (provided he was ignorant of the deficiency at the time of his purchase) has paid for so much of the land as is deficient, with interest thereon, from the time of the application therefor, to be paid to him in land or in money, as he, the minister of the interior, may direct; or in case of a free grant, he may order a grant of other land, equal in value to the land so intended as a free grant, at the time such grant was made; but no such claim shall be entertained unless application has been made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole quantity described as being contained in the particular lot or parcel of land granted.

78. In all cases wherein patents for lands have issued through fraud, or in error, or improvidence, any court having competent jurisdiction in cases respecting real property in the province or place where such lands are situate, may, upon action, bill or plaint respecting such lands and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said court shall order, decree such patent to be void; and upon the registry of such decree in the office of the registrar-general of the Dominion, such patent shall be void to all intents.

79. When any settler, purchaser or other person refuses or neglects to deliver up possession of any land after forfeiture of the same under the provisions of this act, or whenever any person is wrongfully in possession of Dominion land, and refuses to vacate or abandon possession of the same, the minister of the interior may apply to a judge of any court having competent jurisdiction in cases respecting real property in the province or place in which the land lies, for an order in the form of a writ of ejectment or of *habere facias possessionem*, and the said judge, upon proof to his satisfaction that such land was so forfeited, and should properly revert to the crown, shall grant an order upon the settler or person or persons in possession, to deliver up the same to the Minister of the Interior or person by him authorized to receive such possession; and such order shall have the same force as a writ of *habere facias possessionem*, and the sheriff shall execute the same in like manner as he would execute the said writ in an action of ejectment or petitory action.

80. The Minister of the Interior shall keep a book for registering, at the option of the parties interested, any assignment of rights to Dominion lands which are assignable under this act, upon proof to his satisfaction that such assignment is in conformity with this act; and every assignment so registered shall be valid against any other previously made but subsequently registered, or unregistered; but any assignment to be registered must be unconditional, and all conditions on which the right depends must have been performed, or dispensed with by the Minister of the Interior before the assignment is registered.

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81. On any application for a patent by the heir, assignee, devisee or legal representative of a party dying entitled to such patent, the Minister of the Interior may receive proof of the facts in such manner as he may see fit to require, and upon being satisfied that the claim has been justly established may allow the same and cause a patent to be issued accordingly; but nothing in this section shall limit the right of the party claiming a patent to make his application as provided for in section twenty-six of this act.

82. Every entry, receipt or certificate issued by an agent of Dominion lands shall, unless such entry shall have been revoked or cancelled by the minister of the interior, entitle the person to whom the same was granted to maintain suits at law or in equity against any wrong doer or trespasser on the lands so entered, as effectually as he could do under a patent of such land from the Crown.

SURVEYS AND SURVEYORS.

WHO SHALL BE COMPETENT TO SURVEY THE DOMINION LANDS.

83. No person shall act as surveyor of Dominion lands unless he shall, before the fourteenth day of April, 1872, have been duly qualified by certificate, diploma or commission, to survey the Crown lands in some one on the provinces of the Dominion, or shall have become qualified under the provisions hereinafter set forth.

[NOTE.—Subdivision of the lands and the interior surveys of blocks of four townships are done by contract surveyors, the exterior lines of these blocks being run and fixed by the corps of surveyors.]

1. Persons qualified under the said provisions shall be styled "Dominion land surveyors," or "Dominion topographical surveyors," as the case may be.

BOARD OF EXAMINERS.

84. There shall be a board of examiners for the examination of candidates for commissions as Dominion land surveyors, or as articled pupils, to consist of the surveyor general and eight other competent persons to be appointed from time to time by order in council, and the meetings of the board shall commence on the second Monday in the months of May and November in each year, and may be adjourned from time to time; and the place of meeting shall be at Ottawa, or at some place in Manitoba or the Northwest Territories, as the same shall, from time to time, be fixed, and made public by notice in the Canada Gazette.

1. Each member of the said board shall take an oath of office according to Form C, to be administered by a judge of any one of the superior courts in any province in the Dominion, who is hereby authorized and required to administer such oath; and any three of the said members shall form a quorum.

2. The said board shall, from time to time, appoint a fit and proper person to be secretary thereof, who shall keep a record of its proceedings.

85. No person shall be admitted as an articled pupil with any Dominion land surveyor unless he has previously passed an examination before the board of examiners, or before one of the members thereof, or before some surveyor deputed by the board for the purpose, as to his ability to write English correctly, and also as to his knowledge of vulgar and decimal fractions, the extraction of the square and cube roots, of the first three books of Euclid, the rules of plane trigonometry, the mensuration of superficies and use of logarithms, and has obtained a certificate of such examination and of his proficiency from such board.

86. Applicants for such examination, previous to being articled, shall give notice to the secretary of the board of their desire to present themselves for examination; whereupon such officer shall instruct them accordingly as to the mode in which they must proceed.

87. Any Dominion land surveyor may, by an instrument in writing, transfer a pupil, with his own consent, to any other Dominion land surveyor, with whom such pupil may serve the remainder of his term.

88. If any Dominion land surveyor dies or leaves the Dominion, or is suspended or dismissed, his pupil may complete his term under articles, as aforesaid, with any other Dominion land surveyor.

89. Articled pupils must transmit to the secretary of the board, within three months of the date of their articles, a duplicate thereof, together with a fee of two dollars for receiving and filing the same; and the said secretary shall acknowledge the receipt of such papers, and shall carefully file and keep the same with the records of the board.

90. No pupil shall be entitled to be examined before such board unless he shall have previously served regularly and faithfully for and during the period of three successive years, under articles in writing, in the form D, duly executed before two witnesses, as pupils to a Dominion land surveyor, nor unless he shall produce a certificate from such surveyor of his having so served during the said period, and shall also produce satisfactory testimony as to his character for probity and sobriety.

91. Any person who, subsequently to the fourteenth day of April, one thousand eight hundred and seventy-two, shall have been duly qualified by certificate, diploma or

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commission, to survey lands in any province of the Dominion, in which, in order to be so qualified, a course of study, including the subjects prescribed by section ninety-five, is required by the law of such province, shall be entitled to obtain, without being subjected to any examination other than as regards the system of survey of Dominion lands, a commission as dominion land surveyor: Provided that it shall rest with the board of examiners to decide whether the qualifications required of a surveyor of Crown lands in such province are sufficiently similar to those set forth in the said section ninety-five of this act, to entitle him, under the foregoing provisions, to such commission: And provided further, that it must be shown that such province has reciprocated the privilege hereby granted, by granting to Dominion land surveyors, on their application, and without subjecting them to an examination except as regards a knowledge of the survey laws of such province, diplomas, certificates or commissions, as the case may be, as surveyors of lands within such province.

Land surveyors holding diplomas, certificates or commissions for provinces of the Dominion in which the qualifications required by law for surveyors are not similar to those prescribed by this act, must undergo examination by the board, and satisfactorily pass the same, in order to obtain commissions as Dominion land surveyors.

92. Any person who may have been duly admitted as a surveyor of lands in any part of Her Majesty's dominions other than Canada, shall be entitled to an examination by the said board, and to a commission, if found qualified, on his producing a written certificate of a Dominion land surveyor, that such person has within the previous two years served for one year with him continuously engaged in surveying the Dominion lands, and that he considers such person as in every way qualified to pass an examination for a commission as a Dominion land surveyor.

93. Any person who shall have followed a regular course of study in all the branches of education required by this act for admission as a Dominion land surveyor through the regular sessions for at least two years, in any college or university where there may be organized a complete course of such instruction, and who has thereupon received from such college or university a certificate, diploma or degree, vouching therefor, shall not be obliged to serve three years as aforesaid, but shall be entitled to examination after one year's service under articles with a Dominion land surveyor.

94. Every person desiring to be examined before the said board shall give due notice thereof in writing to the secretary at least one month previous to the meeting of the board, enclosing with such notice the fee hereinafter prescribed.

95. No person shall receive a commission from the said board authorizing him to practice as a Dominion land surveyor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the said board on the following subjects; that is to say: Euclid, first four books, and propositions first to twenty-first of the sixth book; plane trigonometry, so far as it includes solution of triangles; the use of logarithms, mensuration of superficies, including the calculation of the area of right-lined figures by latitude and departure, and the dividing or laying off land; a knowledge of the rules for the solution of spherical triangles, and of their use in the application to surveying of the following elementary problems of practical astronomy:

1. To ascertain the latitude of a place from an observation of a meridian altitude of the sun or of a star;
2. To obtain the local time and the azimuth, from an observed altitude of the sun or a star;
3. From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter.

He must be practically familiar with surveying operations and capable of intelligently reporting thereon, and be conversant with the keeping of field notes, their plotting and representation on plans of survey, the describing of land by metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments, and must also be perfectly conversant with the system of survey as embodied in the "*Dominion Lands Acts*," and with the manual of standing instructions and regulations published from time to time for the guidance of Dominion land surveyors.

96. The board may examine any candidate on oath (which oath may be administered by any one of the examiners) as to his actual practice in the field and with regard to his instruments.

97. Each person passing the examination prescribed by this act shall receive a commission from the board in accordance with Form E in the schedule to this act constituting him a Dominion land surveyor, and shall jointly and severally, with two sufficient sureties to the satisfaction of the board, enter into a bond in the sum of one thousand dollars to Her Majesty, her heirs and successors, conditioned for the due and faithful performance of the duties of his office, and shall take and subscribe the oath of allegiance, and the following oath, before the board of examiners, any one of whom is hereby empowered to administer the same:

"I, , do solemnly swear (*or* affirm, *as the case may be*) that I will faithfully discharge the duties of a Dominion land surveyor according to law, without favour, affection, or partiality. So help me God."

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1. Until the above formalities shall have been gone through, the said commission of Dominion land surveyor shall have no effect.

2. The said oaths of allegiance and of office shall be deposited in the Dominion lands office.

3. The said bond shall be deposited and kept in the manner prescribed by law with regard to the bonds given for the like purposes by other public officers of the Dominion, and shall be subject to the same provisions, and shall enure to the benefit of any party sustaining damage by breach of any condition thereof; and the commission shall be registered in the office of the registrar-general of the Dominion.

98. Any person entitled to receive or already possessing a commission as Dominion land surveyor and having previously given the notice prescribed in section ninety-four of this act, may be examined as to the knowledge he may possess of the following subjects relating to the higher surveying, qualifying him for the prosecution of extensive governing or topographic surveys or those of geographic exploration, that is to say:

1. Algebra, including quadratic equations, series, and calculation of logarithms;

2. The analytic deduction of the formulas of plane and spherical trigonometry;

3. The plane co-ordinate geometry of the point, straight line, the circle and ellipse, transformation of co-ordinates, and the determination either geometrically or analytically of the radius of curvature at any point in an eclipse;

4. Projections—the theory of those usually employed in the delineation of spheric surface;

5. Method of trigonometric surveying, of observing the angles and calculating the sides of large triangles on the earth's surface, and of obtaining the differences of latitude and longitude of points in a series of such triangles, having a regard to the effect of the figure of the earth;

6. The portion of the theory of practical astronomy relating to the determination of the geographic position of points on the earth's surface, and the directions of lines on the same, that is to say:

Methods of determining latitude—

a. By circum-meridian altitudes,

b. By differences of meridional zenith distance (Talcott's method),

c. By transits across prime vertical;

Determination of azimuth—

a. By extra meridional observations,

b. By meridian transits;

Determination of time—

a. By equal altitudes,

b. By meridian transits;

Determination of differences of longitude—

a. By electric telegraph,

b. By moon culminations;

7. The theory of the instruments used in connection with the foregoing—that is to say, the sextant or reflecting circle, altitude and azimuth instrument, astronomic transit, zenith telescope and the management of chronometers; also of the ordinary meteorological instruments, barometer, mercury and aneroid, thermometers, ordinary and self-registering, anemometer, and rain gauges—and on their knowledge of the use of the same;

8. Elementary mineralogy and geology, so far as respects a knowledge of the more common characters by which the mineral bodies that enter largely into the composition of rocks are distinguished, with their general properties and conditions of occurrence; the ores of the common metals and the classification of rocks; and the geology of North America so far as to be able to give an intelligent outline of the leading geological features of the Dominion.

99. Persons who pass the above-mentioned examination in the higher branches of surveying, shall have the fact certified by the board, and shall be designated Dominion topographical surveyors.

100. The following fees shall be paid under the provisions of this act:

1. To the secretary of the board, by each pupil, on giving notice of his desire for examination preliminary to being articled, one dollar;

2. To the secretary of the board, as the fee due on such examination, ten dollars, and a further sum of two dollars for certificate;

3. To the secretary of the board, by each pupil, at the time of transmitting to such secretary the indentures or articles of such pupil, two dollars;

4. To the secretary of the board, by each candidate for either the ordinary or the higher examination for a commission, with his notice thereof, two dollars;

5. To the secretary of the board, by each applicant obtaining a commission, as his fee thereon, two dollars;

6. To the secretary of the board, as an admission fee by any candidate receiving a commission, twenty dollars, which sum shall also cover the certificate by the board in the case of a candidate passing the higher examination; but such amount, as also the

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ten dollars required to be paid under sub-section two of this section, shall be paid to the receiver-general to the credit of Dominion lands.

101. Each of the members in attendance at the said board during examinations and the secretary shall receive five dollars for each day's sitting, and the actual travelling and living expenses incurred by such member, and consequent upon such attendance; and the Minister of the Interior is hereby authorized and required to pay such sums: Provided, that no member of the board, if at the time of the meeting he be over one hundred miles distant from the place of meeting, shall receive any allowance for being present at such meeting, unless such member shall have been previously specially notified to attend the same by the secretary; and in the case of the examination of a pupil previous to being articled, by a member of the board, or by a surveyor deputed by the board for such purpose, such member or such surveyor shall be paid five dollars for such examination.

102. The said board may, in their discretion, suspend or dismiss from the practice of his profession any Dominion land surveyor whom they may find guilty of gross negligence or corruption in the execution of the duties of his office; but the board shall not suspend or dismiss such Dominion land surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered both in support of the complaint, and on behalf of such surveyor.

STANDARD OF MEASURE.

103. The measure of length used in the surveys of Dominion lands shall be the English measure of length, and every Dominion land surveyor shall be in possession of a subsidiary standard thereof, which subsidiary standard, tested and stamped as correct by the department of inland revenue, shall be furnished him by the said department, on payment of a fee of three dollars therefor; and all Dominion land surveyors shall, from time to time, regulate and verify by such standard the length of their chains and other instruments of measuring.

HOW TO RENEW LOST CORNERS AND OBLITERATED LINES.

104. In all cases when any Dominion land surveyor is employed to run any dividing line or limit between sections, or other legal subdivisions, or wood lots, and the mound, post or monument, erected, marked or planted in the original survey to define the corner of such section, or other legal subdivisions, or wood lot, cannot be found, he shall obtain the best evidence that the nature of the case may admit of respecting such corner mound, post or monument; but if the same cannot be satisfactorily ascertained, then he shall measure the true distance between the nearest undisputed corner mounds, posts or monuments and divide such distance into such number of sections or other legal subdivisions, or wood lots (as the case may be) as the same contained in the original survey, giving to each a breadth proportionate to that intended in such original survey, as shewn on the plan and field notes thereof of record in the Dominion lands office; and if any portion of the township or section line (as the case may be) on which such corner mound, post or monument was or should have been planted in the original survey, should be obliterated and lost, then the surveyor shall renew such township or section line (as the case may be) and shall draw and define the same on the ground, in such manner as to leave each and every of the adjoining sections or other legal subdivisions (as the case may be) of a width and depth proportionate to that severally returned for such section or legal subdivision in the original survey, and shall erect, plant or place such intermediate mounds, posts or monuments as he may be required to reect, plant or place, in the line so ascertained, having due respect to any allowance for a road or roads, and the corner, or division, or limit so found shall be the true corner or division or limit of such section or other legal subdivision, or wood lot.

HOW LEGAL SUBDIVISIONS ARE TO BE SURVEYED AND LAID OUT.

105. In all cases when a Dominion land surveyor is employed to lay out a given half-section or quarter-section, he shall effect the same by connecting the opposite original quarter-section corners (should the same be existing, or if the same be not existing, by connecting the several points in lieu thereof found in accordance with the preceding clause) by straight lines; and in laying out other and minor legal subdivisions, in any quarter-section, or any wood lot, he shall give such legal subdivision or wood lot, as the case may be, its proportionate share of the frontage and interior breadth of such quarter-section, and connect the points so found by a straight line; and the lines or limits so drawn as above on the ground, shall in the respective cases be the true lines or limits of such half-section or quarter-section, or other legal subdivision, or wood lot, whether the same shall or shall not correspond with the area expressed in the respective patents for such lands.

TO DRAW DIVISION LINES IN FRACTIONAL SECTIONS.

106. The dividing lines or limits between legal subdivisions or wood lots in fractional sections shall be drawn from the original corners (or the points representing such cor-

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ners, as defined on the ground in accordance with the provisions of the act) in the section line intended as the front of such subdivision or wood lot, at right angles to such section line.

ORIGINAL BOUNDARY LINES.

107. All boundary lines of townships, sections or legal subdivisions, towns or villages, and all boundary lines of blocks, gores and commons, all section lines and governing points, all limits of lots surveyed, and all mounds posts or monuments, run and marked, erected, placed or planted at the angles of any townships, towns, villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land, under the authority of this act or of any order of the governor in council, shall be the true and unalterable boundaries of such townships, towns and villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land respectively, whether the same upon admeasurement be or be not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal subdivision, block, gore, common, lot or parcel of land.

108. Every township, section or other legal subdivision, town, village, block, gore, common, lot or parcel of land, shall consist of the whole width included between the several mounds, posts, monuments or boundaries respectively, so erected, marked, placed or planted as aforesaid, at the several angles thereof, and no more or less, any quantity or measure expressed in the original grant or patent thereof notwithstanding.

109. Every patent, grant or instrument purporting to be for any aliquot part of any section, or other legal subdivision, block, gore, common, lot or parcel of land, shall be construed to be a grant of such aliquot part of the quantity the same may contain on the ground, whether such quantity be more or less than that expressed in such patent, grant or instrument.

110. In every town and village in Manitoba or the Northwest Territories, which may be surveyed and laid out under the provisions of this act, all allowances for any road, street, lane, lot or common, laid out in the original survey of such town or village, shall be public highways and commons; and all mounds, posts or monuments, placed or planted in the original survey of such town or village, to designate or define any allowance for a road, street, lane, lot or common, shall be the true and unalterable boundaries of such road, street, lane, lot or common; and all Dominion land surveyors employed to make surveys in such town or village shall follow and pursue the same rules and regulations in respect of such surveys as are by law required of them when employed to make surveys in townships.

111. For better ascertaining the original corner or limits of any township, section, or other legal subdivision, lot or tract of land, every Dominion land surveyor acting in that capacity may administer an oath or oaths to each and every person whom he may examine concerning any corner mound, post, monument or other boundary, or any original landmark, line, limit or angle, of any township, section or other legal subdivision, lot or tract of land which such Dominion land surveyor is employed to survey.

EVIDENCE BEFORE SURVEYORS.

112. When any Dominion land surveyor is in doubt as to the true corner, boundary or limit of any township, section, lot or tract of land which he is employed to survey, and has reason to believe that any person is possessed of any important information touching such corner, boundary or limit, or of any writing, plan or document tending to establish the true position of such corner, boundary or limit, then if such person does not willingly appear before and be examined by such surveyor, or does not willingly produce to him such writing, plan or document, such surveyor may apply to any justice of the peace for an ordinary *subpœna* as witness, or a *subpœna duces tecum*, as the case may require, accompanying such application by an affidavit or solemn declaration to be made before such justice of the peace, of the facts on which the application is founded, and such justice may issue a *subpœna* accordingly, commanding such person to appear before the surveyor at a time and place to be mentioned in the *subpœna*, and (if the case require it) to bring with him any writing, plan or document mentioned or referred to therein.

1. Such *subpœna* shall be served on the person named therein by delivering a copy thereof to him or by leaving the same for him with some grown person of his family at his residence, exhibiting to him or such grown person the original.

2. If the person commanded to appear by such *subpœna* after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor at the place and time appointed in the *subpœna*, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give such evidence and information as he may possess touching the boundary or limit in question, a warrant by the justice for the arrest of such person may be issued, and he may be

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punished accordingly by fine not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or both, in the discretion of such justice.

113. All evidence taken by any Dominion land surveyor as aforesaid shall be reduced to writing, and shall be read over to the person giving the same, and be signed by such person, or, if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same, as also the Dominion land surveyor; and such evidence shall, and any document or plan prepared and sworn to as correct before a justice of the peace, by any Dominion land surveyor, with reference to any survey by him performed, may be filed and kept at the registry office of the place in which the lands to which the same relates are situate, subject to be produced thereafter in evidence in court.

114. Any Dominion land surveyor, when engaged in the performance of his duties as such, may pass over, measure along, and ascertain the bearings of any township or section line, or other government line, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person.

PROTECTION TO SURVEYORS.

115. If any person in any part of the Dominion lands interrupts, molests, or hinders any Dominion land surveyor, while in the discharge of his duty as a surveyor, such person shall be guilty of a misdemeanour, and being thereof lawfully convicted in any court of competent jurisdiction, shall be punished either by fine or imprisonment, or both, in the discretion of such court—such imprisonment being for a period not exceeding two months, and such fine not exceeding twenty dollars, without prejudice to any civil remedy which such Dominion land surveyor or any other party may have against such offender for damages occasioned by such offence.

116. If any person knowingly and wilfully pulls down, defaces, alters, or removes any mound, post or monument erected, planted or placed in any original survey under the provisions of this act, or under the authority of any order in council, such person shall be deemed guilty of felony; and if any person knowingly and wilfully defaces, alters, or removes any other mound or landmark, post or monument placed by any Dominion land surveyor to mark any limit, boundary or angle of any township, section or other legal subdivision, lot or parcel of land in Manitoba, or the Northwest Territories, such person shall be deemed guilty of a misdemeanour; and being convicted thereof before any competent court, shall be liable to be punished by fine or imprisonment, or both, at the discretion of such court—such fine not to exceed one hundred dollars, and such imprisonment not to be for a longer period than three months, without any prejudice to any civil remedy which any party may have against such offender or offenders for damages occasioned by reason of such offence: Provided, that nothing in this act shall extend to prevent Dominion land surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before.

117. Every Dominion land surveyor shall keep exact and regular journals and field notes of all his surveys of Dominion lands, and file them in the order of time in which the surveys shall have been performed, and shall give copies thereof to the parties concerned when so required; for which he is hereby allowed the sum of one dollar for each copy, if the number of words therein do not exceed four hundred, but if the number of words therein exceed four hundred, he is allowed ten cents additional for every hundred words over and above four hundred words.

118. There shall be allowed to every Dominion land surveyor summoned to attend any court, civil or criminal, for the purpose of giving evidence in his professional capacity as a surveyor, for each day he so attends (in addition to his reasonable travelling and living expenses), and to be taxed and paid in the manner by law provided, with regard to the payment of witnesses attending such court, five dollars.

ASSIGNMENTS.

119. The surveyor-general shall keep a book for registering, at the option of the parties interested, the particulars of any assignment made, as well by the original nominee, purchaser, or locatee or lessee of Dominion lands, or his heir or legal representative, as by any subsequent assignee; and upon such assignment being produced with the affidavit of due execution thereof, and of the time and place of such execution, and the names, residences and occupations of the witnesses, the said surveyor-general shall cause the material particulars of every such assignment to be registered in such book of registry, and shall cause to be endorsed on every such assignment a certificate of such registration; and every such assignment so registered shall be valid against any one previously executed, and subsequently registered or unregistered, but all assignments to be registered must be unconditional, and all the conditions of sale, grant or location, must have been complied with, or if dispensed with, then so dispensed with by the Minister of the Interior, before such registration is made.

120. If any subscribing witness to any such assignment is deceased or cannot be

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found, the said surveyor general may register such assignment on the production of an affidavit proving the death or the absence of such witness and the hand-writing of the party making such assignment.

TARIFF OF FEES.

121. The governor in council may establish a tariff of fees to be charged for all copies of maps, township plans, field notes and other records; also for registering assignments; and all fees received under such tariff shall be accounted for by the surveyor-general, and shall form part of the revenue from Dominion lands.

TOWNSHIP PLANS AND PATENT LISTS.

122. The surveyor-general shall transmit to the registrar of every county, and registration district, and division in Manitoba and the Northwest Territories, a copy of the plan of each township or parish within such county, district or division which has been previously surveyed, and the survey of which has been confirmed, and shall also at the same time transmit a list of all Dominion lands, within such county, district or division, for which patents may have previously issued; and further, shall, as early as possible in each year thereafter, transmit to such registrar a copy of the map of each township in such county, district or division, surveyed in the year next preceding, together with a list of the lands in such county, district or division, patented during such year. All of such copies of plans, maps and lists of lands patented, shall be certified by the surveyor-general.

LAND SCRIP.

123. Whereas by the fifth sub-section of the thirty-second section of the act passed in the thirty-third year of Her Majesty's reign, chapter three, it is provided that the rights of common and of cutting hay held and enjoyed by the settlers in the province of Manitoba, may be commuted by grants of land from the Crown; and whereas the method of commuting the said rights by an issue of scrip redeemable only in land, is most convenient and expedient; and whereas it is also expedient to affirm the principle that rights to Dominion land may be satisfied by an issue of scrip; therefore, the orders of the governor in council, dated respectively the sixth day of September, one thousand eight hundred and seventy-three, and the seventeenth day of April, one thousand eight hundred and seventy-four, providing for the issue of scrip in commutation of the rights of common and of cutting hay in Manitoba, are hereby confirmed.

124. The governor in council may, if deemed by him expedient, satisfy any claim which may hereafter arise to grants of Dominion lands, by an issue of scrip redeemable only by its receipt in payment for such land.

GENERAL PROVISIONS.

125. The following powers are hereby delegated to the governor in council:—

a. To withdraw from the operation of the said act, subject to their existing rights as defined or created under the same, such lands as have been reserved for Indians, or such as may be required to satisfy the half-breed claims created under section thirty-one of the act thirty-three Victoria, chapter three;

b. To reserve from general sale and settlement Dominion lands to such extent as may be required to aid in the construction of railways in Manitoba or in the Territories owned by the Dominion, and to provide for the disposal of such lands, notwithstanding anything contained in the said act, in such manner and on such terms as may be deemed expedient;

c. To encourage works undertaken with a view of draining and reclaiming swamp lands by granting to the promoters of such works remuneration in the way of grants of such portions of the lands so reclaimed as may be deemed fair and reasonable;

d. To grant land—in no case, however, to exceed in extent nine hundred and sixty acres—to any person or persons who will establish and keep in operation thereon for a term of not less than five years, a school of instruction in practical farming and all matters pertaining thereto, adapted for thirty pupils, with the approval and to the satisfaction of the minister of the interior;

e. To satisfy any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the Northwest Territories outside of the limits of Manitoba, on the fifteenth day of July, one thousand eight hundred and seventy, by granting land to such persons, to such extent and on such terms and conditions, as may be deemed expedient;

f. To investigate and adjust claims preferred to Dominion land situate outside of the province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, eighteen hundred and seventy, and to grant to persons satisfactorily establishing undisturbed occupation of any such lands, prior to, and, being by themselves or their servants, tenants or agents, or those through whom they claim, in actual peaceable possession thereof at the said date, so much land in connection with and in satisfaction of such claims, as may be considered fair and reasonable;

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5. To make such orders as may be deemed necessary from time to time to carry out the provisions of the said act according to their true intent, or to meet any cases which may arise and for which no provision is made in the said act; and further to make and declare any regulations which may be considered necessary to give the provisions in this section contained full effect; and from time to time to alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead; and such orders or regulations shall be published in the Canada Gazette and in such newspapers as the minister of the interior may direct, and shall be laid before Parliament within the first ten days of the session next after the date thereof.

126. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this act may be taken before the judge or clerk of any county or circuit court, or any justice of the peace, or any commissioner for taking affidavits, or any dominion lands agent or officer, or any person specially authorized to take such affidavits by the minister of the interior.

127. In any case where an affidavit or oath is required by this act, a solemn affirmation may be administered and made instead of an oath, by any person who is by law permitted in civil cases to make a solemn affirmation instead of taking an oath.

PREVIOUS ORDERS IN COUNCIL.

128. All proceedings properly taken under the respective orders in council, on the subject of the *Public Lands in the Province of Manitoba*, dated the twenty-fifth of April, one thousand eight hundred and seventy-one, and the twenty-sixth of May, following the said date, are hereby confirmed, and the said respective orders, except the provision therein respecting pre-emption rights, which is hereby repealed and done away with, (and except such of the provisions thereof as may be inconsistent with the provisions of this act, and which are hereby revoked), shall be and remain in force: Provided that this enactment shall in no way affect the provisions of the act passed in the thirty-sixth year of Her Majesty's reign, chapter thirty-eight.

129. Subject to the provisions hereinafter made, the act passed in the thirty-fifth year of Her Majesty's reign and intituled "An act respecting the public lands of the Dominion," and the act passed in the thirty-seventh year of Her Majesty's reign, and intituled "An act to amend the Dominion lands act," and the act passed in the thirty-ninth year of Her Majesty's reign, and intituled "An act to amend the Dominion lands acts," are hereby repealed, and this act is substituted for them: Provided always, that all enactments repealed by any of the said acts shall remain repealed, and that all things lawfully done and all rights acquired or liabilities incurred under them or any of them shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them or any of them may be continued and completed, under this act, which shall not be construed as a new law, but as a consolidation and continuation of the said repealed acts subject to the amendments hereby made and incorporated with them; and anything heretofore done under any provision in any of the said repealed acts which is repeated without alteration in this act, may be alleged or referred to as having been done under the act in which such provision was made, or under this act.

SCHEDULE.

FORM A.—*See Section* 34.

APPLICATION FOR A HOMESTEAD RIGHT.

I, of do hereby apply to be entered, under the provisions of the "Dominion lands act, 1878," for quarter quarter-sections, numbers and forming part of section number of the township of containing acres, for the purpose of securing a homestead right in respect thereof.

FORM B.—*See Section* 34, *Sub-section* 8.

AFFIDAVIT IN SUPPORT OF CLAIM FOR HOMESTEAD RIGHT.

I, A. B., do solemnly swear (*or* affirm as the case may be) that I am over eighteen years of age, that I have not previously obtained a homestead under the provisions of the Dominion lands act, that the land in question belongs to the class open for homestead entry; that there is no person residing or having improvements thereon, and that the application is made for my exclusive use and benefit, with intention to reside upon and cultivate the said land. So help me God.

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FORM C.—*See Section* 84, *Sub-section* 1.

OATH OF MEMBERS OF BOARD OF EXAMINERS.

I, A. B., do solemnly swear (*or* affirm *as the case may be*) that I will faithfully discharge the duty of an examiner of candidates for commissions as dominion land or topographical surveyors, according to law, without favour, affection or partiality. So help me God.

FORM D.—*See Section* 90.

ARTICLES OF PUPIL TO DOMINION LAND SURVEYOR.

These articles of agreement, made the day of one thousand eight hundred and between A. B., of of Dominion land surveyor of the one part, and C. D., of and E. F., son of the said C. D. of the other part, witness:

That the said E. F., of his own free will, and by and with the consent and approbation of the said C. D., doth, by these presents, place and bind himself pupil to the said A. B. to serve him as such from the day of the date hereof, for and during and until the full end and term of three years from hence next ensuing, and fully to be completed and ended.

And the said C. D. doth hereby, for himself, his heirs, executors and administrators, covenant with the said A. B., his executors, administrators and assigns, that the said E. F. shall well, and faithfully, and diligently according to the best and utmost of his power serve the said A. B. as his pupil in the practice or profession of a Dominion land surveyor, which he the said A. B. now followeth, and shall abide and continue with him from the day of the date hereof, for and during and unto the full end of the said term of three years.

And that he the said E. F. shall not, at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field-notes, moneys, chattels, or other property of the said A. B., his executors, administrators or assigns, or of any of his employers; and that in case the said E. F. shall act contrary to the last-mentioned covenant, or, if the said A. B., his executors, administrators or assigns, shall sustain or suffer any loss or damage by the misbehaviour, neglect, or improper conduct of the said E. F., the said C. D., his heirs, executors, or administrators, will indemnify the said A. B., his executors, administrators or assigns, and make good and reimburse him or them the amount or value thereof.

And further, that the said E. F. shall at all times keep the secrets of the said A. B. in all matters relating to the said business and profession, and will, at all times during the said term, be just, true and faithful to the said A. B. in all matters and things, and from time to time to pay all moneys which he shall receive of or belonging to or by order of the said A. B. into his hands, and make and give true and fair accounts of all his acts and doings whatsoever in the said business and profession, without fraud or delay, when and so often as he shall thereto be required; and will readily and cheerfully obey and execute his lawful and reasonable commands, and shall not depart or absent himself from the service or employ of the said A. B. at any time during the said term without his consent first had and obtained, and shall, from time to time, and at all times during the said term, conduct himself with all due diligence, and with honesty and sobriety.

And the said E. F. doth hereby, for himself, covenant with the said A. B., his executors, administrators and assigns, that he the said E. F. will truly, honestly and diligently serve the said A. B. at all times, for and during the said term, as a faithful pupil ought to do in all things whatsoever in the manner above specified.

In consideration whereof, and of of lawful money by the said C. D. to the said A. B., paid at or before the sealing and delivery of these presents (the receipt whereof is hereby acknowledged), the said A. B. for himself, his heirs, executors and administrators, doth covenant with the said C. D., his heirs, executors and administrators, that the said A. B. will accept and take the said E. F. as his pupil, and that he the said A. B. will, by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said E. F. in the course of study prescribed by section ninety-five of the "Dominion Lands Act, 1879," in practical surveying operations and in the use of instruments, and generally in the art, practice and profession of a Dominion land surveyor, which he the said A. B. now doth, and shall at all times during the said term, use and practice, and also will provide the said E. F. with all the necessary and reasonable expenses incurred in transacting or performing the business of the said A. B., and also will, at the expiration of the said term, give to the said E. F. a certificate of servitude and use his best means and endeavours, at the request, cost and charges of the said C. D.

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and E. F., or either of them, to cause and procure him the said E. F. to be examined before the board of examiners of candidates for commissions as of Dominion land surveyors: Provided the said E. F. shall have well, faithfully and diligently served his said intended pupilage.

And for the true performance of all and every the covenants and agreements aforesaid, according to the true intent and meaning thereof, each of them the said A. B. and C. D., doth bind himself, his heirs, executors and administrators, unto the other, his heirs, executors, administrators and assigns, in the penal sum of five hundred dollars, firmly by these presents.

In witness whereof the parties aforesaid have hereunto set their hands and seals, the day and year first above written.

A. B. (SEAL.)
C. D. (SEAL.)
E. F. (SEAL.)

Signed, sealed and delivered
in the presence of
G. H.
J. K.

FORM E.—*See Section* 97.

COMMISSION AS DOMINION LAND SURVEYOR.

This is to certify to all whom it may concern that A. B., of hath duly passed his examination before the board of examiners, and hath been found duly qualified to fill the office and perform the duties of Dominion land surveyor, he having complied with all the requirements of the law in that behalf: Wherefore he the said A. B. is hereby duly admitted to the said office, and commissioned for the discharge of the duties thereof, and is by law authorized to practice as a surveyor of Dominion lands.

In witness whereof we, the president and secretary of the said board, have signed this commission, at , on this day of , one thousand eight hundred and

C. D.,
Surveyor-General.
E. F.,
Secretary.

FORM F.—*See Section* 67.

APPLICATION FOR LAND FOR FOREST-TREE CULTURE.

I, A. B., do hereby apply to be entered under the provisions respecting forest-tree culture of "The Dominion Lands Act 1879," for the section in township number in the range of the meridian, for the purpose of cultivating forest trees thereon.

FORM G.—*See Section* 67.

AFFIDAVIT IN SUPPORT OF CLAIM FOR FOREST-TREE CULTURE.

I, A. B., do solemnly swear (*or* affirm, *as the case may be,*) that I am over eighteen years of age; that I have not previously obtained an entry of land for forest-tree culture, the extent of which, added to that now applied for, will exceed in all one hundred and sixty acres; that the land now in question is open prairie and without timber, and is unoccupied and unclaimed, and belongs to the class open for entry for tree culture (*or, instead of the above, after the word* "question," *as the case may be, say,* consists of the quarter-section heretofore entered by me as a pre-emption right, under the provisions of sub-section one of section thirty-three of the "Dominion Lands Act,") and that the application is made for my exclusive benefit. So help me God.

[NOTE.—Attention is called to the testimony of registers and receivers in the "Report of Public Land Commission, February, 1880," as to the numerous and perplexing papers and forms required in the land service of the United States, to make entries or settlement.]

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AUSTRALIA.

Australia is estimated to contain 2,983,264 square miles, or 1,909,288,960 acres.

COLONY OF VICTORIA, AUSTRALIA.

[From Official Report of Colony for 1876.]

There are four kinds of tenure in this colony: freehold lands, purchased lands, Crown lands selected, leased Crown lands under pastoral license.

CROWN LANDS AND HOW DISPOSED OF.

The mode of disposing of Crown lands in Victoria has undergone numerous changes. At first it was necessary that all land should be offered at auction before passing into the hands of private individuals, an upset price, according to its value, being placed upon it by the government. Until 1840 the minimum upset price was 12*s*. per acre; it was then raised to 20*s*. Land which had passed the auctioneer's hammer without being bid for was open to be bought by any one at the upset price. Large blocks of land called special surveys, and a block of a square mile in extent upon each squatting run, were, under certain orders in council, exempted from auction, and were permitted to be purchased at £1 per acre.

In 1860 the system was changed, and a law was passed permitting surveyed country lands to be selected at a uniform upset price of £1 per acre, the only exception being where two or more selectors applied simultaneously for one block, in which case a limited auction, confined only to such applicants, was to take place. The successful selector had the option of either paying for the whole of his block in cash or only for half; in the latter case, renting the other half at 1*s*. per acre per annum, with the right to purchase at the same rate per acre as he paid for the first moiety. This act imposed no conditions as to residence, cultivation, or improvement.

Another change was made in 1862. Large agricultural areas were proclaimed open for selection, within which land could be selected at a uniform price of £1 per acre, lot being substituted for limited auction, in the event of there being more than one applicant for an allotment. For one-half of the allotment it was necessary to pay at once; but for the remainder the purchase-money was allowed to be paid by instalments of 2*s*. 6*d*. each, extending over eight years. No more than 640 acres could be selected by one person in twelve months. Three conditions, to be complied with within twelve months of the date of selection, were imposed upon selectors under this act; the first being that the selections be enclosed with a substantial fence; the second, that a habitable dwelling be erected on the land; and the third, that 1 acre out of every 10 selected be cultivated.

The next change was made in 1865, when an act was passed providing that agricultural land could be acquired by payment of 2*s*. per acre per annum during three years, and by effecting improvements to the extent of 20*s*. per acre within two years of the commencement of the lease. These conditions having been complied with, the lessee might, at the expiration of three years, if he resided upon the land, purchase his holding at £1 per acre; or, if not, he could require his leasehold to be offered at auction at the uniform price of 20*s*. per acre, with the value of improvements added in his favor. There was also a clause* in this act whereby land adjacent to gold fields could be occupied in blocks of 20 acres each without having been previously surveyed.

The operation of the last-mentioned clause was so successful in leading to the occupation of the land that free selection before survey was the main principle of the next land act, which is the one at present in force. This statute was passed in 1869, and came into operation on the 1st of February, 1870. Under it 320 acres is the largest amount allowed to be selected by one person. The selection is held under license during three years, within which period the licensee must reside on his selection at least two and a half years, must enclose it, cultivate 1 acre out of every 10, and generally effect substantial improvements to the value of 20*s*. per acre. The rent payable during this period is 2*s*. per acre per annum, which is credited to the selector as part payment of the principal. At the expiration of the three years' license, the selector, if he obtain a certificate from the board of land and works that he has complied with these conditions, may either purchase his holding by paying up the balance of 14*s*. per acre, or may convert his license into a lease extending over seven years, at an annual rental of 2*s*. per acre, which is also credited to the selector as part payment of the fee-simple. On the expiration of this lease, and due payment of the rent, the land becomes the freehold of the selector.

* The forty-second clause. It was framed to meet the demand for the occupation of land adjacent to gold fields. Its operation was gradually extended by regulation to a circuit of thirty miles around gold fields, and the same individual was allowed to hold several 20-acre licenses for the occupation of adjacent land to the total extent of 160 acres. The licensee was bound either to reside on his holding or to fence and cultivate a certain portion.

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The Crown land sold in 1874 amounted to 531,538 acres, and the extent granted without purchase to 44 acres. Of the former, 49,656 acres were sold by auction; the remainder was selected under the various land acts.

The total extent sold, from the first settlement of the colony to the end of 1874, was 9,929,388 acres, and the extent granted without purchase was 3,245 acres, making a total of 9,932,633 acres.

The fee-simple of the whole of this land had passed to the purchaser. A further extent of land, amounting, at the end of 1874, to about 5,650,000 acres, was in process of alienation under the system of deferred payments, and this, too, should the legal conditions be duly complied with, will pass away from the Crown in the course of a few years. Then there is land occupied by roads, the sites of towns, state forests, auriferous, pastoral, and timber reserves, and land which is at present useless owing to its mountainous character or to its being covered with mallee scrub, lakes, or lagoons. Deducting the whole of these lands from the area of the colony, estimated at 56,446,720 acres, the area available for selection at the end of 1874 is found to have amounted to nearly 15,000,000 acres. This will be better seen by the following table, which shows the condition of the public estate at that period:

Public estate of Victoria on 31st December, 1874.

Condition of land.	No. of acres.
Land alienated in fee-simple	9, 932, 633
Land in process of alienation under deferred payments	5, 650, 395
Roads in connection with the above	779, 157
Land included in cities, towns, &c	231, 040
Reserves in connection with pastoral occupation, about	350, 000
Auriferous lands, about	1, 000, 000
State forests not included in unavailable mountain ranges	215, 100
Timber reserves " "	306, 976
Mallee scrub, unavailable mountain ranges, lakes, lagoons, &c., about	23, 000, 000
Area available for selection at end of 1874	14, 981, 419
Total area of Victoria	56, 446, 720

The amount realized for lands sold during the year was £579,051, or an average of £1 1*s.* 9*d.* per acre. Of this sum, only £206,897 was paid during the year, the remainder having been paid in former years under the deferred payment system. The land sold by auction included in the above realised £92,696, or an average of £1 17*s.* 4*d.* per acre, and the land sold otherwise than by auction realised £486,355, or an average of £1 0*s.* 2*d.* per acre.

From the first settlement of the colony to the end of 1874 the amount realized by the sale of land has been £16,786,146, or at the rate of £1 13*s.* 10*d.* per acre.

Subjoined is the number of squatting runs [cattle farms] temporarily occupied at will of officials, and the area of Crown lands embraced therein in the year under review and in the first year of each of the two previous quinquennial periods:

	Number of runs.	Approximate area.
		Acres.
1864	1, 177	30, 463, 999
1869	1, 067	27, 703, 314
1874	864	24, 230, 128

The effect of the disposal of Crown lands by sale and selection is shown in the diminution of the number of runs, and of their contained area. The falling off of the former was 110, and of the latter 2,760,000 acres in the first quinquenniad, and the falling off of the runs was 203, and of the area 3,470,000 acres in the second quinquenniad.

The average size of runs [cattle farms, or ranches], was 25,884 acres at the first period, 25,964 acres at the second period, and 28,044 acres at the third period.

The rent paid for runs is fixed in accordance with the grazing capabilities of the land upon the following scale: Four shillings yearly for each head of cattle and horses the run can depasture, and 8*d.* for each sheep. In the year under review, the amount of rent received was £125,938, or at the rate of 1.247*d.* per acre. In the previous year, the amount received was £140,786, or at the rate of 1.308*d.* per acre.

The number of runs with purchased land attached was 482 in 1873, and 455 in 1874. The land so attached was 1,959,394 acres in the former and 1,740,911 acres in

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the latter year, the proportion to each holder at the two periods respectively being 4,065 acres and 3,826 acres. In explanation of the falling off in the purchased land held in connection with runs, it is to be observed that as soon as the Crown lands attached to a run are altogether purchased it drops out of the list of runs and is considered as a farm.

The term run is applied to such holdings only as are occupied under pastoral licenses.

COLONY OF NEW ZEALAND, AUSTRALIA.

[From Official Colonial Report, 1876.]

LAWS FOR DISPOSAL OF CROWN LANDS.

All the waste lands of the Crown within each provincial district are managed by a board consisting of the waste-lands commissioner, chairman, and five other commissioners, appointed by the governor. The homestead system, as amended in the session of 1879, is as follows:

HOMESTEAD SYSTEM—FREE GRANTS.

Provision is made under the act for free selection of homestead grants. Blocks are specially set apart for the purpose. The lands so dealt with are divided into first-class lands and second-class lands, according to quality, and are so marked upon the government plans. The area allowed each person of the age of eighteen years or upwards is, of first-class lands 50 acres, or of second-class 75 acres; for persons under eighteen years of age, of first-class lands 20 acres, or of second-lands 36 acres. For each block a district surveyer or other duly authorized officer is appointed, and intending settlers must lodge a written application with him between the hours of 10 a. m. and 4 p. m., such application to state names and ages of the applicants, and describe the situation, class of land, and number of acres they have taken possession of, together with the date whereon they took possession; also to whom it is intended that a grant or grants shall issue upon fulfillment of the conditions of selections; and no application shall be received for a less area than 20 acres, and not more than 200 acres of first-class or 300 acres of second-class lands can be held or occupied by any number of persons living together in one household. The land will be allotted according to priority of application; but when two or more applications are received at the same time, the ownership must be decided by lot Every selection must, so far as the features of the country will permit, be of a rectangular form, and when fronting on a road, river, lake, or coast, be of a depth not less than three times the length of the frontage—no selection to monopolize the wood or water or landing-place in any particular locality.

Under special circumstances the waste-lands commissioner may permit occupants to complete their selections by the purchase of adjoining lands in blocks of irregular shape and small extent. Every selector of land shall have the same surveyed at his own expense by a duly authorized surveyor, and deliver at the waste-lands office, within six months after taking possession, a correct certified plan. Only the sanction of the commissioner is necessary until the conditions on which the selection is made have been finally completed. At the end of the period of five years a grant or grants shall issue for the lands selected, provided the selector has not forfeited his right thereto. The conditions to entitle to Crown grant or conveyance are: Continuous residence on the land for five years; the erection of a permanent dwelling-house, value £50, within twelve months from the commencement of such residence; annual cultivation of one-fifteenth of area selected, if open land, or one-twenty-fifth if bush land, together with the fulfillment of conditions imposed by the act and regulations.

Surveys.—All surveys shall be made by surveyors authorized by the surveyor-general, and in accordance with instructions to settlement surveyors issued, not exceeding 30 acres, £5; exceeding 30 and up to 50 acres, 3*s.* per acre; exceeding 50 and up to 100 acres, 2*s.* 6*d.* per acre; exceeding 100 and up to 200 acres, 2*s.* per acre, but not less than £12 10*s.*; exceeding 200 and up to 300 acres, 1*s.* 8*d.* per acre, but not less than £20.

Whenever two or more sections are surveyed together by the same surveyor, one-third of the above rates shall be deducted from all areas above 50 acres, and whenever all or more than one-half the length of the boundary lines shall run through vegetation less than six feet high, one-third of the schedule rates shall be deducted.

LICENSES FOR CUTTING TIMBER, FLAX, AND OTHER PURPOSES.

Licenses to occupy Crown lands for any period not exceeding seven years may, upon application to the board, be obtained for cutting timber or flax, raising coal, removal of clay, sand, gravel, or stone, digging kauri gum, sites for saw-mills, flour-mills, tanneries, fellmongers' yards, slaughter-yards, brick kilns, potteries, ferries, jetties, sites in thinly inhabited districts for inns and accommodation houses. Area of land and fee to be fixed by board.

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SPECIAL SETTLEMENTS.

The governor sets apart blocks of rural land, and declares the same open for special settlement, but the total quantity of land so set apart in the colony is not allowed to exceed 100,000 acres in any one one year. Lands so set apart are sold at a price to be fixed by competent valuators, not being less than one pound per acre. A deposit of one-tenth of the price of the block is payable, in manner directed by the governor, within three months after deposit of survey plan with chief surveyor. Conditions of improvements to be defined by regulations are necessary to be performed before issue of Crown grant. Special settlement lands cannot be set aside as such for a longer period than seven years, and if not taken up within that time may be declared open to all purchasers as ordinary Crown lands. The governor is empowered to contract with persons or companies agreeing to promote the settlement of persons upon such lands, and the person or companies so contracted with are bound to perform and observe the terms agreed upon. Rebate in the prices of land is allowed in respect of adult persons introduced from the United Kingdom, but the total rebate is not to exceed twenty pounds for each statute adult, and no rebate is made until the governor is satisfied that a number of adults have settled on the land and improved the same in conformity with the regulations.

COLONY OF NEW SOUTH WALES, AUSTRALIA.

[From work by Charles Robinson, Esq.]

CROWN LANDS—HOW DISPOSED OF.

In 1861 the Parliament passed an act for regulating the alienation of crown lands. That act is still law, and it offers very great facilities for the acquirement of land by men of small means. Anybody is at liberty to take up any quantity of the best land he can discover, between 40 acres and 320 acres, at £1 an acre; and, on payment of one-fourth of the puchase money he obtains undisturbed possession. He is not dependent upon the caprice of any official; and he need not wait to have his land surveyed, although, as a matter of fact, the surveyor will speedily follow him, and definitely determine the boundaries of his estate. If the land corterminous to his own has not been alienated from the Crown, the conditional purchaser is entitled by law to depasture his stock over an area three times the size of his purchase. This "grazing right," as it is called, cannot, however, be relied on with any degree of certainty, for, in the progress of settlement, these grazing areas are speedily converted into freehold homesteads by successive conditional purchasers. As soon as the whole of the purchase money has been paid, the government issues the title, which is indefeasible; for it must be remembered that Torrens' act is in force in this colony, and titles to land once registered under it can never be called in question. The interest (5 per cent.) payable on the unpaid balance of three-fourths of the purchase money is equivalent to a yearly rental of one shilling for every acre conditionally purchased. The following are the words of the act which provide for the conditional sale of unimproved lands without competition:

"On and from the first day of January, one thousand eight hundred and sixty-two, Crown lands other than town lands or suburban lands and not being within a proclaimed gold field nor under lease for mining purposes to any person other than the applicant for purchase and not being within areas bounded by lines bearing north, east, south, and west and distant ten miles from the outside boundary of any city or town containing according to the then last census ten thousand inhabitants or five miles to the outside boundary of any town containing according to the then last census five thousand inhabitants or three miles from the outside boundary of any town containing according to the then last census one thousand inhabitants or two miles from the outside boundary of any town or village containing according to the then last census one hundred inhabitants and not reserved for the site of any town or village or for the supply of water or from sale for any public purpose and not containing improvements and not excepted from sale under section seven of this act shall be open for conditional sale by selection in the manner following (that is to say) Any person may upon any land-office day tender to the land agent for the district a written application for the conditional purchase of any such lands not less than forty acres nor more than three hundred and twenty acres at the price of twenty shillings per acre and may pay to such land agent a deposit of twenty-five per centum of the purchase money thereof And if no other like application and deposit for the same land be tendered at the same time such person shall be declared the conditional purchaser thereof at the price aforesaid Provided that if more than one such application and deposit for the same land or any part thereof shall be tendered at the same time to such land agent he shall unless all such applications but one be immediately withdrawn forthwith proceed to determine by lot in such manner as may be prescribed

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by regulations made under this act which of the applicants shall become the purchaser."

It will be seen that the only restrictions upon choice are those which are absolutely necessary for the protection of the public interests. In consideration, however, of the liberal terms upon which land may thus be obtained, other sections of the act require that the conditional purchaser shall reside upon his land for a period of five years, and during that time make improvements to the value of £1 an acre—conditions implying no practical hardship upon the *bona fide* settler, and which are fully satisfied by the exercise of his own labor. The act came into operation on the 1st of January, 1862, and from that date to the 31st December, 1871, 2,849,391 acres were conditionally purchased by 37,216 applicants.

Twenty-five pounds ($125.00) thus enables a man to acquire a homestead of 100 acres.

BRAZIL.

Area, 3,275,326 square miles, or 2,096,208,540 acres.

LAWS RELATING TO THE DISPOSITION OF THE CROWN LANDS OF BRAZIL.

[From the work of Dr. N. Joaquim Moreira.]

IMMIGRANTS.

With a view to attract intelligent immigrants, in order to expand the several branches of industry, and especially agriculture, government has employed every effort proportionate to the means at their disposal, not only directly promoting immigration and colonization, but also protecting private enterprise, and propagating in Europe the knowledge of the economical, social, and political condition of Brazil, and taking measures tending to improve the condition of immigrants and the welfare of colonists.

An official colonization agency has been established in the city of Rio de Janeiro with a view to guide the first steps of the newly arrived, assisting them in those affairs which they, owing to their ignorance of the language and customs of the country, are unable themselves to manage, to advise and give them any information required, to hear their complaints, and when just present them to government. It also reports on projects for introducing immigrants, makes the respective contracts, and dispatches the immigrants to their destination.

In the provinces, by order of the minister of agriculture, committees are named to assist the presidents in the reception of immigrants, and they employ means to obtain for them a friendly reception and means of livelihood by agricultural work or by the exercise of other trades.

Every immigrant that arrives at Rio de Janeiro, whether spontaneously or for government account, has a right to board and lodging—those who remain in the city of Rio de Janeiro during eight days, and the others till an opportunity occurs for them to proceed to their destination.

At present, no sooner do the immigrants reach the capital than they are sent into the interior to the high lands, there to be acclimatized.

With the laudable intent to create a uniform *régime* for state colonies, and to guarantee the welfare of their inhabitants, the following regulations were approved by decree No. 13,784, of January 19, 1867, and signed by Councillor Manoel Pinto de Souza Dantas, at that time minister of agriculture:

REGULATIONS FOR THE STATE COLONIES.

CHAPTER I.—THE ESTABLISHMENT OF THE COLONIES, THE DISTRIBUTION OF LANDS, AND THE CONDITIONS FOR THE GRANTS AND TITLE DEEDS.

ARTICLE 1. State colonies shall be established by decree of the imperial government the respective names being indicated, and the colonial district having been previously chosen, measured, and marked out by a government engineer.

ART. 2. Every colonial district shall contain in its peremiter an area equivalent to at least a territory of four square leagues or 174,240:000 square metres, divided into urban and rural lots, the most convenient position for the township having been previously chosen.

ART. 3. The engineers in charge of the works belonging to the colonial establishments shall draw up a general plan, which shall contain not only the designation of the lots measured and marked out, the direction of projected roads, bridges, rivers, and

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large streams, and every other topographical indication, but also the lands reserved for the township, and which, with the assent of the director of the colony, shall have been allotted to streets, squares, commons, churches, schools, cemetery, administrator's house, jail, and other colonial buildings. Three copies shall be made of these plans, one for the archives of the colony, another for the presidency of the province, and a third for the directory of public lands and colonization.

ART. 4. The rural lots shall be divided into three classes: Those of the first class shall contain an area of 125,000 square bracas or 605,000 square metres, those of the second, 65,000 square bracas or 302,500 square metres, and those of the third, 31,250 square braças or 151,250 square metres, equivalent to $\frac{1}{2}$, $\frac{1}{4}$, and $\frac{1}{8}$ of the lots of 250,000 square braças or 1,210,000 square metres, mentioned in article 14, section 1, of the law of September 18, 1850.

The urban lots may be divided into different classes, and the frontage may vary from 10 to 20 braças or from 22 to 44 metres and the depth from 20 to 50 braças or from 44 to 110 metres, according to the position of the land reserved for the township. All the above-mentioned lots shall be indicated on the plan of the colony by a number.

ART. 5. The price of the square braça (4.48 square metres), both of the rural and the urban lots shall be arbitrated by the director of the colony, the fertility, the situation, and other circumstances of the land being considered, according to the descriptive memorial of the engineer, and in proportion as the clearing of the colonial lands shall proceed.

This arbitrament may vary between the limits of 2 and 8 reis for the rural and of 10 and 80 reis for the urban lots; after the approbation of the president of the province, these shall also be indicated on the plan.

ART. 6. Colonists may on arrival freely choose their lots, paying in cash the price fixed according to the respective classification.

An additional 20 per cent. on the price marked shall be charged to those who buy on credit, and this payment shall be made in five equal instalments to count from the end of the second year of their establishment.

If, however, the colonist pay before the instalments are due, an abatement of 6 per cent. shall be made on the whole of the instalment or instalments anticipated.

ART. 7. The sons of colonists over eighteen years of age shall have the right to choose lots on the same conditions, and to settle separately if so willing.

ART. 8. The rural lots shall be delivered with the respective frontage and depth measured and marked out, and with a path of from 10 to 20 braças or from 22 to 24 metres in length, at both the lateral boundaries, indicated by three posts.

These lots shall contain an area of 1,000 square braças or 4,840 square metres cleared, and a temporary building large enough for a family.

ART. 9. There shall be two kinds of title deeds for the colonists, namely: provisional deeds, or those which indicate the lots, and definitive deeds of the property, passed according to the annexed models Nos. 1 and 2.

The former, signed by the director of the colony, shall be delivered to the colonists who may buy on credit; the latter, signed by the president of the province, shall be given to those who shall have paid their debit to the public treasury. Both the provisional and the definitive deeds shall be given gratuitously to the colonists within three months from the day on which they shall take possession of their lots.

ART. 10. When the colonist buys on credit, he shall not be allowed to subject either the lands or the improvements on them to any real encumbrance, as one and the other are mortgaged to the public treasury as a guarantee of his debts to the State and of the fines he may incur.

It is understood that the foregoing clause does not comprehend legitimate or testamentary inheritance or legacy, in which cases the property shall pass to the heir or legatee with the encumbrance.

The provisional title deed, mentioned in Article 9, shall be registered in a special book, each page of which shall be signed by the director.

ART. 11. The definitive title deeds shall contain: 1st, an exact description of the boundaries of the lot; 2d, the extent and direction of the divisionary lines with the declaration of the declination of the needle; 3d, the area and the name of the adjoining proprietors; 4th, the conditions and encumbrance to which, in accordance with these regulations, the purchasing colonists are subject.

When the lot shall be of an irregular form, the engineer shall design and sign a small map of the same on the title deed.

ART. 12. Every colonist who, within two years from the date of taking possession of the lot purchased, shall not have established on it his habitual dwelling and an effective culture, shall lose his right to the same, and, after the necessary advertisements, it shall be sold by public auction.

From the proceeds of the sale there shall be deducted: first, the amount which the negligent colonist may be owing the State; and secondly the amount of any other proved debts which he may be owing; and if any sum remain it shall be delivered to the said colonist, or, in his absence, immediately paid into the provincial treasury

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The same steps shall be taken, at any time, with respect to rural or urban lots of land whose owners shall abandon them for more than two years.

CHAPTER II.—THE ADMINISTRATION OF THE COLONIES.

ART. 13. In the state colonies, there shall be a board composed of eight members, namely: the director, who shall preside, the medical assistant, and six others, chosen from among the colonists who shall have paid their debts to the State.

ART. 14. Those colonists who shall be soonest free from their debt, shall be members of the first board; and when more than six individuals are in the same position the president of the province shall choose from among the names proposed by the directors, those colonists which he may consider most fitting.

The duration of this provisional board shall be for only one year.

ART. 15. At the expiration of this period the director shall send to the president of the province a list of the names of twelve colonists who, to the condition above mentioned, shall join intelligence and good conduct; to the list there shall be annexed such information as may guide the president in the choice of the six members of the permanent board.

ART. 16. This board shall be triennial, and the director, three months before the expiration of that time, shall make the necessary proposal for the new board, which shall be installed on the first day of the following year.

ART. 17. The board may pass resolutions when the president and four other members be present.

ART. 18. In urgent cases, when meetings of the board may be difficult, and through delay the decisions become prejudicial to the interests of the colony, the director may resolve alone, explaining his reasons for so doing at the first meeting of the board to be noted in the respective book of the proceedings of the board.

ART. 19. If from the continuance of the meetings of the board, any detriment arise to the colony, the director may adjourn them.

ART. 20. The director may also suspend the execution of the measures resolved on by the board if contrary to law or to the clauses of these regulations, or if detrimental to the colony.

In this case, as also those mentioned in the two foregoing articles, he shall immediately inform the president of the province of the steps taken by him.

ART. 21. If the president of the province approve his act, then the president, if he think proper, may dissolve the board, and order a new proposal to be made for the nomination of another, after consulting the imperial government.

ART. 22. So long as the colony shall not contain a sufficient number of colonists in the above-mentioned condition to form the board the director shall exercise all its functions.

ART. 23. The colonial board may decide with respect to the distribution of the colonial revenue, which shall be applied only to the following objects:

1st. The construction and repairs of buildings destined for public worship, schools, and the administration of roads and bridges.

2d. Opening colonial roads, building temporary bridges and houses for the reception and establishment of colonists, measuring lots, and clearing lands.

3d. Giving ordinary assistance and making advances to the colonists in accordance with these regulations and the orders of the government.

4th. The acquisition of good breeds of cattle, of plants and seeds, as also making experiments on the culture of certain plants which may best thrive on the lands of the colony.

ART. 24. The board may also:

1st. Decide respecting the annual revenue and the expenditure for the objects and service mentioned in the foregoing article, taking into account the expenses of administration and others ordered by the government.

2d. Resolve, in accordance with these regulations, on the sale of lots of land belonging to those colonists who may leave them uncultured or abandoned.

3d. Resolve, in like manner, with respect to those cases, in which the colonists ought to be warned, deprived of the favors guaranteed or excluded from the colonial district.

ART. 25. The revenue of the colony comprises:

1st. Those sums which the imperial government may contribute towards its expenses.

2d. The proceeds of the sales of the lots.

3d. The advances made to the colonists and the fines that may be imposed on them.

4th. The discount up to 5 per cent. which may be made on the wages of the workmen, according to Article 35.

ART. 26. Besides the before-mentioned duties and obligations of the director, he is bound:

1st. To superintend and manage all the business and service of the colony.

2d. To receive all the revenue and apply it in the manner indicated by the board.

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3d. To see that newly-arrived colonists are well received and established.

4th. To distribute the lots of lands, deliver the title deeds, make the advances, and offer the assistance and favors guaranteed by these regulations.

5th. To give employment in the colony, on wages, to those who may require this assistance, preference being given to the newly arrived.

6th. To watch over the execution of these regulations and to impose on his subordinates the penalties they may incur.

7th. To carry into effect the decisions of the board.

8th. To present in due time the accounts of the colony and the reports under his charge.

ART. 27. In the state colonies, parties may authorize their arbitrators to decide, by equity, civil-rights questions which may arise independently of the rules and forms established by law.

CHAPTER III.—RECEPTION AND ESTABLISHMENT OF COLONISTS.

ART. 28. Every colony shall have a special building, in which recently arrived colonists shall be received provisionally until their respective lots are distributed.

ART. 29. During the first ten days after arrival, those colonists who may demand it shall be maintained out of the funds of the colony, the amount of the advances just made being passed to their debit, to be reimbursed as stated in Article 6.

ART. 30. On the day that the colonist takes possession of his lot, the director shall give him, as gratuitous assistance for his first establishment, the sum of 20$000; and to a head of a family an equal sum shall be given for every person over 10 and under 50 years of age.

ART. 31. The colonists shall have the right to receive on the same occasion, the seed for the crops necessary for their maintenance, and also the agricultural implements which they may require, the amount of which, as also the cost of the clearing, of the temporary house and of all advances made, joined to the price of the lands, are to be reimbursed in the manner herein provided.

ART. 32. If there be work to be done in the colony, those colonists who may desire it shall be employed thereon for the first six months.

ART. 33. The director shall so distribute the work, that each adult of a family shall receive at least 15 days wages per month or 90 days in the half year.

For the execution of this clause two minors shall be counted as one adult.

ART. 34. The work for the newly arrived colonists shall, as much as possible, consist in the preparation of the road in continuation of their frontage, in clearing and in building their provisional dwellings, so that there shall always be from 20 to 50 lots ready for the establishment of new colonists.

ART. 35. In the colonies where the inhabitants shall number more than 500, the wages of the colonists shall suffer a discount of not more than 5 per cent., which shall be paid into the respective treasury, after approval by the president of the province.

CHAPTER IV.—SUNDRY CLAUSES.

ART. 36. Every colonist who shall not work assiduously on his farm or at his trade, shall be warned by the director, or, if the board so order it, deprived of colonial work and favors if he do not mend.

ART. 37. The colonist who, through laziness or bad habits, shall be deemed incorrigible, shall be excluded from the colonial *régime*, and expelled from the respective district by the president of the province, if he judge it convenient to do so for the welfare and interest of the colony; his lot and property being disposed of according to Article 12.

ART. 38. Colonists who may desire to make a remittance to a foreign country may deliver the amount to the director, who shall pass a receipt, mentioning the sort of money received.

ART. 39. The director shall immediately pay the amount into the treasury, with every particular relating to its destination, in order that the remittance may be made by government at the exchange of the day, free of expense to the colonists.

ART. 40. No slaves will be allowed, under any pretext whatever, to dwell in the colonies which may be established henceforward.

Neither shall any persons who take slaves with them be allowed to establish in the existing colonies.

ART. 41. The director shall present to the president of the province every six months a detailed report on the state and progress of the colony during the half year, in conformity with model No. 3, and annually a statement of the revenue and expenditure for the following financial year, organized by the colonial board.

ART. 42. The director shall also send quarterly to the treasury an account of all amounts paid.

ART. 43. Whenever government may deem it convenient, colonial agricultural asylums shall be founded for those minors under eighteen years of age who may be orphans or whose parents may have abandoned them.

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In these asylums government will board, clothe, and furnish medical attendance to the inmates, and will have them instructed, according to age and strength, in those mechanical works and trades which have an immediate relation to agriculture.

ART. 44. The clauses of these regulations, where applicable, shall be extended to the existing colonies.

ART. 45. The special instructions with regard to the execution of these regulations shall be promulgated by the minister of agriculture, commerce, and public works.

Palace of Rio de Janeiro, January 9, 1867.

MANOEL PINTO DE SOUZA DANTAS.

Sundry general, provincial, and private colonies have been created in various provinces of the empire.

Some, already emancipated, are progressing, strengthened by those branches of industry which they cultivate; others, more or less prosperous, are still under the *régime* and toiling to attain the end to which others have arrived; and if there be stationary or decaying colonial nuclei, the fact ought not to be attributed to the country, but to the laziness of the immigrants. As a proof, we may adduce the fact that wealth and prosperity are enjoyed by about 130,000 Germans and descendants of German immigrants scattered over the provinces of Rio Grande do Sul, Santa Catharina, Paraná, &c.

Finally, the measures which the government of the country intend to carry out, in order to improve this branch of the public service, are indicated in the following words of the minister of agriculture:

"We must adopt an aggregate of measures perfectly adequate to satisfy the different requirements of the service; some relative to civil legislation, others directly concerning the means for receiving and establishing immigrants and regarding the *régime* and inspection of the colonies. Among the former is the law which regulates the hire both of native and foreign laborers. The latter includes the creation of an office specially devoted to the management of immigration and colonization, to the selection of government lands, the sale of them in lots at low prices, the establishment of sanitary measures for vessels carrying immigrants, the creation of colonial nuclei on fertile lands near large markets, the improvement of means of communication for the existing nuclei and for those that may be established, the creation of a territorial tax which may contribute to the utilization of lands, hitherto uncultivated, in the neighborhood of cities and important towns.

"Improve the colonial nuclei at present in existence, giving them easy means of communication with the nearest markets, and other necessary advantages to enable them to become attractive; prepare lots of land in the neighborhood of railroads and not far from markets and towns where the immigrant may meet with easy sale for the product of his labor; substitute the official colonial agency, created by decree of April 20, 1864, by an inspector general with more ample powers, which should comprise the introduction, reception, and establishing of immigrants; attaching to the same an auxiliary board composed of natives and foreigners, to be consulted in matters referring to colonization and which should co-operate in the reception and establishing of immigrants."

And so it ought to be, because if, as Ribeyrolles says, in Europe the problem of production depends on the means of giving to a too numerous population the land which it lacks; in Brazil, on the contrary, the problem is how to give to the richest soil in the world the population which it needs.—(Dr. N. Joaquin Moreira.)

REPUBLIC OF MEXICO.

Area, 743,948 square miles, or 476,126,720 acres. The following are the laws for colonization and grants of public lands to immigrants:

DEPARTMENT OF COLONIZATION, INDUSTRY, AND COMMERCE.

SECTION 1.

The President of the Republic has sent me the following decree:

Sebastian Lerdo de Tejada, constitutional President of the United Mexican States to the inhabitants therein, know:

That Congress has issued the following decree:

Congress resolves:

ARTICLE 1. Until a law shall be enacted that shall definitely determine and regulate everything concerning colonization, the Executive is hereby authorized to enforce this law either by direct action or by means of contracts carried out by private organizations under the following bases:

I. To grant each organization—a subsidy for each family that shall settle, or a

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smaller subsidy for each family that shall land, in some place in the Republic; an advanced portion, not exceeding 50 per cent. of said subsidy at reasonable rate per cent. interests; lands capable of being colonized, after measurement, survey, and valuation at a moderate price payable on ample time in annual installments; a premium for each immigrating family; an exemption from duties to every vessel that shall bring to the Republic ten or more families; a premium for each native family that shall settle in immigrant colonies; a premium for each Mexican family that shall settle in frontier colonies.

II. To require from said organizations: a sufficient guarantee for the fulfillment of their contracts, stating the cause of forfeiting and of fine; a security that the colonists shall enjoy, as far as it may depend on the contractors, the privileges granted by this law.

III. To grant the settlers: Mexican naturalization and citizenship in the proper cases; an advanced payment of transportation expenses; a living for one year after they have settled; farming tools and building materials for the construction of their houses; an acquisition of a determined tract of land, for tillage and building purposes, at a low price, payable on ample time, in annual installments, commencing from the second year after the settlement; exemption from military service and all kinds of imposts, excepting municipal taxes; exemption from all kind of importation and interior duties on everything destined for the colonies, such as farming and shop tools, machines, chattels, building materials, domestic furniture, working and breeding animals; exemption also, personal and not transferable, from export duties on their crops, and free letter postage, through the department of foreign affairs or by means of especial postage stamps, over their native country or former residence; premiums and especial protection for the introduction of a new culture or industry.

IV. To demand from the settlers the fulfillment of their contracts in accordance with the common laws of the country.

V. To appoint and send to the field the reconnoitering commissions authorized by the twenty-sixth section of the present budget, to select the lands capable of being colonized, with the due requisites of measurements, demarcation, valuation, and description.

VI. That any person occupying a tract of public lands in obedience to the requisites demanded by the previous fraction, shall have one-third of said land or its value, provided said person be duly authorized.

VII. This power of authorization shall belong exclusively to the Executive, who shall not deny the same to any State that may demand it for the lands within its boundaries. The authorization granted, as above, to the States or private citizens, shall be void if for three months from the granting thereof the corresponding operations (stated in section V) have not been commenced.

VIII. To acquire, if deemed expedient, by purchase or any contract in accordance with the rules already fixed in fraction VI, lands capable of being colonized, owned by private citizens.

IX. To locate upon the lands of private citizens, when the owners of the same desire it, colonists that, by virtue of the immigrating contracts already made, may be at the disposal of the Executive.

X. Said colonies shall be considered as such, and shall enjoy the peculiar privileges above related for ten years, at the expiration of which said privileges shall cease.

ART. 2. The Executive is likewise authorized to dispose, in the next fiscal year, of the amount of $250,000 to defray the expenses required by this law, including the surveying commissions.

Legislative Palace, Mexico, May, 1876.

JULIO ZARATE,
Presiding Representative.
ANTONIO GOMEZ,
Secretary Representative.
J. N. VILLADA,
Secretary Representative.

I order, therefore, the above law to be printed, published, circulated, and complied with.

Executive Palace, Mexico, May 31, 1876.

SEBASTIAN LERDO DE TEJADA.

To BLAS BALCARCEL,
Minister of Colonization, Industry, and Commerce.

I communicate the same to you for your own knowledge and proper uses.
Independence and Liberty, May 31, 1876.

BALCARCEL.

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MINING LAWS OF SEVERAL COUNTRIES.

For a review of the mining laws of Mexico and Spain, see Report of the Public Land Commission and Testimony, February 24, 1880.

PORTUGAL.

The most ancient document that is known relative to mines is of the year 1210, during the reign of King D. Sancho I, and it had for its object the making of a donation of a tithe of the gold of Adiça to the Order of Santiago.

There did not exist any general law. The mines belonged exclusively to the Crown, and they were worked by the King, or by private parties to whom by a special diploma permission was granted to mine. The concesssions thus made to private parties were always regarded as a privilege and a grace, which the King bestowed on his favorites.

The privilege was always temporary, and the miners paid a royalty to the Crown, which generally was at the rate of the "fifth part" of the produce.

King Duarte's Law (1433–1488.)—The above regimen lasted until the reign of King D. Duarte (1433–1488), the period in which the first mining law of Portugal was promulgated.

By this law every one was allowed to work mines in any place. The miner paid a royalty of "two tithes" of the produce of the mine, whenever the same was located on lands belonging to the Crown; but if it was located on private property, the said impost was equally divided between the proprietor and the King. The miners paid besides that a certain entrance fee in order to obtain the grant, and a fixed annual tax.

This law was not, however, rigorously observed, and the conditions imposed on the concessions were very changeable.

The period of the concession was sometimes fixed, and again its terms were not defined. It seems that the new principle of the proprietor's participation in the profits of the mines was always preserved.

King D. Manoel's Law, 1516.—The law of the King D. Duarte remained in force until 1516, the date at which the second decree on mines, known under the title of "Regimento de Ayres do Quental" was promulgated by King D. Manoel. The fundamental principle of King D. Duarte's decree was done away with entirely in this second law; the proprietor remained without any rights at all over the miner's interest; the mining prerogatives did remain with as much plenitude as in the time of the kings before D. Duarte. The proprietor had the right to demand indemnity for the damages caused to his cultivated fields, but was obliged to allow the cutting down of wood for the foundries, without any redress whatever.

The impost continued to be a "fifth," but the miner was obliged to sell his metals to the King's stores at a fixed price, which was below the market price. Therefore, the imposts paid by the miner were far in excess of 20 per cent. of the production. This law retarded very much the development of mines.

In the year 1557 a new decree was promulgated, which, without altering the fundamental basis of King D. Manoel's law, had the advantage of permitting the free sale of the metals; but later enactments restrained this faculty in regard to certain metals, the others remaining subject to forced sales. The tax continued to be a "fifth," but the fisc invented a new way to raise that impost; whenever a mine was bringing in profits the King could take a fourth himself, contributing towards its workings with proportioned expenses; so that the miner, besides paying an impost of 20 per cent. on the produce, found himself obliged to give to the King 25 per cent. of the net proceeds. Under such a regimen the mining interests got into such a deplorable state that further regulations promised premiums to any one who should discover any mines, but the demands of the fisc continued so severe that the premium, by itself, was not enough to promote the development of mines.

With the purpose of reanimating this industry, almost extinct, "A General Superintendence of Mines and Metals of the Kingdom" was created in 1801, under whose immediate control the mines were explored, the government defraying all expenses. This new method was by no means productive of any better results, which was a defect of the system. At the end of this regimen there were to be found hardly four mines in operation—two of coal, one of antimony, and one of lead—of which only the coal mine of "S. Pedro da Cova" was able to realize any net profits, which were employed in assisting in the outlay of the others.

The "General Superintendence of Mines and Metals of the Kingdom" did but prove once more how impossible it is for any industry to prosper under the management of any government.

By an ordinance (potraria) of the 6th of August, 1836, a grant was given to the lead mine of Braçal, and the decree of the 25th of November of the same year, reaffirming

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said ordinance, put an end to the privilege which the State since the year 1801 had arrogated to itself of working the mines on its own account.

But the decree of the 25th of November granted only the temporary use of the mines, the State reserving to itself the right of possession; the industry not finding, therefore, in the law sufficient guarantee for its own free development.

The above law was kept in force till the year 1850, and during that period of 14 years only 35 mines had received concessions.

The decree of the 25th of July, 1850, came to promote the creation of the mining property, consecrating the principle of concession for an unlimited period.

The decree of 1836, to a certain extent, became completed by that of 1850; the former, by abolishing the privilege of the State, created the right to the mines; the latter created the mining proprietorship. This law lasted until 1852, and during this period no new grants were made.

The decree of the 31st of December, 1852, adopting the fecund principle of the former and improving some of its regulations, opened a new era of prosperity to the mining industry.

By accepting the basis of the French law of the 21st of April, 1810, this decree regulated the separation of the superficial and subterranean property, circumscribed the rights of the proprietors and of the grantees, and the discovery of mines found, in the decided advantages conceded to the discoverer, a very powerful incentive for its progressive development.

The fundamental principles of the present law are the following:

Every one who should discover a mine has the right to its grant, whether it be located in his soil or not.

The proprietor of the soil is obliged to consent to the working of the mine.

The miner is obliged to give the owner of the soil previous security for the indemnization of the damages he may cause.

All grants are made for an unlimited period.

The general conditions under which a grant is made, are: To keep the mine in active operation, carry on the labors with safety, and pay the imposts to the government.

The impost is of 5 per cent. of the net product of the work.

The owner of the land receives half the quantity paid to the government.

The grant may be set aside, should not the grantee satisfy the conditions under which it was made. In such a case the property remains belonging to the State, and the government can grant it anew at auction.

The objects of concessions are the deposits of metallic substances and the saline and combustible deposits.

The area granted to the metallic mines is about 500,000 square meters, and for the combustible ones of 100,000.

The law of the 31st of December, 1852, did evidently contribute very much toward the mining progress in Portugal; with all, this law could not fulfill the present requirements of the industry, and placed real impediments in its development.

The mining industry of France is, as yet, being regulated chiefly by the law of the 21st of April, 1810; and in spite of the administrative regulations that followed in succession, and the laws that have successively improved the original one, the French operators never cease demanding new legislative reforms.

Prussia, which adopted the law of 1810, forced by the pressing demands of the industry, substituted it with the one of June 24, 1865.

England, which has successively reformed several times its law of the 10th of August, 1842, again, on the 10th of August, 1872, promulgated its last law, revoking all former legislation, and introducing all the requirements that the short experience of ten years, counting from the time of the last law, deemed necessary.

Amongst us the experience of twenty years has shown us the defects of the law of 1852, and the necessity of its being reformed.

A simplification of the process for obtaining the concessions; a more complete and much better defined creation of the mining property than at present; a clearer determination of the mutual relations between the concessionists and the land-owners; the organization of safeguards of the mines, clearly defining the administrative power and the relations between the administration and the grantees; the organization, so often asked for, of a new system of imposts, are many reasons for the reformation of the actual law.

July, 1876. LAWRENCE MALHERO, *M. E.*

AUSTRALIA.

[From the work by Charles Robinson, Esq.]

MINING LAWS AND HOLDINGS IN NEW SOUTH WALES.

Under the Crown Lands Occupation Act leases are granted to all who apply for them of land not exceeding 320 acres, nor less than 40 acres, for coal mining lots, and not exceding 80 nor less than 20 acres for other mineral lots, for the purpose of mining

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for any mineral excepting gold, at a yearly rental of 5*s.* per acre, the leases not to exceed fourteen years, but to be renewable at the end of that time for fourteen years more. Lessees have to spend at the rate of £5 an acre during the first three years of their leases. They can throw up their leases at any time by giving three months notice to the minister of lands; or can convert them into mineral purchases on payment of £2 per acre, and making improvement to the value of £5 per acre.

GOLD LANDS, HOW TAKEN.

The regulations of the government are conceived in the most liberal spirit, and while they protect the miner to the fullest possible extent, they at the same time insure the freest scope to his industry. The gold in the soil is the property of the Crown; and before any man can take it he must get what is called a "miner's right." This authority to dig or mine for gold is given to all who apply for it. It costs ten shillings a year, and entitles its possessor to take up ground upon any gold field to the extent of from 60 feet by 60 feet to 114 feet by 114 feet, according to the class of mining pursued upon the particular field. If a man wants to open a quartz mine he can take up fifty feet along the line of reef (vein), with a breadth of 100 yards on each side. His miner's right also entitles him to occupy half an acre of land for his dwelling upon any proclaimed gold field, and to vote for the election of a member of Parliament. All these privileges any man may enjoy in New South Wales for 10*s.* a year. The miner is not restricted to one claim; he can take up a hundred if he likes, by virtue of his right; but then he must keep men at work upon them, and every man he so employs must also have the "right." This is not all. The miner can take up sluicing (placer) claims to the extent of ten acres; and if this be too circumscribed an area he may by the payment of £1 per acre per annum take out a lease of alluvial or quartz ground for any number of acres not exceeding twenty-five in one block (and as many twenty-five acre blocks as he pleases), or of river beds to the extent of 1,000 yards, on payment of a yearly rental of £1 for every 100 yards so taken up. To prevent monopoly, however, and to protect the interests of the miners as a body as well as of the State, the regulations provide that the miner shall forfeit his claim or his lease if he fail to work it. There is an export duty on gold of 1*s.* 3*d.* per ounce.

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THE PUBLIC DOMAIN.

ITS HISTORY,

WITH STATISTICS.

ADDENDA.

PREPARED IN PURSUANCE OF A JOINT RESOLUTION OF CONGRESS APPROVED AUGUST 7, 1882.

FROM JUNE 30, 1880, TO JUNE 30, 1882.

PAGES 517 TO 1217.

FROM JUNE 30, 1882, TO JUNE 30, 1883.

PAGES 1217 TO 1293.

EXISTING METHODS OF CLASSIFICATION, SALE, AND DISPOSITION TO DECEMBER 1, 1883.

PAGES 1157 TO 1179.

REGULATIONS, INSTRUCTIONS, FORMS, AND BLANKS, AND CHAPTER ON "EXISTING METHODS OF SALE AND DISPOSITION," WITH OFFICIAL SUGGESTIONS AS TO CHANGES THEREIN, AND OTHER INFORMATION, TO DECEMBER 1, 1883.

INTRODUCTORY CHAPTER, GIVING STATISTICAL RESULTS OF ENTIRE LAND SYSTEM FROM 1784 TO JUNE 30, 1883, WITH RECOMMENDATIONS AND STATEMENTS OF NECESSITY FOR CHANGES IN EXISTING LAND LAWS, TO DECEMBER 1, 1883.

PAGES 517 TO 552.

BY

THOMAS DONALDSON.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1884.

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ADDENDA.

FROM CHAPTERS 1 TO 33, INCLUSIVE; FROM JUNE 30, 1880, TO JUNE 30, 1882; CHAPTER 36, FROM JUNE 30, 1882, TO JUNE 30, 1883, AND, IN MANY INSTANCES, DATA, REGULATIONS, AND FORMS TO DECEMBER 1, 1883.

REGULATIONS, INSTRUCTIONS, BLANKS, AND FORMS ARE IN EFFECT DECEMBER 1, 1883.

AREA OF THE NATIONAL DOMAIN, WHICH INCLUDES THE PUBLIC DOMAIN, WITH STATISTICS, AND RECOMMENDATIONS AS TO CHANGES IN EXISTING LAND LAWS.

(See Chapter 1—pages 1 to 29, inclusive.)

The matter on pages 1 to 13 of this book, prepared in 1880, is correct to December 1, 1883.

The statistics of the land service from pages 1 to 27, from 1784 to June 30, 1880, are brought down to June 30, 1883, and where possible to December 1, 1883. The General Land Office statistics and tables are prepared only to June 30 of each year, so it is impossible to bring the official tables and statistics down to December 1, 1883.

GROSS CASH RECEIPTS FROM SALES OF PUBLIC LANDS TO JUNE 30, 1883.

(See pages 17 and 25.)

The United States received from sales for cash, fees, and commissions, under all laws, since the passage of the ordinance of May 20, 1785, to June 30, 1880, the gross sum of	$208,059,657 14
From June 30, 1880 to June 30, 1883, the gross sum received from like sources was—	
During the year 1881	5,408,804 16
During the year 1882	8,394,516 04
During the year 1883	11,713,883 70
In all a grand total from 1785 to June 30, 1883 of	233,576,861 04

CASH RECEIPTS FROM SALES OF PUBLIC LANDS FOR THE FISCAL YEARS 1881, 1882, AND 1883.

Cash receipts during the year ending June 30, 1881.

From sales of public lands	$3,534,550 98
From sales of Indian lands	1,006,691 63
Homestead fees and commissions	556,766 16
Timber-culture fees and commissions	154,739 35
Fees on military bounty land-warrant locations	1,484 00
Fees on locations with different classes of scrip	17 00
Fees in pre-emption and other filings	59,366 00
Fees in mining applications and protests	28,310 00
Fees on timber-land entries	3,330 00
Fees for reducing testimony to writing, by local officers	47,625 24
Fees on railroad selections	3,581 27
Fees on State selections	4,199 63
Fees on donation claims	1,415 00
Fees for transcripts, furnished by the General Land Office, during the fiscal year of 1881	6,727 90
Total	5,408,804 16

During the fiscal year 1881 a grand total of 10,893,397.05 acres were disposed of. The amount realized per acre was about 50 cents.

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Cash receipts during the year ending June 30, 1882.

From sales of public lands	$6,628,775 02
From sales of Indian lands	634,617 22
From homestead fees and commissions	697,968 59
From timber-culture fees and commissions	232,534 00
From fees on military bounty land-warrant locations	1,166 00
From fees on locations with different classes of scrip	116 00
From fees on pre-emption and other filings	128,123 00
From fees for reducing testimony to writing	56,897 06
From fees on railroad selections	4,695 50
From fees on State selections	2,436 00
From fees on donation claims	595 00
From fees for issuing patent certificates	3 00
From fees for transcripts from records furnished by the General Land Office	6,588 75
Total	8,394,516 04

During the fiscal year 1882 a grand total of 14,309,166.40 acres were disposed of. The amount realized per acre was about 57½ cents.

Cash receipts during the year ending June 30, 1883.

From cash sales	$9,657,032 28
From homestead fees and commissions	881,467 01
From timber-culture fees and commissions	282,262 00
From fees on military bounty land-warrant locations	1,185 00
From fees on scrip locations	143 00
From fees on pre-emption and other filings	182,039 00
From fees for reducing testimony to writing	48,875 09
From fees on donation claims	125 00
From fees on State selections	3,229 00
From fees on railroad selections	24,004 00
From fees for transcript of records furnished by General Land Office	8,118 05
Total receipts from public lands	11,088,479 43
Receipts from sales of Indian lands (trust funds)	625,404 27
Total	11,713,883 70

During the fiscal year 1883 a grand total of 19,430,032.80 acres were disposed of. The amount realized per acre was about 60$\frac{7}{10}$ cents.

SALES OF INDIAN LANDS SHOULD NOT BE IN FACT INCLUDED ABOVE.

The items of $1,006,691.63 in 1881, $634,617.22 in 1882, and $625,404.27 realized from sales of Indian lands (trust funds), as reported by the Commissioner of the General Land Office in his annual report for these years are not, in fact, receipts from public lands. They are sold by authority of Congress, under special laws by the General Land Office, and the money received for them is deposited by the receivers of public moneys in the United States Treasury to the credit of the several Indian funds, for the benefit of the Indians under treaty stipulations.

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ESTIMATED DISPOSITION OF THE PUBLIC DOMAIN TO JUNE 30, 1880, JUNE 30, 1882, AND JUNE 30, 1883.

(See pages 22 and 23.)

The disposition of the public domain from its origin to June 30, 1883, is estimated at about 620,000,000 acres, partially accounted for under the following items:

Details as to disposition.	Estimated disposition under various laws to—		
	June 30, 1880.	June 30, 1882.	June 30, 1883.
	Acres. 547, 754, 483. 88	*Acres.* 572, 957, 047. 33	*Acres.* 591, 987, 814. 22
Cash sales, which include pre-emptions, &c., and probably 30,000,000 or more acres accounted for under other acts, and commutation of homesteads, from establishment of land system, to June 30, 1880	169, 832, 564. 61	173, 000, 000. 00	175, 000. 00
Donation acts, Florida, Oregon, Washington, and New Mexico	3, 084, 797. 36	3, 117, 401. 73	3, 121, 534. 52
Land bounties, military and naval service	61, 028, 430. 00	61, 028, 430. 00	61, 064, 150. 00
State selections (act of 1841) for internal improvements	7, 806, 554. 67	7, 806. 554. 67	7, 806, 554. 67
Salines (salt springs and lands adjacent) granted to States	559, 965. 00	559, 965. 00	559, 965. 00
Town sites and county seats	148, 916. 91	162, 794. 41	167, 871. 39
Railroad land grants patented	45, 650, 026. 33	46, 526, 823. 06	47, 004, 043. 96
Canal grants	4, 424, 073. 06	4, 424, 073. 06	4, 424, 073. 06
Military wagon-road grants	1, 301, 040. 47	1, 301, 040. 47	1, 741, 897. 59
Mineral lands sold since 1866	148, 621. 14	194, 970. 60	224, 483. 54
Homesteads, 3,000,000 (estimated) acres of which have been commuted and carried into cash sales above	55, 667, 044. 95	67, 043, 189. 79	*75, 215, 164. 17
Scrips, enumerated	2, 893, 034. 44	2, 778, 622. 45	2, 949, 113, 664
Coal lands	10, 750. 24	24, 560. 15	40, 172. 97
Stone and timber acts of 1878	20, 782. 77	159, 008. 41	456, 743. 91
Swamp and overflowed lands to States, selected or patented	69, 206, 522. 06	70, 006, 769. 41	70, 445, 957. 58
Graduation act of 1854	25, 696, 419. 73	25, 696, 419. 73	.....
Schools, seminaries, and agricultural colleges:			
Sixteenth and thirty-sixth sections, for schools 67, 893, 919			
Seminaries and universities 1, 165, 520			
Agricultural colleges, land in place .. 1, 770, 000			
Agricultural colleges, land scrip 7, 830, 000			
Withdrawn or patented	78, 659, 439. 00	78, 659, 439. 00	†78, 889, 839. 00
Area held under timber-culture act	9, 346, 660. 93	13, 657, 146. 47	16, 768, 076. 70
Desert land act	897, 160. 57	1, 170, 675. 53	1, 607, 310. 22

And various amounts disposed of under special acts, to be found in the Statutes at Large.

The above does not include lands embraced in Indian or military reservations.

RAPID DISPOSITION OF THE PUBLIC DOMAIN.

TO JUNE 30, 1883.

(See pages 23 and 26.)

SALES OF PUBLIC AND INDIAN LANDS DURING THE FISCAL YEAR 1881.

During the year ending June 30, 1881, the disposal of public lands under all acts of Congress was 10,128,175.25 acres. The sales of Indian lands to the same period was 765,221.80 acres; a grand total of 10,893,397.05 acres.

* Probably 5,000,000 of acres of this has been commuted into cash payments.

† Grants for universities in Dakota, Montana, Arizona, Idaho, and Wyoming, 230,400 acres, added.

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The sales of public and Indian lands, during the fiscal year 1881, were in detail as follows:

	Acres.
Cash sales:	
Private entries	666,229.11
Public sales	2,279.40
Timber and stone lands	42,987.92
Pre-emption entries	721,146,26
Desert lands	108,560.02
Mineral lands	27,189.68
Coal lands	4,975.58
Excesses	12,339.06
Abandoned military reservations	1,910.21
Total	1,587,617.24
Homestead entries	5,028,100.69
Timber culture entries	1,763,799.35
Locations with military bounty land-warrants issued under acts of 1847, 1850, 1852, and 1855	55,662.36
Agricultural college scrip locations	360.00
Supreme court scrip locations	28,253.74
Valentine scrip locations	392.15
Sioux half-breed scrip locations	2,519.27
Chippewa half-breed scrip locations	800.00
Locations with Porterfield scrip	16.86
Lands certified or patented for railroad purposes to States:	
Alabama	383.23
Iowa	73,321.58
Minnesota	483,466.63
Kansas	281,277.28
To corporations:	
Pacific railroads	211,992.04
State selections, approved for—	
School indemnity	15,880.00
Internal improvements	1,760.00
Agricultural colleges	1,370.45
Seminaries	3,964.14
Donation claims	18,237.06
Approved to States as swamp	569,001.18
Total	10,128,175.25

Indian lands, sales of, during the fiscal year of 1881:	Acres.	
Osage ceded	4,622.21	
Osage trust and diminished reserve	613,951.05	
Kansas trust	25,736.53	
Kansas trust and diminished reserve	18,971.86	
Pawnee	15,219.55	
Sioux	50,299.64	
Sac and Fox	57.40	
Cherokee strip	20,086.12	
Otoe and Missouria	16,036.87	
Cherokee school	240.57	
		765,221.80
Which added to the sales of public lands makes a grand total of		10,893,397.05

SALES OF PUBLIC AND INDIAN LANDS DURING THE FISCAL YEAR 1882.

(*See tabular statement of total dispositions of public lands for the fiscal year* 1882 *facing page* 521.)

Under all acts of Congress during the fiscal year ending June 30, 1882, the disposal of public lands was 13,998,780.27 acres, and of Indian lands 310,386.13 acres, making a total of 14,309,166.50 acres—greater by 3,415,769.35 acres than in the year 1881, and embracing an area almost equal to the total area of the States of New Hampshire, Massachusetts, and Connecticut.

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Recapitulation by States and Territories of the disposal of the public and Indian lands and abandoned military reservations during the fiscal year ending June 30, 1882, showing the number of entries made, the area disposed of, amount received therefrom, and expenses connected therewith.

States and Territories.	Sales of lands subject to private entry.					Sales of lands at public auction.			Sales of lands subject to pre-emption entry.		
	No. of entries.	Acres.	Amount received in cash.	Amount received in scrip.	Total amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.
Alabama	301	49,284.37	$61,406 40	$99 29	$61,505 69				66	8,154.83	$10,193 06
Arizona									26	3,606.34	5,086 37
Arkansas	517	55,308.28	69,622 57		69,622 57	14	772.36	$1,059 53	30	1,864.29	2,330 36
California	44	8,385.23	10,715 11		10,715 11	1	40.00	100 00	694	96,981.55	135,965 82
Colorado	52	6,704.26	8,380 36		8,380 36				480	65,527.06	88,315 28
Dakota									4,344	673,383.17	977,242 12
Florida	970	125,305.83	156,636 06		156,636 06	18	1,174.37	1,552 55	33	3,567.59	1,461 28
Idaho									206	28,083.41	35,959 02
Illinois									2	97.18	190 11
Indiana											
Iowa	10	674.86	843 59		843 59						
Kansas	8	497.90	724 75		724 75				660	90,465.78	117,859 64
Louisiana	539	367,465.40	462,087 63		462,087 63	3	186.54	233 20			
Michigan	1,940	406,132.07	506,078 90	1,625 20	507,704 10	6	656.00	1,370 20	9	1,080.05	1,550 06
Minnesota	1,353	152,296.79	232,083 69		232,083 69				1,132	166,169.10	250,286 08
Mississippi	785	219,455.84	274,320 99		274,320 99						
Missouri	529	128,357.68	160,697 17		160,697 17				3	259.18	323 96
Montana									121	15,249.61	26,533 82
Nebraska	271	44,013.95	51,830 62	4,037 09	55,867 71				483	68,562.41	91,923 90
Nevada									7	792.23	1,000 28
New Mexico									40	4,167.29	6,110 36
Ohio						96	5,016.31	16,735 22			
Oregon	72	6,062.87	7,660 46		7,660 46	3	86.49	167 20	337	46,257.38	80,900 46
Utah									90	8,754.61	11,697 48
Washington	21	6,874.77	8,943 45		8,943 45				456	64,370.22	93,402 44
Wisconsin	2,684	347,676.05	504,888 86		504,888 86	1	1.06	238 50	10	920.00	1,650 00
Wyoming									26	3,067.57	5,284 34
Grand total	10,096	1,924,496.15	2,516,920 60	5,761 58	2,522,682 19	142	7,933.13	21,456 40	9,255	1,351,380.85	1,948,266 24

States and Territories.	Sales of timber and stone lands.			Original entries under the desert-land act.			Final entries under the desert-land act.			Sales of mineral lands.			Sales of coal lands.		
	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.
Alabama										2	139.63	$400 00			
Arizona				12	5,926.59	$1,481 90	11	3,867.00	$3,867 00	110	1,807.28	9,275 00			
Arkansas	*799		*$34,066 25							3	43.12	230 00			
California	324	39,891.57	99,729 04	55	11,694.15	2,923 49	18	2,105.93	2,105 93	171	8,513.19	25,180 00	2	320.00	$3,200 00
Colorado										1,024	17,050.73	63,722 50	11	1,439.94	18,798 80
Dakota										24	181.67	897 50			
Florida															
Idaho				78	23,647.39	5,911 99	5	1,398.94	1,398 94	20	392.56	2,000 00			
Illinois															
Indiana															
Iowa															
Kansas															
Louisiana															
Michigan															
Minnesota															
Mississippi															
Missouri															
Montana				167	61,683.13	15,420 88	54	17,022.50	17,022 50	162	3,947.45	13,825 00	3	480.00	4,800 00
Nebraska															
Nevada				14	1,960.00	490 00	13	3,232.92	3,232 92	131	1,972.25	9,345 00			
New Mexico				38	8,338.15	2,084 54	3	760.00	760 00	50	1,015.04	5,170 00			
Ohio															
Oregon	35	3,811.51	9,528 76	22	5,535.01	1,383 79	3	720.00	720 00	10	303.32	922 50			
Utah				76	12,517.41	3,129 76	30	4,039.13	4,039 13	140	1,242.39	6,540 00	19	2,798.22	35,164 40
Washington	369	51,533.94	128,834 89	4	360.00	90 00							11	1,516.17	26,761 70
Wisconsin															
Wyoming				102	33,294.11	8,324 00	23	6,176.69	6,176 69	1	160.00	400 00	9	2,080.00	35,200 00
Grand total	728	95,237.02	238,092 69	568	164,955.94	41,240 35	160	39,323.11	39,323 11	1,848	36,768.63	137,907 50	55	8,634.33	123,924 90

States and Territories.	Excess payments on homestead, timber-culture, and other entries.			Homestead entries commuted to cash under section 2301 Revised Statutes.			Homestead entries commuted to cash under section 2, act June 15, 1880.			Sales of abandoned military reservations.		
	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.
Alabama	322	429.07	$547 20	40	4,650.97	$5,813 76	250	21,666.20	$24,210 25			
Arizona	2	1.03	1 80									
Arkansas	161	656.12	942 29	27	2,133.45	2,666 81	64	5,143.14	6,402 53			
California	198	1,975.75	7,027 42	93	13,279.92	18,887 03	198	26,246.74	35,107 63			
Colorado	69	334.61	619 39	45	6,390.21	10,616 81	44	5,815.75	8,134 34	16	655.76	$913 92
Dakota	1,026	6,672.83	9,805 59	1,559	245,287.98	362,428 59	1,941	301,574.11	394,984 02			
Florida	100	512.77	668 28	31	4,419.06	5,607 17	496	57,593.48	63,431 04			
Idaho	49	227.05	279 93	17	2,672.02	3,338 52	54	8,243.72	9,437 93			
Illinois	1		45 00									
Indiana												
Iowa	2	10.28	25 71									
Kansas	209	742.04	1,303 60	115	14,762.26	19,352 83	491	71,151.57	86,266 52	48	1,952.98	7,297 50
Louisiana	259	916.92	1,159 88	2	199.40	249 25	31	3,489.26	4,008 02	5	199.38	389 57
Michigan	64	993.91	1,429 38	20	1,696.90	2,321 13	99	10,388.78	13,495 90	27		9,250 00
Minnesota	296	2,185.65	4,491 15	300	44,915.24	68,363 25	502	75,408.84	114,420 47			
Mississippi	96	273.01	369 84	2	199.42	249 27	19	2,205.72	2,542 23			
Missouri	63	325.54	451 52	11	1,037.70	1,397 13	9	793.82	1,005 02			
Montana	43	236.90	977 86	12	1,516.24	2,990 58	18	2,305.49	3,689 72			
Nebraska	239	992.39	1,585 33	96	14,191.55	19,731 10	490	74,415.34	89,732 64			
Nevada	3	2.55	3 55	1	160.00	200 00	1	160.00	182 65			
New Mexico	39	159.49	250 00	2	320.00	400 00						
Ohio												
Oregon	103	570.62	1,105 63	35	5,312.75	8,553 61	28	3,656.59	6,415 58	220		9,225 00
Utah	8	19.24	24 08	3	319.84	399 80	37	3,760.67	5,120 98			
Washington	155	852.90	1,622 54	74	11,433.24	15,842 41	129	18,819.37	27,068 98			
Wisconsin	41	192.47	428 19	15	1,159.55	1,699 57	93	8,108.27	12,183 32			
Wyoming	4	33.63	57 97	4	480.00	568 78						
Grand total	3,552	19,316.77	35,223 13	2,504	376,538.70	551,677 40	4,994	701,046.86	907,839 77	316	2,808.12	27,075 99

States and Territories.	Original homestead entries.					Final homestead entries.		
	No. of entries.	Acres.	Commissions.	Fees.	Amount.	No. of entries.	Acres.	Commissions.
Alabama	2,336	266,123.44	$6,381 31	$17,330 00	$23,711 31	884	96,896.07	$2,412 82
Arizona	56	8,462.84	424 50	540 00	964 50	34	5,314.71	256 50
Arkansas	3,264	365,913.98	9,473 13	25,060 00	34,533 13	755	77,243.76	2,150 48
California	1,988	285,651.98	14,889 53	18,030 00	32,919 53	1,354	185,223.90	9,232 99
Colorado	934	136,408.88	6,155 26	8,695 00	14,850 26	543	78,574.52	3,364 50
Dakota	14,156	2,208,268.64	63,803 82	139,085 00	202,888 82	1,430	210,087.15	5,964 27
Florida	1,548	191,033.22	5,391 94	12,795 00	18,186 94	762	91,726.66	2,340 40
Idaho	528	80,632.00	3,153 30	5,110 00	8,263 30	115	17,548.74	679 73
Illinois	7	536.75	22 83	50 00	72 83	6	376.75	18 83
Indiana	1	40.00	1 00	5 00	6 00			
Iowa	32	3,124.14	107 75	195 00	302 75	69	5,481.75	255 30
Kansas	3,789	537,349.07	17,162 54	33,090 00	50,252 54	3,499	499,300.12	16,127 14
Louisiana	872	116,703.70	3,053 88	7,765 00	10,818 88	187	20,737.22	565 82
Michigan	829	103,465.57	2,891 49	6,955 00	9,846 49	629	70,156.21	2,292 37
Minnesota	4,244	588,343.61	22,152 12	37,225 00	59,377 12	2,050	245,646.58	10,175 09
Mississippi	1,119	138,488.36	3,467 00	9,375 00	12,842 00	179	18,627.93	485 00
Missouri	1,306	134,222.68	3,723 49	9,455 00	13,178 49	297	30,523.53	825 92
Montana	445	64,682.59	4,308 00	4,185 00	8,493 00	75	8,509.69	501 00
Nebraska	3,223	471,939.05	14,211 12	29,360 00	43,571 12	1,925	258,393.24	8,299 27
Nevada	31	4,580.08	205 15	285 00	490 15	29	3,953.84	182 30
New Mexico	580	86,706.77	3,801 00	5,525 00	9,326 00	266	37,166.27	1,636 50
Ohio	1	91.00	2 48	5 00	7 48	1	40.00	2 00
Oregon	1,059	153,532.46	8,480 49	9,625 00	18,105 49	481	63,638.26	3,191 96
Utah	400	54,745.43	2,286 00	3,380 00	5,666 00	435	59,640.68	2,349 00
Washington	1,581	231,132.66	14,176 44	14,475 00	28,651 44	405	52,647.78	2,673 54
Wisconsin	879	98,478.69	3,097 66	6,865 00	9,962 66	733	78,681.00	2,500 63
Wyoming	123	17,387.50	907 50	1,120 00	2,027 50	31	3,317.44	169 50
Grand total	45,331	6,348,045.05	213,730 73	405,585 00	619,315 73	17,174	2,219,453.80	78,652 86

States and Territories.	Lands entered under the timber-culture act.					Final entries under the timber-culture act.			Lands entered with military bounty-land warrants.		
	No. of entries.	Acres.	Commissions.	Fees.	Amount.	No. of entries.	Acres.	Commissions.	No. of entries.	Acres.	Fees.
Alabama									2	200.00	$5 00
Arizona	9	1,352.77	$36 00	$85 00	$121 00						
Arkansas									3	400.00	10 00
California	306	39,882.99	1,224 00	2,655 00	3,879 00				6	880.00	22 00
Colorado	329	47,436.05	1,316 00	3,040 00	4,356 00	1	160.00	$4 00	5	480.00	12 00
Dakota	9,368	1,466,532.34	37,394 00	92,565 00	129,959 00	4	521.68	16 00	24	2,680.00	85 00
Florida									14	1,349.89	44 00
Idaho	272	33,965.61	1,084 00	2,270 00	3,354 00						
Illinois											
Indiana											
Iowa	82	6,235.62	328 00	460 00	788 00						
Kansas	1,933	273,053.55	7,696 00	17,425 00	25,121 00	71	9,915.52	284 00	10	716.47	31 00
Louisiana	7	1,004.02	28 00	70 00	98 00				10	1,159.33	34 00
Michigan									235	30,440.00	762 00
Minnesota	1,220	176,741.42	4,874 00	11,305 00	16,179 00	21	2,998.50	84 00	6	640.00	22 00
Mississippi											
Missouri											
Montana	266	35,409.94	1,064 00	2,310 00	3,374 00				2	160.00	8 00
Nebraska	2,086	298,520.11	8,284 00	19,175 00	27,459 00	68	9,775.42	272 00	19	2,160.00	62 00
Nevada	10	1,520.00	40 00	95 00	135 00						
New Mexico	24	3,351.99	96 00	210 00	306 00						
Ohio											
Oregon	590	88,038.77	2,352 00	5,795 00	8,147 00				4	560.00	14 00
Utah	32	3,831.71	128 00	250 00	378 00				1	160.00	4 00
Washington	603	87,524.76	2,400 00	5,590 00	7,990 00				8	920.00	27 00
Wisconsin									6	960.00	24 00
Wyoming	20	2,284.44	80 00	150 00	230 00						
Grand total	17,157	2,566,686.09	68,424 00	163,450 00	231,874 00	165	23,371.12	660 00	355	43,865.69	1,166 00

States and Territories.	Lands entered with agricultural college scrip.			Lands entered with private land scrip.			Lands entered with Valentine scrip.			Lands entered with Sioux half-breed scrip.			Lands entered with Chippewa half-breed scrip.			Lands entered with Porterfield scrip.		
	No. of entries.	Acres.	Fees.	No. of entries.	Acres.	Fees.	No. of entries.	Acres.	Fees.	No. of entries.	Acres.	Fees.	No. of entries.	Acres.	Fees.	No. of entries.	Acres.	Fees.
Alabama																		
Arizona																		
Arkansas																		
California	1	80.00	$4 00	3	160.00	$6 00	2	80.00	$2 00									
Colorado				1	40.00													
Dakota	3	480.00	12 00	5	639.88	10 00	16	613.28	16 00	4	440.00		1	160.00		2	80.00	$3 00
Florida				30	1,200.00	30 00	1	40.19	1 00									
Idaho							1	40.00	1 00									
Illinois																		
Indiana																		
Iowa																		
Kansas				1	120.00	3 00												
Louisiana				38	6,697.24													
Michigan	1	160.00		9	920.00	4 00										2	46.33	2 00
Minnesota				1	40.00	1 00				1	160.00							
Mississippi																		
Missouri																		
Montana	1		4 00							3	160.00							
Nebraska	1	160.00	4 00															
Nevada																		
New Mexico				1	640.00		2	80.00	2 00	1	80.00							
Ohio																		
Oregon																		
Utah																2	80.00	2 00
Washington	1	160.00	4 00													5	184.46	5 00
Wisconsin				2	120.00								1	80.00				
Wyoming																		
Grand total	8	1,040.00	28 00	91	10,577.12	54 00	22	853.47	22 00	9	840.00		2	240.00		11	390.79	12 00

States and Territories.	Donation claims.			Lands selected under grants to railroads.		State selections.		State swamp-land selections.	Pre-emption and other filings, and applications to purchase mineral, coal, timber, and stone lands.		[Fees received for reducing testimony to writing.
	Number.	Acres.	Fees.	Acres.	Fees.	Acres.	Fees.	Acres.	Number.	Fees.	Amount.
Alabama				93,997.73	$1,002 00				344	$704 00	$1,429 30
Arizona									288	2,060 00	1,234 35
Arkansas				1,789.66	22 00				715	1,430 00	1,536 52
California				13,243.87	168 50	520.00	$8 00	21,423.15	3,069	13,212 00	8,560 06
Colorado				105,544.49	1,319 00	152,635.24	988 00		4,975	29,037 00	2,686 80
Dakota									15,762	31,934 00	13,800 03
Florida				65,623.62		26,194.16	225 00		226	452 00	1,368 79
Idaho									908	3,156 00	1,339 64
Illinois								170,190.64			
Indiana											
Iowa									7	14	801 95
Kansas				74,539.20	685 00	4,640.00	58 00		4,064	8,110 00	4,607 49
Louisiana		(†)				480.49	6 00	13,890.92	10	20 00	203 97
Michigan									204	408 00	1,492 33
Minnesota				8,968.37	115 00	16,266.95	203 00	76,189.63	2,934	5,866 00	4,923 90
Mississippi											306 75
Missouri				319.46	6 00	3,160.00	40 00		862	1,724 00	809 36
Montana						4,453.74			1,026	5,012 00	932 43
Nebraska				74,007.44	929 00				1,937	3,870 00	2,997 56
Nevada						67,761.16	908 00		150	1,430 00	114 00
New Mexico	84	12,392.87	$420 00						434	1,529 00	211 05
Ohio									1	2 00	
Oregon	16	4,790.27	140 00						1,819	5,751 00	1,999 20
Utah									513	2,848 00	1,006 50
Washington	5	1,120.00	35 00	2,840.00	35 00				1,621	7,439 00	3,514 32
Wisconsin				31,390.04	414 00			366,338.02	707	1,414 00	874 63
Wyoming									201	701 00	146 13
Grand total	105	18,303.14	595 00	472,263.88	4,695 50	276,111.74	2,436 00	648,032.36	42,777	128,123 00	56,897 06

States and Territories.	Aggregate of all classes of entries, area of lands disposed of, and receipts from all sources.			Sales of Indian lands.			Incidental expenses, including salaries and commissions of registers and receivers.	Amount received in triplicate certificates of deposits on account of surveys.
	Entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	Amount.	Amount.
Alabama	4,547	418,329.07	$131,934 39	7	298.65	$373 31	$14,397 75	
Arizona	548	21,156.81	24,348 42				7,734 83	$200 00
Arkansas	6,352	426,747.81	157,002 47				26,003 48	
California	8,527	529,723.43	408,955 55				56,624 59	66,266 71
Colorado	8,529	534,257.02	256,118 96				42,542 58	56,232 67
Dakota	49,669	4,360,131.81	2,130,045 94	200	25,259.51	34,328 57	59,849 80	1,027,670 76
Florida	4,229	416,001.64	255,004 51				10,081 00	
Idaho	2,253	166,988.02	75,120 00				14,450 90	18,121 87
Illinois	16	170,824.57	326 77					
Indiana	1	40.00	6 00					
Iowa	219	10,044.90	3,099 30				3,424 22	
Kansas	14,881	984,076.99	338,016 01	1,412	126,756.83	264,545 05	63,124 14	131,485 60
Louisiana	1,963	508,703.94	479,877 22				10,489 66	186 35
Michigan	4,074	543,893.93	551,927 96				15,902 99	1,283 00
Minnesota	14,060	1,188,001.52	766,590 75	265	37,503.81	49,796 60	53,795 53	253,453 08
Mississippi	2,200	358,217.21	291,116 08	1	160.96	482 88	7,362 75	
Missouri	3,080	266,644.54	180,458 57				13,774 83	
Montana	2,398	186,463.36	103,584 79				14,168 12	197 50
Nebraska	10,838	960,355.35	346,304 63	1,287	120,406.37	285,090 81	44,036 37	80,790 81
Nevada	390	78,588.27	17,713 85				5,835 00	
New Mexico	1,564	116,931.60	28,205 45				8,612 08	2,393 22
Ohio	99	5,107.31	16,746 70					
Oregon	4,837	309,548.70	163,931 64				27,656 15	62,435 01
Utah	1,786	84,149.01	78,369 13				8,496 00	16,244 50
Washington	5,448	449,389.88	352,940 71				29,812 25	62,221 43
Wisconsin	5,172	846,156.33	536,278 36				25,807 10	
Wyoming	544	58,307.25	59,285 91				6,056 83	
Grand total	158,224	‡13,998,780.27	7,753,310 07	3,172	310,386.13	634,617 22	570,038 95	1,779,182 51

* Sales of land in Hot Springs Reservation.

† Pater certificates $3.

‡ The area of commuted homesteads, final homestead and final desert entries, and area and amount of Indian lands are not included in the grand aggregate.

Face page 521.

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The sales of public and Indian lands during the fiscal year 1882 to June 30 were, in detail, as follows:

	Acres.
Cash sales:	
Private entries	1,924,496.15
Public sales	7,933.13
Timber and stone lands	95,237.02
Pre-emption entries	1,351,380.85
Desert lands	164,955.94
*Final desert lands	(39,323.11)
Mineral lands	36,768.63
Coal lands	8,634.23
Excess payments on homestead and other entries	19,316.77
Abandoned military reservation	2,808.12
*Commuted homesteads	(376,656.10)
*Act June 15, 1880	(700,727.80)
Total cash sales	3,611,530.94
Homestead entries (original)	6,348,045.05
*Final homesteads	(2,219,427.10)
Timber culture entries (original)	2,566,686.09
*Timber culture, final	(23,371.12)
Locations with military bounty land warrants	43,865.69
Agricultural college scrip locations	1,040.00
Private land scrip locations	10,577.12
Valentine scrip locations	853.47
Sioux half-breed scrip locations	840.00
Chippewa half-breed scrip locations	240.00
Locations with Porterfield scrip	390.79
Lands selected under railroad grants	472,263.88
State, school, and internal improvement selections	276,111.74
Donation claims	18,303.14
Swamp land selections	648,032.36
Total	13,998,780.27

Sales of Indian lands:	Acres.	
Cherokee strip	29,508.02	
Cherokee school	298.65	
Kansas trust	210.72	
Kansas trust and diminished reserve	11,760.30	
Osage trust and diminished reserve	81,817.16	
Osage ceded	3,260.63	
Otoe and Missouria	7,343.57	
Choctaw orphan	160.96	
Pawnee	112,982.80	
Sac and Fox	80.00	
Sioux	62,763.32	
Shawnee absentee	200.00	
		310.386.13
Which added to the disposals of public lands make a grand total of		14,309,166.40

Under all acts the entries and dispositions were in fact 17,182,024.33 acres. (See page 524.)

SALES OF PUBLIC AND INDIAN LAND DURING THE FISCAL YEAR TO JUNE 30, 1883.

(*See tabular statement of total dispositions of public lands for fiscal year* 1883, *facing page* 522.)

Under all acts of Congress during the fiscal year ending June 30, 1883, the disposal of public lands was 19,030,796.89 acres, and of Indian lands 399,235.91 acres, a grand total of 19,430,032.80 acres, a total area about equal to the area of the States of New Hampshire, Massachusetts, Connecticut, Rhode Island, and New Jersey, and the largest annual disposition known in the history of the public land system; exceeding 1882 by 5,120,866.30 acres, an area almost equal to the State of New Jersey, and exceeding the business of 1881 by 8,536,635.75 acres, an area about equal to the surface of the States of Delaware and Maryland.

* The areas of homestead entries commuted with cash, and of lands originally entered under the homestead laws but subsequently purchased under the act of June 15, 1880, and the areas of final homesteads, final timber culture entries, and final deserted land entries, are not embraced in the foregoing total, such areas having been previously reported with original entries of the repective classes.

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TITLE TO MORE THAN 27,000,000 ACRES OF PUBLIC LANDS INITIATED IN 1883.

This statement only includes actual sales and dispositions. During the fiscal year 1883, in addition to the foregoing and not included in the grand total, title to about 8,000,000 of acres of public lands was initiated, under the several settlement laws, so that, if these filings are consummated and title passes under them, the public land dispositions for the year 1883 will be 27,430,032.80 acres, an area greater by almost 1,000,000 acres than the whole area of the State of Louisiana.

The sales and actual dispositions of public and Indian lands during the fiscal year 1883 were, in detail, as follows:

	Acres.
Cash sales:	
Public sales	273,069.62
Private entries	2,179,955.14
Pre-emption entries	2,285,719.35
Timber and stone land entries	297,735.50
Desert land entries	436,633.69
Mineral entries	31,520.18
Coal land entries	15,612.82
Excess payments on homestead and other entries	25,677.00
Abandoned military reservations	1,695.90
Total cash sales	5,547,610.20
Miscellaneous:	
Homestead entries	8,171,914.38
Timber-culture entries	3,110,930.23
Donation entries	4,132.46
Entries with school warrants	289.85
Entries with military bounty land warrants	45,414.42
Entries with agricultural college scrip	1,440.00
Entries with private land claim scrip (Supreme Court)	10,580.00
Entries with Valentine scrip	2,600.00
Entries with Porterfield scrip	146.87
Entries with Israel Dodge scrip	800.00
Entries with Wilson scrip	80.00
Entries with Sioux half-breed scrip	792.27
Entries with Chippewa half-breed scrip	160.00
State selections (school, swamp, and internal improvement)	214,570.50
Railroad selections	1,919,335.71
Total	19,030,796.89

Indian lands:	Acres.	
Cherokee school	748.84	
Cherokee strip	59,800.09	
Absentee Shawnee	120.00	
Kansas trust	17,836.75	
Miami	4,976.34	
Osage ceded	1,831.73	
Osage trust	224,646.22	
Otoe and Missouria	467.99	
Sac and Fox	118.72	
Sioux	15,531.55	
Pawnee	73,157.68	
Total	399,235.91	
Making a grand total of (acres)		19,430,032.80

Under all acts the entries and dispositions were in fact 22,923,927.89. (See page 525.)

ENTRIES NOT INCLUDED IN THE ABOVE STATEMENT.

The foregoing total does not include the following entries, the areas of which have previously been reported with original entries of the respective classes:

	Acres.
Commuted homesteads	930,876.29
Commuted (act June 15, 1880)	305,243.67
Final desert land entries	55,312.51
Final homestead entries	2,504,414.51
Final timber culture entries	97,836.08
Total areas previously reported	3,893,683.06

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RECAPITULATION BY STATES AND TERRITORIES OF THE DISPOSAL OF THE PUBLIC AND INDIAN LANDS AND ABANDONED MILITARY RESERVATIONS DURING THE FISCAL YEAR ENDING JUNE 30, 1883, SHOWING THE NUMBER OF ENTRIES MADE, THE AREA DISPOSED OF, AMOUNT RECEIVED THEREFROM, AND EXPENSES CONNECTED THEREWITH.

States and Territories.	Sales of lands subject to private entry.			Sales of lands at public auction.			Sales of lands subject to pre-emption entry.			Sales of timber and stone lands.			Original entries under the desert-land act.			Final entries under the desert-land act.			Sales of mineral lands.			Sales of coal lands.		
	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.
Alabama	271	66,765.11	$83,501 24	1	40.11	$50 14	26	2,767.05	$3,458 85													3	239.40	$2,394 00
Arizona							31	4,272.07	7,038 60				71	36,584.78	$9,147 75	6	1,919.00	$1,919 00	105	1,796.62	$9,225 00			
Arkansas	596	101,612.06	127,528 44	27	2,177.68	2,922 10	40	2,246.56	2,858 17	*103		*$9,357 00												
California	98	21,597.66	26,997 33				887	125,274.73	182,029 14	1,242	180,799.54	451,997 54	69	23,511.10	5,917 78	19	5,817.79	5,817 79	119	7,155.55	20,141 87	3	480.00	5,200 00
Colorado	74	14,025.93	17,732 43				732	106,085.27	142,397 02										1,361	13,290 49	61,469 86	39	7,195.41	140,708 20
Dakota							9,509	1,484,623.65	2,016,467 25										39	354.79	1,667 50	5	481.13	4,311 30
Florida	1,540	215,005.38	268,878 19	6	220.99	590 44	54	6,099.14	8,175 26															
Idaho							308	41,504.21	53,096 73				199	58,562.11	14,640 78	17	5,071.45	5,071 45	76	1,291.27	6 585 00			
Illinois																								
Indiana																								
Iowa	14	703.95	929 94				2	240.00	300 00															
Kansas	44	5,540.15	6,985 21				412	54,526.19	74,425 41															
Louisiana	615	350,112.85	438,401 10	19	2,789.98	3,487 48	2	287.77	359 71															
Michigan	1,173	238,889.70	299,988 63	25	902.87	2,226 47	8	839.60	1,299 50															
Minnesota	2,487	355,904.05	505,331 49	2,992	264,051.16	495,681 83	803	116,545.10	178,953 18															
Mississippi	925	348,984.97	436,339 37																					
Missouri	359	28,924.33	36,268 38	1	40.00	61 00	7	456.50	620 61															
Montana							251	35,712.47	57,757 18				213	71,315.47	17,828 99	61	17,555.35	17,555 35	160	3,146.26	12,520 00	8	851.19	15,423 80
Nebraska	176	30,326.56	38,105 97				585	85,094.69	113,209 02															
Nevada							1	160.00	200 00				2	120.00	30 00	10	1,910.18	1,910 18	53	741.33	3,835 00			
New Mexico	27	4,136.46	5,170 60				247	35,878.09	49,869 58				129	33,781.67	8,444 44	6	2,447.09	2,447 09	34	621.43	3,170 00			
Ohio							2	169.36	423 40															
Oregon	267	32,633.28	41,360 90	3	96.10	411 45	578	82,925.41	146,926 88	132	15,912.52	39,781 37	52	13,673.50	3,418 30	4	1,730.70	1,730 70	8	719.39	1,832 50	1	157.06	1,570 60
Utah							69	8,207.18	10,759 06				137	34,313.27	8,579 88	55	8,253.99	8,253 99	151	1,115.41	5,715 00	15	2,051.51	39,865 00
Washington	130	33,669.81	42,087 26				595	82,875.41	129,276 82	727	101,023.44	252,558 60	58	25,616.29	6,404 09	9	1,038.11	1,038 11				27	3,929.90	71,759 70
Wisconsin	2,367	331,082.89	478,086 60	54	2,750.73	3,438 41	41	4,310.08	7,644 38															
Wyoming	1	40.00	100 00				31	4,609.82	7,165 00				324	139,155.50	34,774 90	28	9,568.85	9,569 00	6	1,287.64	3,445 00	2	277.22	5,544 40
Grand total	11,104	2,179,955.14	2,853,793 08	3,128	273,069.62	508,869 32	15,221	2,285,710.35	3,194,710 75	2,101	297,735.50	744,337 51	1,254	436,633.69	109,186 91	215	(55,312.51)	55,312 66	2,112	31,520.18	129,606 73	103	15,612.82	286,777 00

States and Territories.	Excess payments on homestead, timber-culture, and other entries, and additional payments, and competitive bids.			Homestead entries commuted to cash under section 2301, Revised Statutes.			Homestead entries commuted to cash under section 2, act June 15, 1880.			Sales of abandoned military reservations.			Total cash sales.		
	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.
Alabama	369	453.85	$574 68	55	6,667.96	$8,276 45	180	16,086.08	$18,346 14				905	70,265.52	$116,601 50
Arizona	2	15.44	40 00	3	480.00	800 00							218	42,668.91	28,170 35
Arkansas	134	635.57	872 52	29	2,576.39	3,243 41	68	4,601.71	5,722 33				997	106,671.87	152,503 97
California	271	985.06	10,621 53	181	26,068.47	38,102 46	177	25,752.05	33,675 67				3,066	359,803.64	780,501 11
Colorado	104	490.27	922 10	74	11,067.78	15,583 04	25	3,450.46	4,422 37	7	346.84	$562 41	2,416	141,434.21	383,797 43
Dakota	1,490	11,378.73	21,944 17	4,408	693,560.47	948,305 94	603	93,763.14	124,902 15				16,054	1,496,788.30	3,117,598 31
Florida	134	527.64	1,410 37	102	11,975.96	16,050 06	345	40,371.27	46,449 99				2,181	221,853.15	341,554 31
Idaho	49	269.60	347 28	65	9,790.12	12,630 99	20	3,100.43	3,563 05				734	101,627.19	95,935 28
Illinois															
Indiana															
Iowa	1	8.34	10 42	1	40.00	50 00							18	952.29	1,290 36
Kansas	208	995.72	1,965 17	95	12,634.82	17,875 22	86	11,628.63	14,988 79	†6	950.74	†3,983 47	851	62,012.80	120,223 27
Louisiana	416	1,595.82	2,118 91	4	356.25	445 31	23	2,345.29	2,799 63	9	398.32	796 01	1,088	355,184.74	448,408 15
Michigan	52	732.12	1,126 05	51	4,768.80	6,560 99	72	6,973.63	8,328 72				1,381	241,364.29	319,530 36
Minnesota	242	1,845.65	3,860 00	460	68,243.90	103,810 87	168	23,138.84	37,339 73				7,152	738,345.96	1,324,977 10
Mississippi	109	446.07	557 66	4	280.76	350 98	23	2,491.47	2,857 15				1,061	349,431.04	440,105 16
Missouri	87	435.24	930 95	14	880.00	1,600 00	17	900.19	981 73				485	29,856.07	40,462 67
Montana	47	266.68	521 31	28	3,912.21	7,452 21	27	3,793.83	5,832 29				795	111,292.07	134,891 13
Nebraska	313	1,468.18	2,063 06	209	31,313.95	42,059 57	229	34,600.97	42,395 28				1,512	116,889.43	237,832 90
Nevada	2	.84	52 25				2	320.00	368 00				70	1,022.17	6,395 43
New Mexico	82	525.36	930 25	32	4,880.24	6,281 34	7	1,118.65	1,288 00				564	74,943.01	77,601 30
Ohio							1	80.00	93 00				3	169.36	516 40
Oregon	176	956.32	1,759 17	64	9,614.54	18,114 21	36	5,084.70	7,841 61	172		9,830 00	1,433	147,073.58	274,577 69
Utah	19	77.45	120 25	3	199.51	448 78	34	3,903.08	5,053 75				483	45,764.82	78,795 71
Washington	242	1,190.88	2,412 55	186	27,507.45	40,572 53	101	14,694.21	22,646 88				2,075	248,305.73	568,756 54
Wisconsin	54	290.83	906 95	33	3,744.24	5,269 03	58	6,285.04	8,361 18				2,607	338,434.53	503,706 55
Wyoming	12	85.34	105 00	2	312.47	390 00	6	760.00	1,206 00				412	145,455.52	62,299 30
Grand total	4,615	25,677.00	56,172 60	6,103	(930,876.29)	1,294,273 39	2,308	(305,243.67)	399,463 44	194	1,695.90	15,171 89	48,561	5,547,610.20	9,657,032 28

States and Territories.	Original homestead entries.					Final homestead entries.			Lands entered under the timber-culture act.					Final entries under the timber-culture act.		
	No. of entries.	Acres.	Commissions.	Fees.	Amount.	No. of entries.	Acres.	Commissions.	No. of entries.	Acres.	Commissions.	Fees.	Amount.	No. of entries.	Acres.	Commissions.
Alabama	2,212	268,732.09	$6,583 27	$17,715 00	$24,298 27	1,066	118,625.39	$2,908 46								
Arizona	70	10,422.81	586 50	650 00	1,236 50	43	6,178.27	321 00								
Arkansas	3,035	353,824 00	9,239 53	23,955 00	33,194 53	1,118	117,023.73	3,200 52	33	4,336.85	$132 00	$280 00	$412 00			
California	2,057	299,800.12	15,515 09	19,145 00	34,660 09	1,199	170,545.61	8,348 43	327	44,670.05	1,308 00	2,895 00	4,203 00	1	160.00	$4 00
Colorado	1,387	210,800.43	9,412 50	13,330 00	22,742 50	722	107,092.15	4,395 24	413	58,685.02	1,648 00	3,795 00	5,443 00			
Dakota	22,061	3,437,386.68	96,833 82	216,345 00	313,178 82	1,735	264,843.27	7,897 13	11,199	1,755,419.58	44,624 00	110,425 00	155,049 00	111	14,968.12	368 00
Florida	1,646	212,895.66	5,532 74	14,230 00	19,762 74	767	90,201.35	2,283 49								
Idaho	604	90,907.61	3,532 89	5,760 00	9,292 89	177	26,694.26	1,020 76	310	40,105.17	1,232 00	2,655 00	3,887 00			
Illinois																
Indiana	1	56.70	1 40	5 00	6 40											
Iowa	26	1,982.61	81 00	120 00	201 00	60	5,066.35	224 25	42	3,373.40	168 00	250 00	418 00	20	2,165.33	80 00
Kansas	3,549	508,780.91	16,145 83	31,680 00	47,825 83	3,517	506,081.49	15,964 33	1,690	237,860.95	6,748 00	15,275 00	22,023 00	185	24,965.06	740 00
Louisiana	936	124,660.19	3,624 63	8,305 00	11,929 63	185	20,996.94	575 93	52	7,754.26	208 00	505 00	713 00			
Michigan	639	79,173.12	2,209 82	5,290 00	7,499 82	534	59,569.08	1,838 16								
Minnesota	3,146	431,872.75	16,471 62	27,655 00	44,126 62	2,279	286,238.75	11,732 58	883	122,750.39	3,528 00	7,915 00	11,443 00	84	11,495.25	336 00
Mississippi	1,356	167,079.90	4,192 00	11,405 00	15,597 00	288	32,603.77	808 00								
Missouri	1,755	206,233.16	5,389 79	13,560 00	18,949 79	352	34,856.82	1,000 34								
Montana	569	81,213.01	5,154 00	5,210 00	10,364 00	144	18,027.88	1,089 00	403	53,952.71	1,596 00	3,555 00	5,151 00			
Nebraska	4,728	716,509.90	20,323 46	44,575 00	64,898 46	1,768	244,511.71	7,434 89	3,216	481,704.70	12,820 00	30,590 00	43,410 00	317	43,522.32	1,268 00
Nevada	26	3,687.89	185 25	230 00	415 25	21	2,751.16	129 00	2	280.00	8 00	20 00	28 00			
New Mexico	1,014	151,800.87	7,716 00	9,710 00	17,426 00	551	81,487.35	3,687 00	159	22,091.82	636 00	1,445 00	2,081 00			
Ohio	1	40.00	1 40	5 00	6 40	1	160.00	4 00								
Oregon	1,589	236,362.04	12,518 83	14,930 00	27,448 83	600	85,559.67	4,229 94	767	116,334.14	3,056 00	7,360 00	10,416 00	2	240.00	8 00
Utah	432	58,639.05	2,596 50	3,695 00	6,291 50	465	61,915.86	2,562 00	62	7,509.99	248 00	510 00	758 00			
Washington	2,537	375,735.94	23,125 14	23,815 00	46,940 14	646	88,506.67	4,369 39	944	139,737.05	3,760 00	8,935 00	12,695 00	3	320.00	12 00
Wisconsin	1,000	115,567.96	3,853 96	7,840 00	11,693 96	719	72,901.67	2,242 46								
Wyoming	189	27,748.98	1,234 50	1,740 00	2,974 50	41	4,975.31	239 24	98	14,204.15	392 00	910 00	1,302 00			
Grand total	56,565	8,171,914.38	272,061 47	520,900 00	792,961 47	18,998	(2,504,414.51)	88,505 54	20,601	3,110,930.23	82,116 00	197,330 00	279,446 00	723	(97,836.08)	2,816 00

States and Territories.	Lands entered with military bounty land warrants.			Lands entered with agricultural college scrip.			Lands entered with private land scrip.			Lands entered with Sioux half-breed scrip.			Lands entered with Chippewa half-breed scrip.			Lands entered with Porterfield scrip.			Donation claims.			Lands selected under grants to railroads.			State selections.		
	No. of entries.	Acres.	Fees.	No. of entries.	Acres.	Fees.	No. of entries.	Acres.	Fees.	No. of entries.	Acres.	Fees.	No. of entries.	Acres.	Fees.	No. of entries.	Acres.	Fees.	No. of entries.	Acres.	Fees.	No. of entries.	Acres.	Fees.	No. of entries.	Acres.	Fees.
Alabama																						48	7,633.18	$96 00			
Arizona	1	157.97	$4 00																								
Arkansas	5	400.00	12 00	1	160.00	$4 00																					
California	15	1,600.00	52 00				4	160.00	$4 00													1,494	238,413.45	2,986 00	45	6,929.35	$90 00
Colorado	5	760.00	19 00				2	80.00								1	40.00	$1 00				81	12,914.20	162 00			
Dakota	68	8,370.77	236 00	5	800.00	20 00	86	3,800.00	94 00	1	160.00											3,841	614,511.65	7,682 00			
Florida	8	839.92	21 00																						104	16,674.35	718 00
Idaho																											
Illinois																											
Indiana																											
Iowa																									1	80.00	2 00
Kansas	7	680.00	17 00																			1,847	295,587.31	3,696 00	2	320.00	8 00
Louisiana	4	240.00	10 00	‡2	289.85	5 00																					
Michigan	238	30,125.76	748 00	3	480.00	12 00	160	10,020.00								1	37.05	1 00									
Minnesota	4	440.00	11 00							2	320.00		2	160.00								1,454	232,473.84	2,906 00	185	29,591.71	370 00
Mississippi																						8	1,226.42	16 00			
Missouri	4	280.00	10 00																						20	2,981.57	40 00
Montana										5	312.27											1,228	196,554.21	2,456 00			
Nebraska	5	520.00	16 00																						80	11,786.06	160 00
Nevada																									473	74,946.61	946 00
New Mexico	1	80.00	2 00																2	280.00	$10 00						
Ohio																											
Oregon	3	400.00	12 00																12	3,532.67	105 00	2	191.34	4 00	7	935.03	13 00
Utah																											
Washington	3	280.00	7 00													2	69.82	2 00	1	319.79	10 00						
Wisconsin	3	160.00	6 00																			2,000	319,830 11	4,000 00	441	70,325.82	882 00
Wyoming	1	80.00	2 00																								
Grand total	375	45,414.42	1,185 00	9	1,440.00	36 00	252	14,060 00	98 00	8	792.27		2	160.00		4	146.87	4 00	15	4,132.46	125 00	12,003	1,919,335.71	24,004 00	1,358	214,570.50	3,229 00

States and Territories.	Pre-emption and other filings, and applications to purchase mineral, coal, timber, and stone lands.		Fees received for reducing testimony to writing.	Aggregate of all classes of entries, area of lands disposed of, and receipts from all sources.			Sales of Indian lands.			Incidental expenses, including salaries and commissions of registers and receivers.	Amount received in triplicate certificates of deposits on account of surveys.
	No. of entries.	Fees.	Amount.	No. of entries.	Acres.	Amount.	No. of entries.	Acres.	Amount.	Amount.	Amount.
Alabama	272	$560 00	$998 05	4,503	346,630.79	$145,462 28	9	748.84	$936 03	$15,072 61	
Arizona	403	2,056 00	938 65	768	57,586.54	33,138 50				7,372 46	
Arkansas	766	1,532 00	1,565 40	5,923	461,215.87	192,026 42				27,338 59	
California	4,211	22,633 00	7,107 05	12,419	951,376.61	860,588 68				59,737 70	$48,217 35
Colorado	6,072	30,305 00	1,498 80	11,099	424,713.86	448,363 97				50,196 09	28,476 95
Dakota	25,721	51,825 00	15,337 12	80,882	7,317,236.98	3,669,285 38				81,406 83	1,321,673 35
Florida	369	738 00	876 07	5,075	452,263.08	365,953 61				10,717 10	
Idaho	1,227	4,376 00	1,597 33	3,052	232,639 97	116,109 26				18,248 43	11,375 47
Illinois	2	4 00		2		4 00					
Indiana				1	56.70	6 40					
Iowa	10	20 00	1,498 58	177	6,388.30	3,734 19				3,401 63	
Kansas	6,206	12,394 00	2,743 28	17,854	1,105,241.97	225,634 71	2,290	309,211.13	335,885 33	62,026 01	21,792 22
Louisiana	12	24 00	106 65	2,279	488,129.04	461,772 36				10,777 10	
Michigan	228	456 00	864 24	3,184	361,200.22	330,949 58				13,478 81	572 00
Minnesota	2,159	4,308 00	3,155 10	17,350	1,555,954.65	1,403,365 40	131	15,531.55	19,684 20	54,074 80	110,182 51
Mississippi			294 00	2,713	517,737.36	456,820 16				7,604 60	
Missouri	781	1,562 00	415 23	3,397	239,350.80	62,440 03				12,845 98	
Montana	1,278	4,854 00	882 24	4,422	443,324.27	159,687 37				18,874 09	
Nebraska	3,551	7,046 00	2,235 39	15,177	1,327,410.09	364,301 64	1,018	73,744.39	268,898 71	45,786 82	28,421 41
Nevada	84	805 00	26 50	676	79,936.67	8,745 18				4,925 67	
New Mexico	985	3,333 00	641 50	3,276	249,195.70	104,781 80				12,998 44	25,140 69
Ohio				5	209.36	526 80					
Oregon	2,914	6,754 00	1,965 07	7,329	504,828.80	328,533 53				29,374 13	89,235 88
Utah	561	3,045 00	627 00	2,003	111,913.86	92,079 21				7,817 50	13,296 19
Washington	4,181	17,599 00	2,621 34	10,392	764,448.33	653,012 41				34,698 43	22,416 68
Wisconsin	717	1,430 00	551 85	7,487	844,318.42	524,512 82				26,106 05	
Wyoming	454	1,380 00	328 65	1,195	187,488.65	68,525 69				6,907 92	
Grand total	63,164	182,039 00	48,875 09	222,640	§19,030,796.89	11,080,361 38	3,448	399,235.91	625,404 27	621,787 79	1,720,800 70

* Sales of Hot Springs Reservation.

† Including sale of Sac and Fox buildings at Topeka.

‡ School warrants.

§ The area of commuted homesteads, final homestead and final desert entries, and area and amount of Indian lands are not included in the grand aggregate.

Face page 522.

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TITLES INITIATED NOT INCLUDED IN AREA DISPOSED OF.

In addition to the foregoing, and not included in the totals of lands disposed of, are pre-emption, homestead, and miscellaneous filings, viz:

Number of pre-emption filings	47,933
Number of soldiers' declaratory statements	4,999
Miscellaneous filings	10,232

The area of lands embraced in these filings aggregates 8,000,000 acres.

RECEIPTS FROM AND COST OF THE PUBLIC DOMAIN TO JUNE 30, 1883.

(See pages 18, 19, and 20.)

COST OF THE PUBLIC DOMAIN.

TO JUNE 30, 1880. (See pages 18, 19, 20, and 21.)

FROM MARCH 1, 1784, TO JUNE 30, 1883.

Purchases and cessions		$88,157,389 98
For surveying and disposition:		
Part estimated to June 30, 1880	$46,563,302 07	
From June 30, 1880, to June 30, 1881	2,180,443 86	
From June 30, 1881, to June 30, 1882	2,927,486 04	
From June 30, 1882, to June 30, 1883	3,376,507 13	
		55,047,739 10
For Indians, annuities, and payments on account of quieting and purchase of their titles to portions of the public domain:		
From July 4, 1776, to June 30, 1880	$187,328,903 91	
From June 30, 1880, to June 30, 1881	6,514,161 09	
From June 30, 1881, to June 30, 1882	9,736,747 40	
From June 30, 1882, to June 30, 1883	5,196,218 84	
		208,776,031 24
Total of cost to June 30, 1883		351,981,160 32

RECEIPTS FROM THE PUBLIC DOMAIN.

(See page 17.)

From the origin of the public domain, or since the passage of the ordinance of May 20, 1785, the total net cash receipts therefrom have been as follows:

Gross cash receipts to June 30, 1880		$208,059,657 14
Receipts from June 30, 1880, to June 30, 1881	$5,408,804 16	
Receipts from June 30, 1881, to June 30, 1882	8,394,516 04	
Receipts from June 30, 1882, to June 30, 1883	11,713,883 70	
		25,517,203 90
Grand total of gross receipts		233,576,861 04
Deduct amount paid to the several States under the 2, 3, and 5 per cent. fund acts, to June 30, 1882, when last adjusted (see page 721)	$7,333,069 76	
Deduct cash paid the several States and Territories under the distribution act of September 4, 1841 (see page 753)	691,117 05	
		8,024,186 81
Net receipts by the United States from the public lands, to June 30, 1883		225,552,675 23

COST AND RECEIPTS.

RECAPITULATION TO JUNE 30, 1883. (See page 21.)

From the origin of the public domain to June 30, 1883, the cash expenditures on account of the same by the United States was	$351,981,160 32
From the origin of the public domain to June 30, 1883, the net cash receipts therefrom have been	225,552,675 23
Deduct cost from receipts	126,428,484 89

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EXCESS OF COST OVER RECEIPTS.

To June 30, 1883, the public domain has cost the United States in cash $126,428,484.89 more than it has realized.

COST OF THE PUBLIC DOMAIN PER ACRE.

To JUNE 30, 1883. (See page 21.)

The public domain contains, estimated, 1,849,072,587 acres, and has cost $351,981,160.32, or 19 cents per acre.

DISPOSITION OF THE PUBLIC DOMAIN AND PRICE RECEIVED PER ACRE.

To JUNE 30, 1883. (See pages 21 and 519.)

The United States has disposed of, under the several laws enumerated on page 519, estimated, 591,987,814.22 acres of public domain (exclusive of Tennessee), and received therefor $225,552,675.23, or $38\frac{3}{10}$ cents per acre.

DISPOSITION OF THE PUBLIC DOMAIN DURING THE FISCAL YEARS 1882 AND 1883.

The following official tables for the fiscal years ending June 30, 1882 and 1883, show the cost of disposition per acre, the amount received, and the average net proceeds per acre from the sale of the public lands in the several land States and Territories:

DURING THE FISCAL YEAR TO JUNE 30, 1882.

(See pages 23, 24, 518, 520, and 521.)

Amount realized per acre from disposition during the year, $44\frac{7}{10}$ cents.

Statement of the disposals of the public lands during the fiscal year 1882, *with the cost thereof, the amount received, and the average cost per acre of disposals, and the average receipts per acre by the United States.*

States and Territories.	Total area disposed of.	Expenses of sale, including salaries and commissions of registers and receivers.	Average cost of sale per acre at the local land offices.	Area disposed of, less Indian lands.	Amount received from all sources, not including Indian lands.	Average amount received per acre of the public lands by the United States.
	Acres.		*Cents.*	*Acres.*		*Cents.*
Alabama	541,840.96	$14,397 75	.0265 = $2\frac{15}{20}$	541,542.31	$131,934 39	.2436=$24\frac{9}{25}$
Arizona	30,338.52	7,734 83	.2549 =$25\frac{1}{2}$	30,338.52	24,348 42	.8028=$80\frac{7}{25}$
Arkansas	511,268.16	26,003 48	.05085= $5\frac{1}{10}$	511,268.16	157,002 47	.3070=$30\frac{7}{10}$
California	756,579.92	56,624 59	.0748 = $7\frac{1}{2}$	756,579.92	408,955 55	.5405=54
Colorado	625,197.50	42,542 58	.0680 = $6\frac{4}{5}$	625,197.50	256,118 96	.4096=$40\frac{96}{100}$
Dakota	5,142,862.24	59,849 80	.0116 = $1\frac{1}{5}$	5,117,602.73	2,130,045 94	.4162=$41\frac{62}{100}$
Florida	569,740.84	10,081 00	.0176 = $1\frac{3}{4}$	569,740.84	255,004 51	.4475=$44\frac{3}{4}$
Idaho	196,851.44	14,450 90	.0730 = $7\frac{3}{10}$	196,851.44	75,120 00	.3816=$38\frac{4}{25}$
Iowa	15,526.65	3,424 22	.2205 =$22\frac{1}{20}$	15,526.65	3,031 30	.1952=$19\frac{1}{2}$
Kansas	1,705,963.29	63,124 14	.0370 = $3\frac{3}{4}$	1,579,206.46	338,084 01	.2140=$21\frac{3}{5}$
Louisiana	533,129.82	10,489 66	.0196 = $1\frac{9}{10}$	533,129.82	479,877 22	.9001=90
Michigan	626,135.82	15,902 99	.0253 = $2\frac{1}{2}$	626,135.82	551,927 96	.8814=$88\frac{7}{50}$
Minnesota	1,594,474.49	53,795 53	.0337 = $3\frac{1}{3}$	1,556,970.68	766,590 75	.4923=$49\frac{1}{4}$
Mississippi	379,411.24	7,362 75	.0194 = $1\frac{9}{10}$	379,250.28	291,116 08	.7676=$76\frac{3}{4}$
Missouri	298,999.59	13,774 83	.0460 = $4\frac{3}{5}$	298,999.59	180,458 57	.6035=$60\frac{1}{3}$
Montana	215,817.28	14,168 12	.0656 = $6\frac{1}{2}$	215,817.28	103,584 79	.4799=48
Nebraska	1,437,537.27	44,036 37	.0306 = $3\frac{3}{10}$	1,317,130.90	346,304 63	.2629=$26\frac{29}{100}$
Nevada	86,095.03	5,835 00	.0677 = $6\frac{3}{4}$	86,095.03	17,713 85	.2057=$20\frac{57}{100}$
New Mexico	155,177.87	8,612 08	.0554 = $5\frac{1}{2}$	155,177.87	28,205 45	.1817=$18\frac{17}{100}$
Oregon	382,876.30	27,656 15	.0722 = $7\frac{1}{5}$	382,876.30	163,931 64	.4281=$42\frac{3}{5}$
Utah	151,909 33	8,496 00	.0559 = $5\frac{3}{5}$	151,909.33	78,369 13	.5158=$51\frac{58}{100}$
Washington	532,290.27	29,812 25	.0722 = $7\frac{1}{5}$	532,290.27	352,940 71	.6630=$66\frac{3}{10}$
Wisconsin	934,105.15	25,807 10	.0276 = $2\frac{3}{4}$	934,105.15	536,278 36	.5741=$57\frac{3}{4}$
Wyoming	68,281.38	6,056 83	.0887 = $8\frac{9}{10}$	68,281.38	59,285 91	.8682=$86\frac{4}{5}$
Total	17,492,410.36	570,038 95	.....	17,182,024.33	7,736,230 60	.....

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., November 23, 1882.

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DURING THE FISCAL YEAR TO JUNE 30, 1883.

(See pages 23, 24, 518, 521, and 522.)

Amount realized per acre from disposition during the year, about $48\frac{9}{25}$ *cents.*

Statement of the disposals of the public lands during the fiscal year 1883, *with the cost thereof, the amount received, and the average cost per acre of disposals, and the average receipts per acre by the United States.*

States and Territories.	Total area disposed of.	Expenses of sale, including salaries and commissions of registers and receivers.	Average cost of sale at the local land offices.	Area disposed of, less Indian lands.	Amount received from all sources, not including Indian lands.	Average amount received per acre of the public lands by the United States.
	Acres.		*Cents.*	*Acres.*		*Cents.*
Alabama	488,010.22	$15,072 61	.0308=$3\frac{1}{25}$	488,010.22	$145,462 28	.0298=3
Arizona	66,163.81	7,372 46	.0111=$1\frac{1}{10}$	66,163.81	33,138 50	.0500=5
Arkansas	585,417.70	27,338 59	.0470=$4\frac{2}{3}$	585,417.70	192,026 42	.0328=$3\frac{7}{25}$
California	1,179,720.53	59,737 70	.0506=$5\frac{3}{50}$	1,179,720.53	860,588 68	.0729=$7\frac{1}{10}$
Colorado	546,324.25	50,196 09	.0918=$9\frac{9}{50}$	546,324.25	448,363 97	.0820=$8\frac{1}{5}$
Dakota	8,384,371.98	81,406 83	.0970=$9\frac{7}{10}$	8,384,371.98	3,669,285 38	.0437=$4\frac{3}{8}$
Florida	594,811.66	10,717 10	.0180=$1\frac{4}{5}$	594,811.66	365,953 61	.0615=$6\frac{3}{20}$
Idaho	277,296.23	18,248 43	.0658=$6\frac{3}{5}$	277,296.23	116,109 26	.0418=$4\frac{1}{8}$
Iowa	13,659.98	3,401 63	.0249=$2\frac{1}{4}$	13,659.98	3,734 19	.0270=$2\frac{7}{10}$
Kansas	1,660,551.97	62,026 01	.0370=$3\frac{7}{10}$	1,660,551.97	225,634 71	.0135=$1\frac{7}{20}$
Louisiana	511,827.52	10,777 10	.0210=$2\frac{1}{10}$	511,827.52	461,772 36	.0902=9
Michigan	432,511.73	13,478 81	.0309=$3\frac{1}{10}$	432,511.73	330,949 58	.0765=$7\frac{13}{20}$
Minnesota	1,945,071.39	54,074 80	.0278=$2\frac{4}{5}$	1,945,071.39	1,403,365 40	.0731=$7\frac{3}{10}$
Mississippi	553,113.36	7,604 60	.0137=$1\frac{2}{5}$	553,113.36	456,820 16	.0825=$8\frac{1}{4}$
Missouri	275,987.81	12,845 98	.0465=$4\frac{7}{10}$	275,987.81	62,440 03	.0226=$2\frac{1}{4}$
Montana	486,613.54	18,874 09	.0387=$3\frac{9}{10}$	486,613.54	159,687 37	.0328=$3\frac{3}{10}$
Nebraska	1,678,359.04	45,786 82	.0272=$2\frac{3}{4}$	1,678,359.04	364,301 64	.0217=$2\frac{1}{5}$
Nevada	84,918.01	4,925 67	.0580=$5\frac{4}{5}$	84,918.01	8,745 18	.0102=1
New Mexico	339,129.03	12,998 44	.0383=$3\frac{3}{4}$	339,129.03	104,781 80	.0308=$3\frac{1}{10}$
Oregon	607,058.41	29,374 13	.0483=$4\frac{4}{5}$	607,058.41	328,533 53	.0541=$5\frac{2}{5}$
Utah	186,186.30	7,817 50	.0419=$4\frac{1}{8}$	186,186.30	92,079 21	.0494=$4\frac{19}{20}$
Washington	896,514.77	34,698 43	.0387=$3\frac{7}{10}$	896,514.77	653,012 41	.0728=$7\frac{7}{20}$
Wisconsin	927,249.37	26,106 05	.0281=$2\frac{8}{10}$	927,249.37	524,512 82	.0565=$5\frac{13}{20}$
Wyoming	203,105.28	6,907 92	.0340=$3\frac{4}{10}$	203,105.28	68,525 69	.0337=$3\frac{9}{25}$
Total	22,923,972.89	621,787 79	.....	22,923,972.89	11,079,824 48	.....

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., November 23, 1883.

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DETAILED STATEMENT OF THE EXPENSES OF THE PUBLIC LAND SYSTEM FOR THE FISCAL YEARS 1881, 1882, AND 1883, TOGETHER WITH THE COST OF DISPOSITION PER ACRE, AND GROSS AND NET RECEIPTS THEREFROM PER ACRE.

Expenses of the land system for the fiscal year of 1881.

Expenses of local offices:		
Salaries and commissions of registers and receivers	$432,879 03	
Contingent expenses	91,423 77	
Expenses of depositing	5,934 24	
Expenses of printing and binding	727 73	
Stationery	5,666 60	
		$536,631 37
Expenses of General Land Office:		
Appraisement and sale of abandoned military reservations	7,297 38	
Salaries	273,139 31	
Depredations on the public timber	29,126 58	
Reproducing plats	24,988 00	
Contingent expenses	24,808 96	
Maps	5,999 75	
Stationery	5,766 77	
Expenses of printing and binding	27,837 09	
		398,973 84
Cost of surveys		1,244,838 65
Total expenses		2,180,443 86
Total receipts for 1881	5,408,804 16	
Deduct sales of Indian lands	1,006,691 63	
Total receipts from public lands	4,402,112 53	
Total expenses of public lands	2,180,443 86	
Net receipts	2,221,668 67	

Disposals for 1881:	Cents per acre.
*10,128,175.25 acres; cost, $2,180,443.86; average cost per acre, .2152 cents	$.21\frac{13}{25}$
10,128,175.25 acres; receipts, $4,402,112.53; average receipts per acre, .4346 cents	$.43\frac{23}{50}$
10,128,175.25 acres; net $2,221,668.67; average net receipts per acre, .2193 cents	$.21\frac{93}{100}$

Expenses of the land system for the fiscal year ending June 30, 1882.

Expenses local offices:		
Salaries and commissions of registers and receivers	$467,843 21	
Contingent expenses	100,000 00	
Expenses of depositing public funds	8,089 10	
Stationery	5,220 93	
Freight on stationery	528 08	
		$581,681 32
Expenses of General Land Office:		
Appraisement and sale of abandoned military reservations	83 41	
Depredations on the public timber	40,000 00	
Reproducing plats	24,000 00	
Salaries	311,485 26	
Contingent expenses	30,137 89	
Maps	6,000 00	
Expenses of printing and binding	12,846 28	
Stationery	6,922 95	
		431,475 79
Expenses of surveys		1,914,328 93
Total expenses		2,927,486 04
Total receipts from public lands	7,759,898 82	
Total expenses	2,927,486 04	
Net receipts		4,832,412 78

* This area does not include final and commuted homesteads nor final desert entries.

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Area disposed of, including final and commuted homesteads, final desert and final timber-culture entries, but not including Indian lands, amounts to 17,182,024.33 acres.

Receipts from the disposals of public lands amount to $7,759,898.82, being an average of .4470 or $44\frac{7}{10}$ cents per acre.

Including all sums paid for surveys during the fiscal year of 1882, 17,182,024.33 acres cost to dispose of $2,927,486.04, being an average of .1686 or $16\frac{17}{20}$ cents per acre.

The net receipts were $4,832,412.78 for 17,182,024.33 acres, being an average of .2784 or $27\frac{21}{20}$ cents per acre.

Expenses of the land system for the fiscal year ending June 30, 1883.

Expenses local offices:		
Salaries and commissions of registers and receivers	$491,907 76	
Contingent expenses	119,028 06	
Expenses of depositing public funds	9,961 67	
Stationery	5,592 05	
Freight on stationery	447 36	
		626,936 90
Expenses of General Land Office:		
Appraisement and sale of abandoned military reservations	1,195 09	
Depredations on the public timber	75,000 00	
Protecting public lands	10,618 57	
Reproducing plats	18,000 00	
Salaries	373,121 40	
Contingent expenses	30,735 02	
Maps	6,000 00	
Payment for swamp lands and swamp-land indemnity	14,574 72	
Expenses of printing and binding	18,878 66	
Stationery	5,821 11	
		553,944 57
Expenses of surveys		2,195,625 66
Total expenses		3,376,507 13
Total receipts from public lands	11,088,479 43	
Total expenses	3,376,507 13	
Net receipts		7,711,972 30

Area disposed of, including final and commuted homesteads, final desert and final timber-culture entries, but not including Indian lands, amounts to 22,923,927.89 acres.

Receipts from the disposals of public lands amount to $11,088,479.43, being an average of $.48\frac{9}{25}$ cents per acre.

Including all sums paid for surveys during the fiscal year of 1883, 22,923,927.89 cost to dispose of $3,376,507.13, being an average of $.14\frac{18}{25}$ cents per acre.

The net receipts were $7,711,972.30, being an average of $33\frac{16}{25}$ cents per acre.

THE REMAINING PUBLIC DOMAIN—UNSURVEYED AND SURVEYED AND UNSOLD PUBLIC LANDS.

To JUNE 30, 1882 AND 1883. (See pages 15 and 16.)

UNSURVEYED LANDS.

The United States owned to June 30, 1882, 983,068,075 acres of unsurveyed public land, as shown by the official tables of the General Land Office, and on June 30, 1883, owned 928,426,577 acres of unsurveyed public lands and (estimated) 243,666,150.01 acres of surveyed and unsold lands in the public land States and Territories other than the five Southern States. In these (see page 530) the nation, June 30, 1883, owned (estimated) 10,957,983.03 acres of surveyed and unsold land; in all, 254,624,133.04 acres.

THE PUBLIC LANDS REMAINING FOR DISPOSITION JUNE 30, 1883.

Railroad and private land claims grants. One hundred and eighty-nine millions of acres yet to be segregated should be deducted. (See page 531.)

June 30, 1883, the United States owned a total of 928,426,577 acres of unsurveyed lands and 271,382,299.43 acres of surveyed and unsold lands; a grand total of 1,199,808,876.43 acres yet to be disposed of, an area equal to 7,498,805 homesteads of 160 acres each. This estimate is probably within 10 per cent. of the actual amount, official, legal, and other reasons preventing a closer estimate.

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THE UNSURVEYED PUBLIC LANDS.

JUNE 30, 1882, AND JUNE 30, 1883.

The unsurveyed public lands, June 30, 1883, were 928,426,577 acres, lying in the following public land States and Territories:

States and Territories.	1882.	1883.
	Acres.	*Acres.*
Alabama		
Arkansas		
California	40,495,097	36,768,921
Colorado	19,627,440	15,458,256
Florida	7,659,507	7,549,562
Illinois		
Indiana		
Iowa		
Kansas		
Louisiana	515,329	123,091
Michigan		
Minnesota	12,824,058	12,284,576
Mississippi		
Missouri		
Nebraska	4,653,681	3,506,880
Nevada	49,137,912	43,619,353
Ohio		
Oregon	29,819,341	27,327,018
Wisconsin		
Alaska	369,529,600	369,529,600
Arizona	66,454,450	63,823,945
Dakota	66,185,119	62,094,597
Idaho	47,111,652	46,959,549
Indian Territory	17,150,256	13,477,610
Montana	80,038,018	78,772,322
New Mexico	54,057,930	41,209,960
Utah	43,577,687	42,619,354
Washington	27,039,127	26,283,285
Wyoming	47,181,877	33,346,058
Public land strip*		3,672,640
Total	983,068,075	928,426,577

* The public land strip was not taken up in the General Land Office tables until 1883.

THE SURVEYED AND UNSOLD PUBLIC LANDS.

TO JUNE 30, 1883. (See pages 15, 529, and 530.)

The United States, to June 30, 1883, owned 243,666,150.01 acres of surveyed and unsold public lands lying in the public land States and Territories other than in the five Southern States. The surveyed and unsold lands in these States are estimated at 10,957,983.03 acres; or, in all, 254,624,133.04 acres of surveyed and unsold lands.

This estimate is probably within 10 per cent. of the exact amount. A large area of the above may now be held by persons holding under the effect of the doctrine of the Supreme Court of the United States in Atherton *vs.* Fowler and Hosmer *vs.* Wallace, decisions which should long ago have been set aside by legislation. (See note on page 15.)

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SURVEYED AND UNSOLD PUBLIC LANDS.

TO JUNE 30, 1882, AND JUNE 30, 1883.

(See pages 15 and 16.)

The surveyed and unsold lands lie in the following States and Territories (estimated):

Land States and Territories.	Surveyed and unsold lands to June 30, 1880.	Public lands surveyed in 1881.	Public lands surveyed in 1882.	Total to June 30, 1882.	Area disposed of from July 1, 1880, to June 30, 1882.	Area surveyed and undisposed of to June 30, 1882.	Public lands surveyed in 1883.	Area surveyed to June 30, 1883.	Area disposed of from July 1, 1882, to June 30, 1883.	Area surveyed and undisposed of to June 30, 1883.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Arizona	1, 561, 231. 13	5, 096	293, 036. 38	1, 859, 363. 51	38, 280. 80	1, 821, 082. 71	2, 640, 505. 09	4, 461, 587. 80	57, 586. 54	4, 404, 001 26
California	25, 250, 680. 47	888, 308	949, 778. 19	27, 088, 766. 66	952, 619. 55	26, 136, 147. 11	3, 726, 176. 04	29, 862, 323. 15	951, 376. 61	28, 910, 946. 54
Colorado	20, 489, 312. 28	7, 435, 184	5, 818, 183. 84	33, 742, 580. 12	751, 135. 70	32, 991, 444. 42	4, 169, 184. 24	37, 160, 628. 66	424, 713. 86	36, 735, 914. 80
Dakota	12, 225, 492. 00	1, 475, 655	1, 568, 255. 89	15, 269, 402. 89	6, 897, 616. 26	8, 371, 786. 63	4, 090, 522. 49	12, 462, 309. 12	7, 317, 236. 98	5, 145, 072. 14
Idaho	3, 925, 237. 16	60, 916	242. 47	3, 986, 395. 63	301, 015. 98	3, 685, 379. 65	152, 103. 34	3, 837, 482. 99	232, 639. 97	3, 604, 843. 02
Kansas	28, 049, 731. 54	.....	.....	38, 049, 731. 54	1, 805, 844. 00	26, 243, 887. 54	.....	26, 243, 887. 54	1, 105, 241. 97	25, 138, 645. 57
Michigan	*1, 353, 214. 56	.....	.....	1, 353, 214. 56	910, 132. 59	*443, 081. 97	.....	443, 081. 97	361, 200. 22	81, 881. 75
Minnesota	13, 383, 813. 10	194, 427	222, 825. 57	13, 801, 065. 67	2, 158, 532. 93	11, 642, 532. 74	539, 482. 42	12, 182, 015. 16	1, 555, 954. 65	10, 626, 060. 51
Missouri	1, 000, 000. 00	.....	.....	1, 000, 000. 00	382, 783. 28	617, 216. 72	.....	617, 216. 72	239, 350. 80	377, 865. 92
Montana	5, 779, 452. 42	348, 017	69, 367. 12	6, 196, 836. 54	290, 396. 51	5, 906, 440. 03	1, 265, 695. 98	7, 172, 136. 01	443, 324. 27	6, 728, 811. 74
Nebraska	23, 958, 652. 59	852, 300	645, 802. 21	25, 456, 754. 80	1, 606, 310. 58	23, 850, 444. 22	1, 146, 800. 71	24, 997, 244. 93	1, 327, 410. 09	23, 669, 834. 84
Nevada	8, 337, 671. 58	4, 524, 598	631, 373. 47	13, 493, 643. 05	163, 352. 93	13, 330, 290. 12	5, 518, 559. 02	18, 848, 849. 14	79, 936. 67	18, 768, 912. 47
New Mexico	6, 042, 409. 46	3, 179, 216	1, 287, 307. 74	10, 508. 933. 20	240, 708. 40	10, 268, 224. 80	12, 847, 969. 93	23, 116, 194. 73	249, 195. 70	22, 866, 999. 03
Oregon	12, 906, 700. 66	1, 008, 324	1, 318, 617. 90	15, 233, 642. 56	572, 558. 60	14, 661, 083. 96	2, 492, 323. 50	17, 153, 407. 46	504, 828. 80	16, 648, 576. 66
Utah	5, 685, 054. 28	294, 409	202, 539. 61	6, 182, 002. 89	180, 615. 99	6, 001, 386. 90	958, 332. 70	6, 959, 719. 60	111, 913. 86	6, 847, 805. 74
Washington	9, 088, 338. 93	231, 459	454, 534. 29	9, 774, 332. 22	825, 544. 73	8, 948, 787. 49	755, 842. 02	9, 704, 629. 51	764, 448. 33	8, 940, 181. 18
Wisconsin	5, 440, 338. 19	.....	.....	5, 440, 338. 19	1, 081, 371. 91	4, 358, 966. 28	.....	4, 358, 966. 28	844, 318. 42	3, 514, 647. 86
Wyoming	5, 645, 121. 75	1, 055, 116	412, 270. 91	7, 112, 508. 66	105, 689. 86	7, 006, 818. 80	13, 835, 818. 83	20, 842, 637. 63	187, 488. 65	20, 655, 148. 98
Total	190, 122, 452. 10	21, 552, 925	13, 874, 135. 59	225, 549, 512. 69	19, 264, 510. 60	206, 285, 002. 09	54, 139, 316. 31	260, 424, 318. 40	16, 758, 166. 39	243, 624, 133. 04

*An error of 500,000 acres. Add lands in five Southern States.

Official:
GENERAL LAND OFFICE, *November* 12, 1883.

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TOTAL AREA OF SURVEYED AND UNSOLD PUBLIC LANDS IN THE SOUTHERN STATES.

TO JUNE 30, 1883. (See page 16.)

The total amount of land, surveyed and unsurveyed, owned by the United States in the five Southern States, to June 30, 1880, including 1,148,892 acres in Louisiana and 7,756,493 acres in Florida unsurveyed, was estimated at 25,585,641 acres.

SURVEYED AND UNSOLD LANDS IN SOUTHERN STATES.

The area of these lands were estimated, June 30, 1880, to be about 16,680,256 acres, as follows:

	Acres.
Florida	3,205,109
Alabama	3,516,140
Mississippi	3,208,887
Arkansas	4,620,120
Louisiana	2,130,000
Total	16,680,256

The unsurveyed lands in Florida and Louisiana noted above, viz, 8,905,385 acres, makes the total June 30, 1880, 25,585,641 acres.

June 30, 1883, the surveyed and unsold lands were estimated at 10,957,983.03 acres, which, with the unsurveyed lands, makes 18,620,645.93 acres of public lands in the five Southern land States.

ESTIMATED AREA REMAINING JUNE 30, 1883.

UNSURVEYED LANDS.

June 30, 1883, the unsurveyed public lands in the South were 7,549,562 acres in Florida and 123,091 acres in Louisiana; in all, 7,672,653 acres remaining unsurveyed.

THE SURVEYED AND UNSOLD LANDS REMAINING JUNE 30, 1883.

The sales or disposition of public lands in the five Southern States for the three years since 1880 were as follows:

States.	1881.	1882.	1883.	Total.
	Acres.	*Acres.*	*Acres.*	*Acres.*
Florida	148,652.92	516,001.64	452,263.08	1,116,917.64
Alabama	412,229.71	418,329.07	346,630.79	1,277,189.57
Mississippi	131,055.89	358,217.21	517,737.36	1,007,010.46
Arkansas	437,295.43	426,747.81	461,215.87	1,325,259.11
Louisiana	119,063.31	508,703.94	488,129.04	1,105,896.29

Deducting the above from the area surveyed and unsold June 30, 1880, as given above, the remaining area would be as follows:

AREA OF REMAINING PUBLIC LANDS SURVEYED AND UNSOLD AND UNSURVEYED IN THE SOUTH JUNE 30, 1883.

States.	Surveyed and unsold.	Unsurveyed.	Total surveyed and unsurveyed.
	Acres.	*Acres.*	*Acres.*
Florida	2,088,191.36	7,549,562	9,637,753.36
Alabama	2,238,950.43	.....	2,238,950.43
Mississippi	2,201,876.54	.....	2,201,876.54
Arkansas	3,294,860.89	.....	3,294,860.89
Louisiana	1,124,103.71	123,091	1,247,194.71
Total	10,957,983.03	7,672,653	18,620,645.93

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THE PUBLIC DOMAIN.

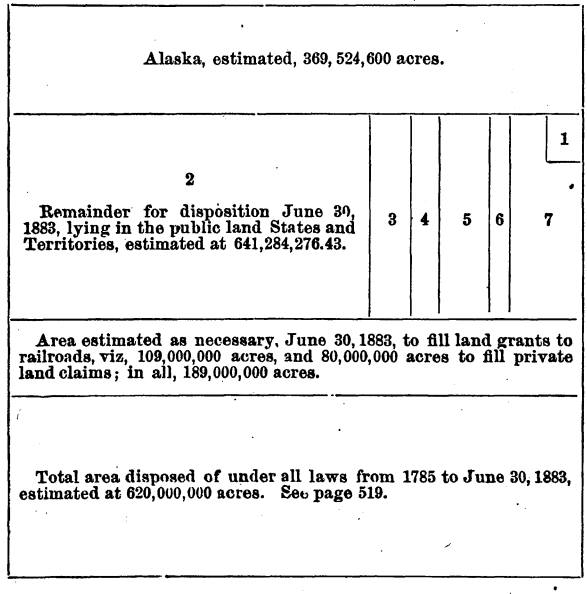
Area disposed of and remaining June 30, 1883.

[Diagram to illustrate text on pages 531 and 532.]

	Acres.
Surveyed to June 30, 1883	886, 367, 361
Unsurveyed to June 30, 1883	928, 462, 577
Surveyed and unsold, June 30, 1883	254, 624, 133. 04
Disposed of under all laws to June 30, 1883 (estimated)	620, 000, 000
Public domain, cost to June 30, 1883	$351, 981, 160 32
Public domain, realized to June 30, 1883	225, 552, 675 23
Public domain has cost in cash more than it has realized to June 30, 1883	126, 428, 484 89

THE REMAINING PUBLIC DOMAIN.

Total area of the public domain	1, 849, 072, 587
Acres for disposition (estimated), including Alaska, June 30, 1883.	1, 010, 808, 876. 43
Acres for disposition (estimated), exclusive of Alaska, June 30, 1883	641, 284, 276. 43



	Acres.
1. The purely agricultural lands remaining in the West (estimated)	5, 000, 000
2. The desert lands (estimated)	440, 000, 000
3. The irrigable lands (estimated)	29, 000, 000
4. Lands in five Southern States, agricultural, timber, and mineral (estimated)	18, 000, 000
5. The precious metal and mineral lands (estimated)	64, 000, 000
6. The coal lands, to be increased by discoveries	10, 000, 000
7. The timber lands (the estimate on page 1053, to December 1, 1883, most correct, viz, 73,000,000 acres)	75, 000, 000

Alaska is not estimated or considered in the above tables. A thorough survey and exploration of this division is necessary, and would be of great value.

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CHARACTER OF THESE LANDS.

The public lands in these five Southern States are now sold at the district land offices at $1.25 per acre in unlimited quantities, provided they conform to legal subdivisions. They are the only public lands of any moment which can be bought for cash without settlement. Holding the "public lands for actual settlers" does not apply to the South.

These lands contain timber, coal, iron, and other valuable deposits, and are about all of the purely arable lands the nation has left, outside of Dakota and one or two other Western States and Territories.

ESTIMATED CHARACTER, QUANTITY, AND VALUE OF THE PUBLIC DOMAIN REMAINING JUNE 30, 1883.

(See pages 25 and 26.)

The remaining public domain, including Alaska, consists of (estimated) 1,199,808,876.43 acres. (See page 527.) Deducting Alaska—viz, 369,524,600 acres—there remain 830,284,276.43 acres, inclusive of Indian and military reservations. From this should be deducted the area necessary to fill private land claims, estimated at 80,000,000 acres (see page 1151), and the area requisite to complete land grants to railroads, estimated in round numbers at 109,000,000 acres (see page 753); in all, 189,000,000 acres to be deducted. Exclusive of Alaska, and deducting the area yet to be segregated for railroad and private land claim grants, there remain 641,284,276.43 acres of unsurveyed and surveyed lands for disposition (see page 527); with Alaska, 1,010,808,876.43 acres for actual disposition, estimated as follows:

Kinds of land.	Area, in acres.	Value per acre.	Total value.
The timber lands (Estimate to Dec 1, 1883, pages 1053 and 1082, most correct, viz, 73,000,000 acres.)	75,000,000.00	At $2.50 per acre. If the timber is sold and the fee remain in United States, the area of lands for disposition will be largely increased.	$187,500,000
The coal lands. Dakota and other recent discoveries increase the actual area, which will be constantly increased until all lands are surveyed.	10,000,000.00	At average of $13 per acre. Medium between $10 and $20 per acre as shown by sales.	130,000,000
Precious metal lands, containing mines. To be largely increased by explorations and surveys. (See map facing page 979.)	64,000,000.00	At average of $3.50 per acre. shown by medium between $2.50 and $5 per acre.	224,000,000
The purely arable lands remaining in the West (estimated). Generally in isolated tracts.	5,000,000.00	At $1.25 per acre. If taken under present settlement or disposition laws, nothing; survey and disposition will eat up fees and commission.	6,250,000
The lands in the five Southern States Surveyed, and vacant on the records; some, however, occupied and the unsurveyed.	18,000,000.00	At $1.25 per acre. Present selling price. If confined to the homestead act, nothing above cost of survey and disposition.	22,500,000
Irrigable lands. Under desert-land act which may be irrigated from present water supply. Much of this, however, may be at present held by locators.	29,000,000.00	At $1.25 per acre, present law. If given for reclamation, nothing above cost of survey and disposition will be realized.	36,200,000
The remainder, desert lands (see page 1104). And all others, including pasturage and reservations, estimated at 350,000,000 acres (see page 1104). This estimate includes the area of military reservations, 3,155,152.76 acres; also, Indian reservations, estimated to contain 135,993,101 acres, two-thirds of which will eventually be restored to the public domain for sale, if the present policy continues. This area also contains	440,284,276.43	At $1.25 per acre, present price, round numbers. If disposed of under actual settlement laws, nothing will be realized above cost of survey and disposition, except the undeveloped mineral lands to be hereafter disposed of under the mineral laws. The grazing lands are estimated, exclusive of the minerals underlying them, at not more than 10 cents per acre.	551,000,000
		In all	1,157,500,000

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Estimated character, quality, and value of the public domain, June 30, 1883—Continued.

Kinds of land.	Area, in acres.	Value per acre.	Total value.
a vast amount of precious metals, coal, iron, copper, and other valuable minerals. Also, the unsurveyed portion of Indian Territory, viz, 17,150,250 acres. The area required to fill private land claims and railroad land grants are estimated for at the head of this statement.		Deduct cost of surveying and disposition of the remainder of the public lands, based upon former costs (see page 19).....$40,000,000 Less quieting Indian title to public lands, estimated 38,000,000	$78,000,000
Grand total, exclusive of Alaska	641,284,276.43	Estimated value, June 30, 1883.....	1,079,500,000

Estimated total value under present laws, exclusive of Alaska.....	$1,079,500,000
The area at present held under various laws and yet to be paid for, and the money for which will be covered into the Treasury of the United States, is estimated in value at.....	10,000,000
Which added to the above would make the total value.....	1,089,500,000

It has required since 1785 to sell and dispose of a less quantity of the public land than the above estimates cover; besides, the agricultural lands are now about absorbed, and the movement westward in search of free Government lands must soon cease. It will require a vastly greater period of time to dispose of the remaining public domain than the ninety-eight years that were requisite to dispose of the lands sold prior to June 30, 1880. Mineral lands require long periods to develop, and timber lands require a market for their product. If the present laws as to sale and disposition continue in force, no reasonable estimate of the time required to dispose of the remaining public lands can be made. Reorganization of the land system, as to sales and disposition, and an accounting of and definition of the character of the remaining public lands, are now required to secure proper results in the future.

A thorough and exact examination of Alaska by competent persons is of moment, and is necessary for the purpose of giving the Government full details and information as to the mineral and other resources of that region.

Private enterprise will best develop the possibility of reclaiming the desert lands of the public domain. The United States, in view of the results of the swamp-land grants, would best part title direct to the desert lands. If granted free of acreage in sufficient quantity, these lands may be developed by private interests.—(From edition of 1880; see page 27.)

In the near future, with the absorption of the pnrely arable lands, cash receipts from sales of public lands under settlement laws will be small, and the chief reliance will be sales for mineral, desert, and timber lands, and the land system, after the year 1890, will probably never again be self-sustaining, considering the annual charges incurred on account of the Indians, unless some plan of general disposition of the pasturage lands in large areas be enacted by Congress.

CASH RECEIPTS AND RECEIPTS FOR FEES AND COMMISSIONS FOR THE YEARS 1881, '82 AND '83.

WITHOUT CASH SALES THE LAND SYSTEM WOULD BE IN ACTUAL ARREARS.

The following tables of the receipts and expenditures on account of the public lands for 1881, '82, and '83 are given to show that without cash sales the land system—relying on fees and commissions under the settlement laws—would have been in actual arrears:

Actual cash sales.	From receipts, cash and fees and commissions.	Deduct sales of Indian lands.	Actual receipts from sales or disposition of public lands.
1881 (see page 517) $3,534,550.98	$5,408,804 16	$1,006,691 63	$14,402,112 53
1882 (see page 518) $6,628,775.02.....	8,394,516 04	634,619 22	7,759,898 82
1883 (see page 518) $9,657,032.21.....	11,713,883 70	625,404 27	11,088,479 43

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Actual cash sales.	Actual expenses (see pages 527, 528).	Excess of receipts over expenditures for public lands.	Actual cash sales.	Actual fees and commissions under settlement laws.
1881 (see page 517) $3,534,550.98	$2,180,443 86	$2,221,668 67	$3,534,550 98	$867,561 55
1882 (see page 518) $6,628,775.02	2,927,486 04	4,832,412 78	6,628,775 02	1,131,123 80
1883 (see page 518) $9,657,032.21	3,376,507 13	7,711,972 30	9,657,032 21	1,431,447 22

When the present useless and vicious disposition and cash sales laws are repealed, and actual settlement and residence laws are passed, the public lands as shown by the above tables for three years past will probably cease to yield any net revenue, as fees and commissions will be the only cash received. Cash sales are now more than three-fourths of the revenues received from the sales or disposition of the public lands. It will require wise and careful legislation to prevent the public land system from becoming a yearly drain in the near future upon the National Treasury.

The tables above show that without the cash sales receipts and relying upon the fees and commissions, which are the only charges to applicants under the settlement laws, and deducting one-half of the annual total expenses, the land system would have been in arrears during the three years past.

The total annual expenses of the General Land Office and its agents, exclusive of surveys, are about $1,000,000. Considering the vast jurisdiction of this Bureau this amount cannot be reduced, and should be increased.

THE NECESSITY FOR CHANGES IN EXISTING LAND LAWS.

HOW THEY CAN BE EFFECTED.

December 1, 1883.

The public lands are the property of the people. They are an asset. The policy has been in the main to dispose of them under various laws to the people and foreigners as the wants and necessities of the times demanded; now and then a bad law has crept in. The nation is interested in a proper, just, and equitable distribution of these lands. Individual homes are essentials, and for these the public lands should be kept. One hundred and sixty acres was determined upon after many years as the true unit of disposition for a home. Upon this area the country settled. The abuse of this is shown on page 1159; 1,120 acres to a person under the several laws is now the rule, and a million acres at $1.25 per acre, if you have the money, in the South. It is of the highest national importance that not another acre of the public lands shall be sold outright for cash, warrants, or scrip. All of the laws permitting this should be swept away and the warrants and scrip redeemed with money.

VIEWS OF THE SECRETARY OF THE INTERIOR AS TO HOW AGRICULTURAL LANDS SHOULD BE DISPOSED OF.

Hon. H. M. Teller, Secretary of the Interior, in his report for 1883, says:

Public lands, suitable for agriculture, should be disposed of only to the actual settler under the homestead laws. A strict compliance with the law should be required in all cases. No greater calamity can befall a country than to have the land owned by the few and thus compel the masses of the people to become the tenants of such land owners. It has been the policy of the Government heretofore to so distribute the public land among the people in such quantities as would enable all desiring to engage in agriculture to do so as land owners and *not* as renters. As the country grows rich the tendency is to aggregate the lands in the hands of a less number of people; this is an evil with which the General Government is not called to deal after it has parted with the title to its lands, but as the owner of the public land, held for the people of the United States, it becomes the duty of the Government to see that the laws intended to secure a fair distribution of these lands are strictly enforced.

PUBLIC LANDS ARE NOW SOLD FOR CASH AT PRIVATE SALE AND IN UNLIMITED QUANTITIES.

The public do not seem to know that at this hour thousands of acres of public lands are being entered at United States district land offices, with cash, in unlimited quantities by the favored few who have the money, lands which should be reserved for homes for actual settlers. An equal and fair distribution of the privileges of the public land by proper and wise laws is demanded. The Government is too often a

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myth when self-interest stands in view. The Executive officers can go but so far; Congress is the sole power to stop the leaks, and repeal existing useless laws. Petitions will be of great service, as recommendations by Executive officers have thus far failed to obtain legislation.

HOW MUCH PUBLIC LAND ONE PERSON CAN TAKE UNDER EXISTING SETTLEMENT AND DISPOSITION LAWS, DECEMBER 1, 1883.

To show the full operations of the existing settlement and disposition laws, the following is taken from a work published by Henry N. Copp, esq., of Washington, one of the best known of land law book publishers, and an authority on such subjects. The book is entitled the "American Settlers' Guide, a Popular Exposition of the Public Land System of the United States."

To obtain the largest amount of land from the Government at the least cost, a party should first enter 160 acres under the pre-emption laws, which will cost $1.25 or $2.50 an acre, can be paid for at end of 6 months; then enter 160 acres more under the homestead laws, can be paid for or commuted at end of 6 months, and also make entry of 160 acres under the timber-culture laws, where the land is naturally devoid of timber, can hold with a pre-emption or homestead; 480 acres will thereby be secured at an average cost of about 50 cents an acre.

The usual way is to make an entry under the homestead laws, and at once another entry under the timber-culture laws, because it is cheaper to do so, and there is no delay to prove up under the pre-emption laws—320 acres will thereby be obtained at a cost of $36 for fees and commissions—which is equal to about 11 cents an acre.

An entry can thereafter be made under the desert-land laws of 640 acres, and one entry is allowed under each of the several laws mentioned herein. Under the mining laws as many entries are allowed as a party owns legal claims.

After an entry has been made under the pre-emption, homestead, and timber-culture laws, the same person may buy as much land at public sale and private entry—also of the State government, corporations, and individuals—as his means and inclination permit.

INFORMATION AS TO USELESS AND VICIOUS LAND LAWS.

(See pages 682 to 685 and 1163 to 1167.)

Officers charged with the immediate care of the public lands have reported against the pre-emption, timber culture, private deposit survey, the timber and stone, and desert land acts, and in favor of vital amendments to the homestead acts. Special agents of the General Land Office have reported against these laws, and their reports are on file—why cannot they be repealed or amended? Where can information be found as to frauds under and the uselessness of these laws? In the General Land Office at Washington, D. C., in the Department of the Interior, corner of Seventh and F streets. Why should not a committee of the House and Senate send for Noah C. McFarland, Commissioner, Luther Harrison, chief clerk, and the chiefs of the several divisions of the General Land Office, and see which the bad and inefficient land laws are, and send for the official papers on file in that office, showing enormous frauds.

HOW CAN REPEAL BE AIDED?

In the minds of many publicists and Congressmen there is an impression that only the persons who live upon or nearest the public lands can speak best as to the laws applying to them. This limited view of the matter in the past led to much legislation dictated or proposed by in some cases a single person, and he sometimes an interested party, or the friend of such parties. Railroads and other quick means of communication have somewhat changed this, and exclusive knowledge upon any public land matter is no more the property of the few. The numerous papers spread information and speak with the aid of the telegraph each morning to the entire country. The traveling correspondent ferrets out byways to explore and strange facts and fancies to write about. The public lands have attracted much attention for several years past, and the press and official reports have published many startling statements as to frauds committed under and the practical operations of the several public land laws. The intelligent action of fair-minded men of the entire nation should be directed to the repeal and amendment of obnoxious land laws. The press can be the great lever to lift these laws from the statute books, aided by earnest efforts of men who believe that the public lands should be fairly distributed among legal settlers, and that one hundred and sixty acres of arable land, a tract one quartar of a mile square,

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is sufficient for any one person under one settlement law. An equivalent to one hundred and sixty acres of arable land should be given in a larger area of desert or irrigable lands. It could be called a "Desert Land Homestead."

LEAKS WHICH SHOULD BE STOPPED.

The cry of "Corporations are absorbing the public lands" does for a better, and is wide apart from the truth. No grants of public lands have been made to corporations by Congress since 1872.

The grants already made and set out on page 268 herein will not increase in area, but, on the contrary, will decrease, as official examinations are made and judgments rendered on list of railroad or wagon-road lands offered for patents. Congress and the courts could have settled all of these questions years ago. Congress alone can initiate any legal methods toward the forfeiture, revocation, or recall of these grants. The courts can then say how far such proceedings can be had.

The present settlement and disposition laws are the cancers that are eating up the public lands. "One hundred and sixty acres is enough for a person" became a settled idea in past land legislation. The pre-emption act initiated this area of holding. The homestead act gives this amount as a bounty to a person for making a home. How many of our active publicists know that at this hour any person, male or female *citizen above the age of twenty-one years*, or a male or female person, who have just filed their first naturalization papers, can have benefit of settlement and other laws, so that their holdings will be 1,120 acres, or can buy a million acres of offered public lands at $1.25 per acre in some Western and in the five Southern States?

Why not stop screaming at a shadow and just for once strike at a bit of substance?

THE PUBLIC LANDS VIRTUALLY RESERVED FOR FOREIGNERS.

The preference right to public lands in favor of foreigners who had declared their intention to become citizens of the United States began in the pre-emption acts in 1838. A vote was had in the Senate during the debate on the pre-emption act of June 22, 1838, on motion of Mr. Merrick, of Maryland, to confine the benefits of the act to citizens of the United States. It failed. See page 214 herein for details.

The enormous emigration of the past five years has called attention to this feature of our land laws. An inspection of the initiatory papers filed in the district land offices in the West and Northwest in land filings will confirm the repeated statement that more than one-third of all foreigners who now come to America enter upon the public lands. The frequency with which a X signs the papers, and the appalling length and queerness of almost unpronounceable names, bear witness to the need for interpreters and translators in the land service.

All foreigners (except Chinamen and African negroes) who have declared their intention to become citizens of the United States can at once, upon landing and paying a small fee for his or her first papers to the clerk of a court of record, file a claim for public lands, provided they be heads of families or above the age of twenty-one years, while American-born boys and girls must stand by and wait until they are twenty-one years of age before they can file a claim for an acre of their country's public lands! "Cheap and free lands in America" has been the cry Europe over for twenty years past. The ocean steamship lines and the railroads leading to the West have agencies in the principal cities of Europe, and their advertisements in the papers and handbills present glowing accounts of the liberality of the Government of the United States, who are thirsting to present gentlemen and ladies who will emigrate to this favored land with a home of 160 acres of land free of cost.

The arid regions of the West become in these advertisements areas of broad glowing bearing fields, where the ripening grains, waving in the tropic sun, bows a stately welcome to the oppressed, poverty stricken, or ambitious. The boundless sage brush plains become orange groves, and the region from where the coyote flies in howling pangs of hunger, is known as the banana belt of the growing northwest; the blizzard and the norther, zephyrs of pure delight, and the lack of water a cause for congratulation, because there will be no swamps to produce ague.

To be and expectant Senators and Representatives of yet to come States, usually

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a little over three-fourths of the male population of a rising territory, anxious for enough citizens to warrant an admission into the Union, welcome these aids to political ambition and assist them to homes from the nation's lands. These foreign advertisements are a great means of inducing the rush to America. Forty dollars will bring a British subject from Liverpool and place him on the public lands in Dakota. Five dollars will pay the fee for making him the first portion of a citizen of the United States, and from three to twelve pay the first fee in a district land office for a farm of 160 acres of public land. If he desires to tarry a time to see the beauties of the metropolis—say that he lands at New York City—he can pay his five dollars to the clerk of a court in that city, inclose his first papers with his application and the fee to a United States district land office in the West, under several of our convenient settlement laws, and thus secure his claim. After awhile he can proceed to his farm in the West so liberally provided by a generous Government. When this feature of pre-emption for aliens was adopted immigration was limited, and it was not anticipated that before the year 1883 it would be so great in one year—as in 1882, viz, 788,992—that it would exceed the total population of the States of Oregon, Nevada, Delaware, Rhode Island, and Colorado in one year.

Race traditions, as shown by opinions and political views of the descendants of original settlers, will be the greatest danger the Republic will have to meet. A nation's people should own its lands. A person on a farm is sure of a living; his or her overplus is a contribution to the wealth of the whole people, and the surplus crops of our farms become aids to the world's medium of exchange. Our American farms, peopled by American farmers, have been the producers of the strong and useful men and women who manage and control the business and the affairs of the nation. It is not a rash estimate to say that almost one-third of our public lands now go to persons who are not citizens of the United States and, under many land laws, need not be to perfect title. We can continue to furnish not only well-ordered, safe Government, with equal chance in the fight for competence and wealth, to all foreigners except Chinaman and African negroes, but is it wise or necessary to give them a land bounty in consideration of their having the kindness to come over and declare their intention to become citizens. Should not our efforts be to the depopulating of our cities and large and overcrowded communities, and the moving of our surplus home population westward to homes on the public lands, where they can become self-sustaining citizens and an element of security and wealth. The Anglo-Saxon, Slavic, and Teutonic races who have come in the past have easily assimilated into reliable citizens; what of the Latin race just starting westward? what of the Italian—80,000 in 1882, 90,000 in 1883? Why should we give them a land bounty for coming?

President James Buchanan, in his veto message of the Homestead Act, June 22, 1860, speaking of the provision therein giving the benefits of the act to unnaturalized foreigners (which is also part of the existing law), said:

> We ought ever to maintain the most perfect equality between native and naturalized citizens. They are equal, and ought always to remain equal before the laws. Our laws welcome foreigners to our shores, and their rights will ever be respected. While these are the sentiments on which I have acted through life, it is not, in my opinion, expedient to proclaim to all the nations of the earth that whoever shall arrive in this country from a foreign shore, and declare his intention to become a citizen, shall receive a farm of 160 acres at a cost of 25 or 20 cents per acre. * * *

The act of 1862, now in force, enacted all of the objectionable features of the vetoed act of 1860, with the addition of "a person," male or female.

FRAUDS UNDER EXISTING LAND LAWS, AND WHEN DOES OR SHOULD GOVERNMENT LAND TITLE PASS.

The present system of laws seems to invite fraud. You cannot turn to a single state paper or public document where the subject is mentioned for the year 1883, from the message of the President to the report of the Commissioner of the General Land Office, but what statements of "fraud" in connection with the disposition of the public lands are found.

Hon. Henry M. Teller, Secretary of the Interior, in his report for 1883, says:

> The attention of the Department has been called to the frequent frauds committed by parties securing lands under existing settlement laws without a compliance there-

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with. In very many cases there is not even an attempt to comply with the laws. When the country was new, and the parties desiring to secure land comparatively few, it is believed that these laws were complied with in most cases when land was entered, but as the demand for land has increased, it seems as if the people are restless under the restraint imposed on them in securing land, and they go to work systematically to defeat the very purpose of the law. The homestead and pre-emption laws, designed to secure to the actual settler lands at a reasonable price, have become agencies by which the capitalist secures large and valuable areas of the public land at but little expense.

WHEN DOES TITLE PASS?

The parties thus securing land without a compliance with the terms of the law rarely hold the title thereto for any considerable time. In many cases, doubtless, such conveyances are made for the purpose of placing the title in the hands of those not connected with the frauds practiced at the time of entry, and in other cases from a desire to realize the value of the land. Much embarrassment arises from the attempt on the part of the Department to avoid such fraudulent entries. No difficulty is found where the parties making such fraudulent entries still hold the title, but in case there has been a transfer for a valuable consideration without notice of the fraud, great injustice is done to the purchaser by disturbing the title which he had no reason to suppose was fraudulent. Where the fraud is discovered before the issue of the patent the Department finds no difficulty in canceling the entry, but where such entries have passed to patent resort must be had to the courts. In some cases fictitious names are used in the entry, and under a well-known principle of law no title passes by such entry and patent. On the records of the United States, as well as in the local office of record, there appears to be a good title in the patentee for the premises described in the patent. The local records show a conveyance to some one who professes to be the owner; on the strength of such patent and the conveyance under it, for a valuable consideration, a conveyance is made to a *bona fide* purchaser who subsequently finds his title attacked by the Government. If it is clearly established that the grantee in the patent had no existence, the title is held to be in the Government, and the purchaser has no remedy except against the vendor, who is usually impecunious, and not infrequently has left the country. It would appear to be right that after a certain time the presumption should be conclusive that the patent was issued in strict accordance with law, and there should be no inquiry into the proceedings anterior to the time of issue.

The portion of the above relating to the question of the efficacy of a patent obtained by fraud is a serious one.

Under all of the settlement or disposition laws (see page 1162) the register, at the time of applicant or claimant making purchase or proof completing his part toward a title, issues a certificate which recites the law and other details, and concludes in substance in all final certificates as follows:

Now, therefore, be it known that, on presentation of this certificate to the Commissioner of the General Land Office, the said ——— ——— shall be entitled to a patent for the tract of land above described.

———, *Register.*

No reservation whatever. This form came from the pre-emption act or cash-purchase law prior to 1841, when there were no conditions of law as to settlement, residence, and cultivation. It was used under the pre-emption act of 1841, and is still, where residence, cultivation, and improvements are required. After the homestead act of May 20, 1862, was passed, and forms were made under it, this certificate was continued.

WHEN DOES TITLE TO GOVERNMENT LANDS PASS?

No State or Territory can tax the public lands of the United States until title passes from it. The improvements may be taxed but not the lands. It is the custom, however, sanctioned by usage and law, to list and tax the land as soon as applicants receive, under any law or laws, the register's certificate for patent, issued at the district land office. This the United States has thus far consented to. If title does not pass until the patent issues at the General Land Office at Washington, what right or authority have States or Territories to tax the land, for if the register's certificate does not pass the title of the United States to the land, then the land should not be taxed, because the title is yet in the Government, and so remains until the patent issues.

The existing doubt is usually construed by the public and courts (see Judge Sawyer's Opinion, page 1171 herein, on a suit to set aside a patent obtained by false

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swearing) on the side of the applicant or purchaser. If the law was not complied with by the applicant, an innocent purchaser years afterwards may be brought into court in equity to defend title to his land. The surest way to cure this defect is to repeal the laws suggested as worthy of repeal. Enact a simple disposition law, such as an amended homestead law, and declare that the title goes with the act of proof of compliance and issuing of register's certificate for patent, with a reasonable time for action by the General Land Office. Unless some such act is passed, a fine assortment and collection of suits for fraud are in store, and attorneys can fatten on reluctant clients to be drawn into court to answer the suits of a negligent Government. This question should be settled.

For method and manner of taxation and for citations of authorities as to when a State may tax public lands, see page 239.

A MULTITUDE OF FORMS.

At present the public-land system requires a multitude of forms and regulations.

The catalogue of blanks and blank books for the Department of the Interior for 1882-'83 contains a list of blanks used in and by the land service, covering 23 pages—from page 85 to 108—and recording more than 800 numbers for blanks, books, and circulars. For forms used in land entries see as follows: For pre-emption, page 638: for homestead, page 1032; for desert-land act, page 1106; for timber and stone act, page 1086; for timber-culture act, page 1091; for mines, page 1013; for cash entries, page 1159.

In the face of the known fraud in land entries, some of the affidavits and blanks used under the settlement laws are almost ludicrous. The fewer and simpler the laws the less blanks and forms required for entry and the fewer false oaths by applicants.

PATENTS.

A patent for public lands should be free of conditions and embarrassments. It should be, as it was intended to be, a deed in fee.

It is the general opinion that a patent for public lands is in fact a fee, without limitations or conditions. This is an error, and how serious a one can be seen by reference to page 356, where the form of a homestead patent is given in full; page 216, for form of a pre-emption patent; pages 329 and 330, for forms used for placer and vein mineral claims, and pages 973 to 976, for substance of patents for town sites. When some of the present settlement and disposition laws are repealed or amended, the United States land patent can be made a fee in fact. The present numerous and varied kinds are great aids to litigation, especially the patents for mining claims and town sites.

When the word "patent" is used, a deed or fee is understood. The nation should give a warranty deed or one in fee, as it is the sole owner or proprietor, instead of one form of patent, or one form for the several different classifications of land, which would be at most seven different patents. We find that at present the General Land Office issues under the several land laws 57 different patents. The list is given in full.

Department blanks (Department of the Interior) used in the General Land Office.

CLASS 13.

PATENTS.

4-402.—Patent credit system, northwest of the Ohio. 4-403. 4-404.—Patent, homestead, act May 20, 1862, non-mineral. 4-405.—Patent, homestead, act May 20, 1862, mineral. 4-406.—Patent, cash, act April 24, 1820, non-mineral. 4-407.—Patent, cash, act April 24, 1820, mineral. 4-408..—Patent, agricultural college, act July 2, 1862, mineral. 4-409.—Patent, agricultural college, act July 2, 1862, non-mineral. 4-410.—Patent, Valentine scrip, act April 5, 1872, mineral. 4-411.—Patent, cash, town site. 4-412.—Patent, donation, act May 24, 1828. 4-413.—Patent, Kansas trust lands. 4-414. 4-415.—Patent, warrant, act March 22, 1852. 4-416.—Patent, warrant, act March 3, 1853. 4-417.—Patent warrant, act March 3, 1855, non-mineral. 4-417½.—Patent warrant, act March 3, 1855, mineral. 4-418.—Patent, warrant, act February 11, 1847, non-mineral. 4-418½.—Patent, warrant, act February 11, 1847, mineral. 4-419.—Patent, warrant, act September 28, 1850, non-mineral. 4-420.—Patent, warrant, act September 28, 1850, mineral. 4-421.—Patent, warrant, act March 17, 1862. 4-422.—Patent, timber culture, non-mineral. 4-423.—Patent, Ottawas and

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Chippewas, act July 31, 1855. 4-424.—Patent, timber culture, mineral. 4-425.—Patent, cash, act September 26, 1850. 4-426.—Patent, donation, act July 22, 1854. 4-427. 4-428.—Patent, donation, act September 27, 1850. 4-429.—Patent, Pottawatomies, treaty of 1867. 4-430.—Patent, cash, act April 24, 1820, non-mineral. 4-431.—Patent, Indian, act March 3, 1875. 4-432.—Patent, Chickasaws, treaty October 20, 1832. 4-433.—Patent, Delawares, act June 22, 1874. 4-434.—Patent, Ottawa trust, treaty June 24, 1862. 4-435.—Patent, Sac and Fox, treaty March 6, 1861. 4-436.—Patent, Pottawatomies, treaty November 15, 1861. 4-437.—Patent, Winnebago, act February 21, 1863. 4-438.—Patent, Winnebago trust, act February 21, 1863. 4-439.—Patent, Kaskaskia, &c., treaty May 30, 1854. 4-440.—Patent, Kansas trust, treaty October 5, 1859. 4-441.—Patent, Chippewa, treaty August 2, 1855. 4-442.—Patent, Brothertown, act March 3, 1839. 4-443.—Patent, Choctaw, treaty September 27, 1830. 4-444.—Patent, Creeks, treaty March 24, 1832. 4-445.—Patent, form for copy. 4-446. 4-447.—Patent, treaty September 30, 1854. 4-448.—Patent, act June 22, 1860. 4-449.—Patent, act June 2, 1858. 4-450.—Patent, act June 21, 1860. 4-451.—Patent, act July 9, 1832. 4-452.—Patent, Surgeon-General's certificate, act June 2, 1858. 4-453. 4-454.—Patent, treaty September 30, 1854. 4-455. 4-456.—Patent, Sioux, act May 19, 1858. 4-457. 4-458.—Patent, Red Lake, treaty October 2, 1863. 4-459.—Patent, placer. 4-460.—Patent, coal lands. 4-461.—Patent, Sutro tunnel. 4-462.—Patent, lode claims. 4-463.—Patent, mill sites. 4-464.—Patent, mineral, Supreme Court. 4-465.—Patent, non-mineral, Supreme Court. 4-466.—Patent, military surveys in Ohio. 4-467.—Patent, warrant, act July 27, 1842. 4-468.—Patent, Hot Springs. 4-469.—Patent, swamp lands. 4-470.—Patent, swamp-land indemnity.

Not filled: 4-471, 4-472, 4-473, 4-474, 4-475.

UNLAWFUL OCCUPATION OF THE PUBLIC LANDS.

(See also page 1168 herein.)

An immediate necessity exists for the passage of a law to prevent the unlawful occupation of the public lands. The effect of the decision of the Supreme Court of the United States in Atherson *vs.* Fowler (6 Otto, 543), and in Hosmer *vs.* Wallace (7 Otto, 575), has been to turn over a large portion of the public lands to such as may want them, with the right of holding against the United States or persons claiming under the Government. These decisions have been court law for more than three years. The laws of Congress, however, are the other way. A new act should be passed with provisions for punishment and penalties for the unlawful occupation of the public lands. The following report by Mr. T. M. Rice, from the House Committee on the Public Lands, January 12, 1883, Forty-seventh Congress, second session, House of Representatives, Report No. 1859, is given in full.

LEGISLATION NECESSARY.

[Report to accompany bill H. R. 7244.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 3560) to prevent the unlawful occupation of the public lands, report back said bill with a substitute, the passage of which is recommended.

In California and in others of the States and Territories, as is made to appear to the committee, large tracts of the public lands have been inclosed by sheep and cattle rangers, who have no title, but, finding the lands vacant, have inclosed them with fences and use them for purposes of pasturage.

These lands, so unlawfully held, are legally subject to pre-emption and homestead entry, and but for this unlawful adverse occupation would be eagerly sought and entered by the home-seekers now flocking into the West. But finding the land in the occupation of another, the homesteader or pre-emptor is thereby, under the rulings of the courts, prevented from making homestead or pre-emption entry.

The Supreme Court of the United States in the case of Atherson *vs.* Fowler (6 Otto, 513), and the subsequent cases of Hosmer *vs.* Wallace (7 Otto, 575), and Trenouth *vs.* San Francisco (10 Otto, 251) has held that no right of pre-emption can be established by a settlement and improvement on a tract of public land which is in the possession of another who has inclosed, settled upon, and improved it.

In Hosmer *vs.* Wallace the court says:

"To create a right of pre-emption, there must be settlement, inhabitation, and improvement by the pre-emptor, conditions which cannot be met when the land is in the occupation of another. * * * Under the pre-emption laws, as held in Atherson *vs.* Fowler, the right to make a settlement is to be exercised on unsettled lands; the right

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to make improvements is to be exercised on unimproved land; and the right to erect a dwelling house is to be exercised on vacant land. None of these things can be done on land when it is occupied and used by others."

In Trenouth *vs.* San Francisco the court says:

"The right of pre-emption, under the laws of the United States, cannot be acquired by intrusion and trespass upon lands in the actual possession of others."

From these quotations, it is apparent that the Supreme Court intended to deny the right to pre-empt when there was *actual* possession in another, without regard to the character of the possession, whether lawful or not.

And so the supreme court of California understands those decisions, as will be seen from their language in the case of Davis *vs.* Scott (6 Pac. Law Journal, 699):

"As the land was in the *actual* possession and occupation of the plaintiff at the time defendant attempted to locate a pre-emption claim thereon, it was not, therefore, subject to pre-emption."

Under the operation of these decisions the trespasser is enabled to hold and keep from settlement and improvement large areas of the public lands. If the pre-emptor attempts to enter into possession he is proceeded against as a trespasser for invading the possession of another. If he seeks to defend on the ground that he is a pre-emptor, and the lands are legally subject to pre-emption, he is met with the decisions of the courts that, inasmuch as these lands are and were, when he attempted to make pre-emption or homestead entry, in the possession of another, his entry and possession is of no force or effect. Thus he is deprived of any standing in court to assail the possession of the real trespasser.

The substitute provides a simple procedure by which the occupant can make entry, filings, and declarations to acquire title to such part of the tract as he could enter under the laws, and prevents his holding a larger quantity and thereby thwarting the beneficent operation of the laws framed for the benefit of actual and *bona-fide* settlers."

CHANGES IN EXISTING LAND LAWS.

THE PRE-EMPTION ACT.

(See pages 678–682 and 1163, 1209.)

The pre-emption act and amendments should be repealed. Its chief value now is to illegally acquire public lands. It aids in the increase and growth of perjury. For details as to recommendations of officials and the action of Congress in favor of this repeal, see references above.

Enacted long prior to the homestead law of 1862, it was, in fact, supplanted by it. All of its best and useful features are now in the homestead act.

It is stated by land officers that more than one-half of all the entries under the pre-emption act are fraudulent. The lands for which this and the present homestead act were framed are now about exhausted; and changed condition of affairs now exists.

THE HOMESTEAD LAWS

(See pages 679–683 and 1163, 48, 1220.)

Should be consolidated into one act, with a provision for five years' settlement, then title to pass free; or, if at the end of two years, the homesteader desires, he or she can pay for the land at $1.25 per acre. The five years' residence clause in the present law grew out of the fact that foreigners who had filed their intentions to become citizens and then filed a homestead, have to wait five years to become citizens, so as to obtain title by residence, and unless the right of such to file claims is abolished, or the term of residence required for citizenship is shortened, the present rule must stand.

The Indian homestead clause, on pages 1032 and 1045–'6, should remain, with the proviso that Indians entering such lands should not be charged for filing, and the fees of local offices should be paid by or credited to them by the General Land Office. A desert homestead, 640 acres or more, should be provided for in lieu of present desert-land law.

The existing timber-culture provision could be retained. (See 2317 R. S.)

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MINING LAWS.

(See page 1220.)

The present mining laws relating to the precious metals will, in the near future, have to be materially changed, when other classes of public lands are exhausted and attention is given to the subject. A short and sharp conclusion will be reached, and essential amendments will be made—changes for the better security of title and respect for the rights of property. They and the timber lands are in the future to become the chief source of supply of cash from sales of public lands.

The coal lands are sold at too high a price, $10 and $20 per acre; $5 would seem to be enough. Gold and silver lands are sold for this amount.

THE PASTURAGE LANDS.

The great area of pasturage land in the desert region, now the property of the nation, more than 300 millions of acres, are a free zone for millions of cattle and thousands of herders, holding title to ranges by mere occupancy and to the herds by brands and marks and consent and agreement between herd-owners. The value of these lands for grazing purposes is considerable; for any other surface use at present, nothing. Underlying these are vast measures of coal and other minerals, so that if these lands are sold for a nominal acreage the coal and other minerals would probably go with them. Scattered here and there over them are springs and water holes. These have been entered under the homestead or pre-emption acts. The ownership of the water on the plains and pasturage lands controls the land. The land is useless without the water. A spring, water hole, or river front will control the pasturage lands for miles. These have almost all been entered under the settlement laws.

Artesian wells may settle the future of these lands. Government experiments, however, in this direction thus far have not resulted satisfactorily.

This valuable interest should be protected by law, and in some manner security of title for occupancy, for a time at least, should be secured to cattle-owners.

The settlement and disposition laws are now used to capture the water, and thus control the lands. These lands must be sold or leased or remain as they are. (See Ex. Doc. No. 46, Forty-sixth Congress, second session, for testimony and suggestions as to these lands and the cattle-raising industry.)

THE DESERT-LAND ACT.

(See pages 1165, 1221.)

The desert-land act has become an aid to land-grabbing. It should be repealed or a larger area given under it. The act is nearly, if not quite, useless for the actual settler, from the fact that poor men cannot irrigate by means of expensive ditches, and men of means cannot afford to dig ditches for so small an area on account of the cost. In the opinion of many, the claims entered under this act were meant by the law to be assignable, but Secretary Schurz ruled otherwise.

We now guard the desert lands with scrupulous care; perhaps we are waiting for climatic changes to make them arable. It is a great pity that the same care was not taken with the swamp lands. We gave millions of acres of swamp lands, because they could not be cultivated, to persons who would reclaim them to agriculture by taking water from them, while under the desert-land act we charge persons for uncultivatable lands and make them pay $1.25 per acre for the privilege of spending large sums of money to reclaim them to agriculture by the introduction of water. In one case we gave them the land for reclamation; in the other we make them reclaim the land at a vast expense and pay the Government for the privilege.

THE TIMBER-CULTURE LAW

(See Pages 681, 683, 1088, 1164, and 1221.)

Should be repealed. Its use is to fraudently enter public lands. For entries, see pages 1089 to 1090 and page 1290.

The entries under this act in *Kansas* alone up to 1883, were 23,942, containing 3,832,636.44 acres. Under this act, to June 30, 1883, there have been 101,358 entries, containing 16,768,076.70 acres. Surely the cry that our forests are being destroyed is of small value when the enormous timber crop that is coming on under these entries

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is considered. We are growing on public lands (on paper) timber for the world. Unfortunately the humor of this law can readily be seen when it is known that but 500 of these claims have been proved up or shown to contain cultivated timber, containing in all 97,836.08 acres.

Dakota is to become the future timber reserve under this law.

In 1882, in Dakota 9,368 entries were made, containing 1,466,532.39 acres. Four claims were paid for; that is, four persons showed that they had complied with the law, containing 521.68 acres. In 1883 there were 11,199 timber-culture entries in Dakota—timber culture probably being more profitable than wheat growing—containing 1,755,419.58 acres. During the same period 111 persons showed that they had complied with the law and made final entries of 14,968.12 acres.

The two tables of total disposition of public lands for the year 1882 and 1883, in detail printed herein, can be studied with profit as to all of the settlement and disposition laws. Minnesota, Kansas, Nebraska, and other tree and treeless States have entered enormously into the growing of timber.

An area more than twice as large as all New England is now by law and on paper raising timber for the future. (See pages 1089-90 and 1290 for tables.)

The timber-culture act can fairly be titled "An act to loan to any person 160 acres of public land for eight years without fear, favor, or supervision."

The existing homestead act contains a timber-culture provision. (See 2317, R. S. U. S., and page 361, herein.)

TIMBER LANDS.

(See pages 1049, 1081, and 1165.)

The timber lands should be sold, and a law should be passed to this effect. Will not private ownership, self-interest, best protect this class of lands?

At present a force of special timber agents (see page 1051) are employed under the direction of the Commissioner of the General Land Office, charged with the care of the timber lands. The force is self-sustaining so far as money is concerned, but it is un-American and unpopular. The necessity for it is due to the fact that there is no general law for the disposition of the timber lands of the United States. The statements of these agents are, of course, *ex parte*, and the public are not in love with nor do they yield willing obedience to them. Persons do not usually depredate upon the public timber for mere wantoness, but frequently they are forced to become depredators through want of the timber for actual or commercial use, and the lack of a law for its sale.

RECOMMENDATIONS AS TO LEGISLATION FOR THE SALE AND CARE OF TIMBER LANDS.

The Public Land Commission, in its report, February 21, 1880 (H. Ex. Doc. No. 46, second session, Forty-sixth Congress, with testimony as to these lands), speaking of the timber lands, recommended the passage of a law for the sale of the public timber and graduating the price.

DETAILS AS TO LACK OF TIMBER LAWS.

Referring to the timber-lands question and the above suggested law, the Commission used the following language, which is of value, because the situation December 1, 1883, is the same as at the date of the report.

It is proper to say that much difficulty is encountered in trying to suppress depredations upon the timber on the public lands.

The difficulties arise from a variety of causes, chief among which has been and still is the impossibility of purchasing, in a straightforward, honest way from the Government, either timber or timber-bearing lands.

Until a very recent date, no public lands in the States of Arkansas, Louisiana, Mississippi, Alabama, or Florida could be procured in any other manner than by a compliance with the homestead law. This condition of the law was the primary cause of thousands of fraudulent homestead entries. It was no uncommon thing for one person or one firm engaged in the timber or turpentine trade to procure to be made large numbers of homestead entries with apparently no intention of complying with the law. So far as relates to the States mentioned, this condition no longer exists, as the lands have all been brought into market under the act of June 22, 1876, and rendered subject to sale at $1.25 per acre at private entry, and consequently depredations on the timber in those States have, to a very great extent, ceased.

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Until the passage of the act of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory" there was no manner by which timber or timber lands in either of the States or the Territory mentioned could be obtained excepting by settlement under the homestead and pre-emption laws, and by the location of certain kinds of scrip and additional homestead rights, which cost several dollars per acre.

Settlements upon timber-bearing lands in the States and Territory mentioned in the act, under the homestead and pre-emption laws, are usually a mere pretense for getting the timber. Compliance with those laws in good faith where settlements are made on lands bearing timber of commercial value is well-nigh impossible, as the lands in most cases possess no agricultural value, and hence a compliance with the law requiring cultivation is impracticable.

The commission visited the red-wood producing portion of the State of California, and saw little huts or kennels built of "shakes" that were totally unfit for human habitation, and always had been, which were the sole improvements made under the homestead and pre-emption laws, and by means of which large areas of red-wood forests, possessing great value, had been taken under pretenses of settlement and cultivation which were the purest fictions, never having any real existence in fact, but of which "due proof" had been made under the laws.

In some sections of timber-bearing country where there should be, according to the "proofs" made, large settlements of industrious agriculturists engaged in tilling the soil, a primeval stillness reigns supreme, the solitude heightened and intensified by the grandeur of high mountain-peaks, where farms should be according to proofs made, the mythical agriculturist having departed after making his "final proof" by perjury, which is an unfavorable commentary upon the operation of purely beneficent laws.

The law of June 3, 1878, is onerous, and ameliorates the condition existing before its passage but very little, if any; something further is necessary.

Another act was approved on the 3d of June, 1878, entitled "An act authorizing the citizens of Colorado and the Territories to fell and remove timber on the public domain for mining and domestic purposes," by the provisions of which settlers and other persons may take timber for mining and agricultural purposes from mineral lands.

The provisions of this law, when understood, mean but very little. *Timber may be taken from mineral lands.* Perhaps not one acre in five thousand in the State and Territories named is mineral, and perhaps not one acre in five thousand of what may be mineral is known to be such. The benefit of this law to the settlers is better understood when these facts are known.

The whole subject-matter of existing laws in relation to the sale or disposal of timber-bearing lands may be briefly stated, as follows:

Timber lands in the States of Arkansas, Louisiana, Mississippi, Alabama, and Florida may be bought for cash by any persons in any quantities, or may be taken under the homestead and pre-emption laws.

In such parts of the States of Michigan, Wisconsin, Minnesota, and Missouri as contain public lands, which are at the same time agricultural and timber lands, the title may be obtained only under the homestead and pre-emption laws.

There is no way provided by law for disposing of lands which are chiefly valuable for timber of commercial value in those States, as it must be conceded by all that the homestead and pre-emption laws apply only to lands valuable for agriculture.

In the States of California, Oregon, and Nevada, and in Washington Territory, timber lands can be bought by certain persons, under certain onerous conditions, in quantities not exceeding one hundred and sixty acres.

In the States of Nevada (both the laws approved June 3, 1878, are applicable to this State) and Colorado, and in all the Territories except Washington, any person may cut and remove all the timber he may need for mining and domestic purposes from *mineral land.* This law, strictly observed, would not confer any benefit upon one in one thousand of the inhabitants. There is no other law by or under which timber or timber lands can be procured in the States and Territories last above named.

The population of two States and seven Territories should not longer be compelled by the laws of the country to be trespassers and criminals on account of taking the timber necessary to enable them to exist, as is the condition to-day, and as it has been, according to law, ever since settlements were commenced, or since the policy of selling lands for cash has been abandoned by the Government.

LEGISLATION RECOMMENDED, 1883.

Attention is called to the recommendation of Commissioner McFarland, in his annual report for 1883, page 9, for the necessity of prompt legislation as to the sale or disposition of the timber lands.

THE TIMBER AND STONE ACT.

(See pages 689, 1046, 1086, and 1221.)

The data as to the necessity of amendment or repeal of this law, together with details of its practical operation, will be found on the pages above cited.

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PUBLIC LANDS IN THE FIVE SOUTHERN STATES.

At the close of the war of the Rebellion, the President, by proclamation June 13, 1865, ordered the reopening of the United States district land offices in the States of Louisiana, Florida, Arkansas, Mississippi, and Alabama. Congress, June 21, 1866, directed that all public lands in those States should be reserved for settlement under the homestead act of May 20, 1862. The obtaining of these lands by the landless class of the South was considered essential to their future welfare and that of the Nation. Congress therefore enacted that they should only be entered under the homestead law, and, changing the rule, fixed the maximum acreage to be entered by a person at 80 acres. This was to continue until June 21, 1868. Under this law to June 30, 1883, the homestead entries have been as follows:

FROM JUNE 26, 1866, TO JUNE 30, 1883.

States.	Original entries.	Quantity.
		Acres.
Alabama	31,207	3,142,279.21
Arkansas	47,975	4,449,567.94
Florida	18,036	1,956,227.07
Louisiana	10,901	1,297,620.32
Mississippi	13,845	1,342,117.35
	121,964	12,187,811.89

One hundred and twenty-one thousand nine hundred and sixty-four homes started and initiated, containing 12,187,811.89 acres, an area almost equal to the surface of the States of Connecticut, Massachusetts, and New Jersey.

Considering the lack of immigration into these five States, the above results of the homestead act were gratifying, and the poor and landless class of that section were acquiring homes and becoming self-supporting.

THE LAW CHANGED, AND PUBLIC OFFERING AND PRIVATE CASH ENTRIES ARE AUTHORIZED.

Congress enacted—which enactment became a law June 22, 1876, by the non-approval of President Grant—that all of the public lands in the five Southern States should be brought into market by proclamation for sale at public offering (see pages 206 and 207), to be followed by private cash entry.

THE ACT IN FULL.

[R. S. 2303, p. 424, repealed July 4, 1876.]

CHAP. 165.—An act to repeal section two thousand three hundred and three of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two thousand three hundred and three of the Revised Statutes of the United States, confining the disposal of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida to the provisions of the homestead law, be, and the same is hereby, repealed: *Provided,* That the repeal of said section shall not have the effect to impair the right, complete or inchoate, of any homestead settler, and no land occupied by such settler at the time this act shall take effect shall be subject to entry, pre-emption, or sale: *And provided,* That the public lands affected by this act shall be offered at public sale, as soon as practicable from time to time, and according to the provisions of existing law, and shall not be subject to private entry until they are so offered.

SAMUEL S. COX,
Speaker of the House of Representatives, pro tempore.
T. W. FERRY,
President of the Senate, pro tempore.

Received by the President June 22, 1876.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act, having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

It was claimed that the passage f the act of June 22, 1876, would enable persons to at once acquire titles to homes without waiting the long period required under the homestead act. Besides it was urged that, as much of this land was covered with valuable timber, the Nation would secure a greater price than $1.25 per acre, it being

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worth a great deal more at public sale. This was and always is mere subterfuge. It is a cunning device to pass a cash or private sales law. Hardly a member of Congress could or can be found who would introduce a bill to sell public lands outright for money, in unlimited quantities, to citizen or alien. The acts of June 22, 1876, and March 3, 1883, were in fact just such laws, with this difference, that they put the Nation to an enormous expense for advertising the public sales, about equal to $500,000, in the South, which would not be necessary if the law was a plain spoken cash sale act. Pages 206 to 208, show the existing procedure in public offering and sale of public lands.

The sales are advertised ; a few persons come to the land office where offered; scarcely any one bids. The lands thus become offered, are so marked on the plats, and are thereafter sold for cash in unlimited quantities at $1.25 per acre. This is going on at this date in the Southern States, and especially in Alabama, under the act of March 3, 1883. Several offerings are now advertised for January 7, 1884. Any person, citizen, or alien, can at this hour buy a million acres of the public lands, not occupied by settlers, in any of the five Southern States, at $1.25 per acre—timber, mineral, and agricultural.

PUBLIC OFFERING IN THE SOUTHERN STATES A MERE TECHNICAL EXPRESSION.

Millions of acres of public lands have been offered at public sale at auction in the five Southern States since 1876. This method of sale came into effect during the old cash-sale period prior to 1841. It has become a fixture of the public land system on account of precedent, but with no reason or value. To show what a farce this is, the statistics of such sales for 1882 and 1883 are given:

Sales of lands at public sale offering and private cash entry, or purchase of such lands after being offered and not sold, in the five Southern States, for the fiscal years 1882, 1883.

States.	1882.			1883.		
	Sold at public offering.	Amount.	Actual cash sales after being offered at public sale, private entry.	Sold at public offering.	Amount.	Actual cash sales after being offered at public sale, private entry.
	Acres.		*Acres.*	*Acres.*		*Acres.*
Alabama	.....	.....	57,438.83	40.11	$50 14	70,265.52
Arkansas	772.36	$1,059 53	57,172.57	2,177.68	2,922 10	106,671.87
Florida	1,174.37	1,552 55	128,873.42	220.99	590 44	221,853.15
Louisiana	186.59	233 20	367,465.40	2,789.98	3,487 48	355,184.74
Mississippi	.....	.....	219,455.89	.....	.....	349,431.04
Total	2,033.32	2,845.28	830,406.11	5,228.76	7,050.16	1,103,406.32

THE SPECULATORS AND LARGE HOLDERS EARNESTLY AT WORK.

This bad policy of selling the public lands in the South at private sale—for cash at private sale—in unlimited quantities, can be seen in the steady gain of the area of cash purchases over the area taken under the homestead act.

States.	1882.		1883.	
	Homestead entries.	Cash sales.	Homestead entries.	Cash entries.
	Acres.	*Acres.*	*Acres.*	*Acres.*
Alabama	266,123.44	57,438.83	268,732.09	70,265.52
Arkansas	365,913.98	57,172.57	353,824.00	106,671.87
Florida	191,033.22	128,873.42	210,800.43	221,853.15
Louisiana	116,703.70	367,465.40	124,660.19	355,184.74
Mississippi	138,488.36	219,455.89	167,079.90	349,431.04
Total	1,038,262.70	830,406.11	1,125,096.61	1,103,406.32

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AREA OF PUBLIC LANDS IN THE SOUTH JUNE 30, 1866, WHAT HAS BEEN DONE WITH THEM, AND AREA REMAINING JUNE 30, 1883.

In 1866 it was estimated that the United States owned more than 40,000,000 of acres in the five Southern public land States, or an area quite equal to the States of South Carolina, West Virginia, and Connecticut.

WHAT HAS BECOME OF THEM.

In round numbers, thirteen millions of acres of this area have been disposed of to June 30, 1883, under the homestead, pre-emption, mineral and coal acts; about 8,000,000 acres have been sold for cash; about 18,000,000 of acres were still the property of the Nation June 30, 1883.

RAPID DISPOSITION PROBABLE IN 1884.

Of the amount remaining, judging by the disposals from June 30, 1883, to December 1, 1883, 3,500 of acres will be disposed of during the year to June 30, 1884. The sales under the Alabama mineral act of March 3, 1883, may run this up to 4,000,000 of acres, of which more than a half will probably go into the clutches of speculators.

THESE LAWS SHOULD BE AT ONCE REPEALED.

The act of July 4, 1876, or June 22, 1876, page 545, and the Alabama act of March 3, 1883, page 980, should be at once repealed. They do violence to the views of the majority of the people, are for the use and benefit of capitalists and speculators, and are against sound public policy. These lands, about all of the remaining purely agricultural public domain, and some covered with valuable timber, should be held for actual settlers, under the homestead act. Such as are purely timber lands should be disposed of under a new and general timber disposition law.

The Alabama act of March 3, 1883.—The Alabama public land act, given in full on pages 980, 981, should be at once repealed.

The mineral lands thrown open by this act to purchase at private sale in unlimited quantities at $1.25 per acre, are of great value, and embrace from two to five hundred thousand acres. Being found to contain valuable minerals, iron, and coal, the Commissioner of the General Land Office, as was his duty by law, after examination by experts of his office, withdrew them from public and private sale and entry under the homestead act, to the end that the nation might get the legal price, per acre for the lands, the same exacted for mineral and coal lands in other public land States and Territories. Besides, large areas of this land had been entered under the homestead act, in the face of a non-mineral affidavit taken in each case. A curative act (the law contains such a clause), if Congress found equity existing, would have reached this class of entries, and relieved the actual settlers without throwing open the entire area known to be mineral to private entry. It was alleged that interested parties, capitalists, for their own benefit, had caused homestead entries to be made by persons employed for the purpose; these entries were suspended by the General Land Office. Congress was then asked to aid in the acquirement of title by these principals. For almost two years a constant attempt was made to pass this law in the 47th Congress. Active, earnest legislators watched it closely, and tried to prevent its passage. The Commissioner of the General Land Office, the officer charged with the direct control of the disposition of the public lands, did not recommend its passage, but on the contrary distinctly stated in substance that he was not prepared to recommend so radical a change in the method of disposition of the public lands. The title of the act has no reference in fact to the text of the bill. It is, "An act to exclude the public lands in Alabama from the operations of the laws relating to mineral lands."

The title should have been "An act to sell all mineral lands of the public domain in Alabama as agricultural lands, and at private sale at $1.25 per acre in unlimited quantities to any person or persons," citizens or aliens. For this is the effect and the result of the act.

The law contains this proviso, "*Provided, however*, that all lands which have heretofore been reported to the General Land Office, as containing coal and iron, shall first be offered at public sale." The meaning of this was and is that such lands shall be sold at private sale, cash entry (see page 1159), nothing more or nothing less, and under this clause the lands are now being offered by President's proclamation. A

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ew acres will be sold at public sale, but, as a result of the offering, it being the purpose, an enormous area will be sold in legal subdivisions, at private sale, to any person in unlimited quantities for cash. This law was originally introduced in the House of Representatives as H. R. No. 19, 47th Congress, 1st session, December 13, 1881.

It should be repealed along with the act of June 22, 1876, and before much serious harm may have occurred under its provisions.

Why should the public coal lands be sold for $10 and $20 per acre in Colorado, Utah, and other land States and Territories as they are, and for $1.25 per acre in Alabama, as this law orders they shall be sold? Why should iron lands be sold for $2.50 to $5 per acre in California and Idaho as "valuable mineral deposits," and in other land States and Territories as they are, and for $1.25 per acre in Alabama, as this law says they shall be sold. Do they lose in value because located in Alabama?

EXISTING PRIVATE LAND CLAIMS SHOULD BE SETTLED.

(See pages 365 to 410, 1111 to 1157, and 1292.)

Private land claims should be at once settled, a statute of limitation should be passed, of say two years, within which all such claims should be filed. A commission should be appointed (if a court is not thought best). One commission should be created charged with the entire matter; one would be better than several, as experience would thus be more available.

PRIVATE LAND SURVEYS OR DEPOSITS FOR PUBLIC LAND SURVEYS. (Secs. 2401, 2402, 2403, Revised Statutes.)

(See pages 184, 185, and 569 to 572, and for circular of September 15, 1883, see page 1243; Chapter XXXVI, Surveys, page 1242.)

This law has materially aided in giving the United States a handsome addition to her already large and full collection of surplus surveyed sand banks and deserts, which she cannot dispose of. The arable or irrigable lands, a comparatively few acres in each township are taken by actual settlers, still the entire area is surveyed and subdivided. In most cases leaving four-fifths of the area waste. This law results in the survey of lands of no present, and probably of no future value, and the obtaining of certificates indorsed by officers of the Government for moneys advanced, which may have to be redeemed with land in place or cash. Congress will probably be called on shortly to redeem these certificates. (See Commissioner McFarland's recommendation as to the repeal of this law, page 572, and as to its operations).

AREA OF SURVEYED AND UNSOLD LANDS JUNE 30, 1883.

As the United States already owns more than 254,000,000 of acres of surveyed and unsold lands (see page 528), will it not be as well for Congress to inquire as to the utility of this system? The United States appropriated $400,000 for surveys in the year 1883. The deposits for private surveys were $1,162,935.58, for which certificates were issued, and these certificates are assignable, and are used in payment for public lands. A careful scrutiny of this law and the results under it will pay for the effort. Congress in fact seems to know nothing of the practical effect or abuses of this law, or it would have been repealed long ago. Mr. Commissioner McFarland's statement in 1881 (see page 572 herein) can be again given, as it is, in the main, as potent to-day as it was two years ago.

RESULTS UNDER THIS LAW SHOW THE NECESSITY FOR ITS REPEAL.

The necessities which formerly existed for advanced or early surveys of the public lands in 1862 and up to 1879, consequent upon a rush of settlers, has ceased to exist. The purely agricultural lands are about all surveyed, except probably in Dakota and the Southern States. The annual appropriation for surveys is sufficient for all practical purposes. Surely the estimates of the Commissioner of the General Land Office should be the guide for the necessities for surveys. It is difficult to give the exact area surveyed under the private deposit system, as the private deposit and public surveys are aggregated by the General Land Office.

HISTORY OF THIS LAW.

The law as originally passed, May 30, 1862 (sections 2401 to 2403 R. S., and amendatory act of July 1, 1864), permitted the deposit of money, by the settlers in any

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township not mineral, for the survey and subdivision of the same. The certificate of deposit was to be receivable in part or in payment for their lands, taken under the homestead or pre-emption acts, situated in the townships, the surveying of which is paid for out of such deposits.

This law was fair enough upon its face, but was but seldom used.

March 3, 1879, an amendment of section 2403, R. S., was passed, making the certificates issued for such deposits assignable by indorsement and receivable at any land office in payment for pre-emption and homestead claims. This was a shrewd and cunning amendment. For details as to its operations see pages 569 to 572.

In the sundry civil bill passed August 7, 1882 (it is probable that no separate bill could have been passed), section 2403 (the act of March 3, 1879) was amended by providing that the certificates issued for private deposit surveys of the public lands should only be received in payment for lands at the land offices in the land districts where the lands are which are surveyed. The township feature of the original law was not restored. This was some relief, and abridged in a slight measure the evils of the law. But a district in some cases means almost an entire Territory or State. (See the list of land offices, page 555 herein.) If the law must remain, confine the location of its certificates to the township in which the lands lie are surveyed. It laid almost dormant from 1862 to 1879, when interested parties had it amended and the fraud began. The amendment of 1882, confining the use or location of the certificates issued for surveys to the land district in which the lands lie, virtually continues the fraud.

This amendatory law was passed August 7, 1882. The deposits for private surveys in the year ending June 30, 1883, were $1,162,935.58. Congress should examine into this at once and repeal or vitally amend this law.

CIRCULAR OF MARCH 5, 1880, REVOKED.

(Noted on page 569.)

The circular of March 5, 1880, relative to surveys under the private deposit system, was revoked by the circular of September 15, 1883, given in full in "Surveys," Chapter XXXVI, page 1243 herein. The method of procedure and regulations under this law are therein set out in full.

VAST AREAS OF LANDS SURVEYED WHICH REMAIN UNSOLD.

For the purpose of showing the practical operation of this private deposit survey system the following five political divisions are selected as a type. For full details of operations under it, in all surveying districts, see pages 1240 and 1242:

State or Territory.	Area surveyed in 1882.	Disposed of, 1882.	Surveyed in 1883.	Disposed of, 1883.	Estimated area of surveyed and unsold lands, June 30, 1883.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Arizona	293, 036. 38	21, 156. 81	1, 866, 015. 76	57, 386. 54	4, 404, 001. 26
Colorado	5, 818, 183. 84	534, 257. 02	1, 370, 924. 49	424, 713. 86	36, 735, 914. 80
Nevada	631, 373. 47	78, 588. 27	3, 025, 799. 18	79, 936. 67	18, 768, 912. 47
New Mexico	5, 287, 307. 74	116, 931. 60	8, 361, 740. 67	249, 195. 70	22, 866, 999. 03
Wyoming	412, 270. 91	58, 307. 25	1, 216, 611. 03	187, 488. 65	20, 655, 148. 98

The above is one of the most interesting statements connected with the administration of the land service. Millions of acres are surveyed annually under this private deposit system which are not and cannot be sold, and the United States receives and redeems the certificates issued for the money deposited for these surveys. Virtually a loan of the credit of the United States to an unlimited amount for a private purpose. If this private deposit system is of real benefit to settlers and the lands necessary for actual settlers, why then does this not supersede the direct annual appropriation by the United States for surveys? One or the other certainly is superfluous.

OFFICERS OF THE GOVERNMENT ARE COMPETENT TO JUDGE WHEN SURVEYS ARE NECESSARY.

The surveyors-general in the sixteen public land surveying districts certainly are sufficiently empowered by law to direct as to the progress and locality of surveys,

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with an eye to the best interest of the Government and the wants of the settlers. They alone, under the direction of the Commissioner of the General Land Office, should control the surveys in their districts. Under this private deposit system they do not act, and cannot, upon actual personal knowledge as to alleged necessities for surveys.

PRIVATE DEPOSIT SYSTEM SURVEYS FOUR-FIFTHS OF THE PUBLIC LANDS.

One-fifth only of all the public land surveys since June 30, 1878, have been done with public moneys or money appropriated by Congress for the purpose. It is estimated that since that period about four-fifths of the public land surveys have been done with money deposited by individuals.

For statement of the Commissioner of the General Land Office in his annual report for 1881 as to the glaring frauds under this law, see page 1242.

CONGRESSIONAL APPROPRIATIONS SUFFICIENT FOR PUBLIC LAND SURVEYS.

To illustrate that the annual appropriations are sufficient for surveys of the public lands and to keep pace with the needs of the people, the following facts are stated:

The United States owned about 220,000,000 acres of *surveyed* and *unsold* lands June 30, 1882, lying and being in the States and Territories where the private deposit system is most used. During the fiscal year 1883, there were 54,129,400.28 acres of public lands surveyed, about four-fifths of it under the private deposit system and the other fifth under the Congressional appropriation of $400,000. Of this vast area only 19,030,796.89 acres were disposed of, and probably not half of this amount from the lands surveyed during the year, leaving a balance—provided the disposals were from the area surveyed during the year—of about 35,000,000 of acres!

USELESS SURVEYING OF ARID LANDS.

The great cost of these surveys is the subdivision of townships. Of course almost all of the public lands will eventually be surveyed, but the barren and desert lands will have to be sold in such tracts as that only the exteriors of townships or sections will be surveyed and not subdivided.

SURVEYS UNDER THIS SYSTEM ARE MADE IN ARID AND BARREN REGIONS.

A look at the table of surveys on page 1241, will show that the larger portion of the surveys under this system are made in arid and barren regions. The surveyors get the profit of the surveys and the United States the surveyed barren lands.

The amount appropriated by Congress in 1882 was $300,000, in 1883 was $400,000. These are undoubtedly sufficient considering the character of the remaining settlement lands (mineral surveys are paid for by the applicants) for all actual settlements. The private deposits were in 1882 $2,013,270.77. This was while the certificates were assignable and could be used on any of the public lands. In 1883, $1,162,935.58 were deposited with certificates to be used in the district in which the lands lie. The original act confined their use to the townships in which the lands were.

CONCLUSIONS.

DECEMBER 1, 1883.

WHAT LAND LAWS SHOULD BE PASSED.

There should be but one law for the disposition of arable, desert, and pasturage lands. One law for the disposal of mineral lands. One law for the disposal of timber lands. Special laws in the past have resulted in depleting the public domain. The more restrictions placed around the public lands in past legislation, the more fraud and evasion; the less restrictions, the greater honesty in their acquirement. An amended homestead act, requiring five years settlement and occupation for title, with a clause permitting commutation at $1.25 per acre at end of two years, should be the only settlement law. This should, to maintain a family, embrace a sufficient area of arable, irrigable, or pasturage lands; it should provide for a holding of one hundred and sixty acres of arable land, and contain also a timber-culture clause.

CLASSIFICATION.

(See page 1161.)

Short and compact laws can be passed embracing four classes of lands, and providing for their disposition, which will be free from ambiguity and doubt.

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No settlement or agricultural lands should be sold by the nation for cash.

Mineral lands should embrace all minerals and mineral deposits.

Homestead lands should embrace agricultural, desert, and pasturage lands. A new law should provide for proper areas for actual settlers under the three several kinds, with incidental regulations as to irrigation and reclamation. The agricultural should be given for actual settlement, the pasturage for an acreage, the desert could be given for reclamation.

Timber lands—the several grades at several prices.

LAWS WHICH SHOULD BE REPEALED.

The pre-emption act of 1841. (See pages 678 to 682, 1162, and 1163.)

The New Mexico donation act of July 22, 1859. (See statements as to frauds, page 1221.) Useless.

Pre-emption a cash purchase and private entry. (See page 1159.) No public lands should be sold outright for cash. All such laws should be at once repealed. See pages 206 and 207 for details as to method of, and laws relating to, private entry of public lands. A proper timber-sale law will do away with the only existing necessity for public offering and private entry of any public lands.

Saline land act. (See pages 217, 696, and 1162.) An obsolete law in many respects. Saline lands should be included in mineral deposits and a general mining law. They are now virtually sold as agricultural lands.

Timber-culture laws of March 3, 1873, and March 13, 1874. (See pages 360, 683, 1093, 1162–1164). The homestead act, sec. 2317, Revised Statutes, contains a clause giving a bounty for planting timber. This can be re-enacted in a new homestead act.

Swamp-land indemnity act. (Pages 219, 696, and 1166.) Claims under this should be closed as soon as possible. The public lands are fast disappearing in the swamp-land States, and soon a claim will be made against the nation for cash payment from the public Treasury for land claimed in indemnity. The operations of selection under this act have been colored and tainted with constructive, and aided largely by actual fraud. (See page 221.)

The desert-land act of March 3, 1877 (see pages 363, 689, 1106, 1165), has been of but little practical use, and is now most useful in aid of fraud. A desert homestead should be substituted, giving a person the land for reclamation.

THE TIMBER AND STONE ACT.

(See pages 357–9, 684, 1046–1086–1165.)

Its provisions are constantly violated; all entries under it for 1883 have been suspended for fraud. (See page 1165.) A general law for the sale of timber should supersede the necessity for this.

Cash sales of public lands in the Southern States.

The act of June 22, 1876, throwing open the public lands in the five Southern States to private entry or cash purchase, should be at once repealed. (Also see page 544.)

The act of March 3, 1883, selling the mineral lands in Alabama as agricultural lands. (See page 546.)

The private deposit, land survey acts, secs. 2901, 2902, 2403, R. S., United States, and amendments. (See pages 189, 569, 572, and 547 to 549.) This law should be at once repealed. Under it the General Land Office does not have what it is supposed to have, charge and control of the surveys of the public land. An act in aid of fraud.

Scrip. All outstanding scrip and warrants should be redeemed, and cash indemnity paid in scrip cases in the future.

LAWS WHICH SHOULD BE CONSOLIDATED OR RETAINED.

The homestead acts. (See pages 683, 1023, 1162, and 1163.) The six existing homestead acts should be consolidated into one actual-settlement law, with requirement of residence and settlement for two and five years, and should apply to all agricultural lands.

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A desert or arid land homestead could be embraced in this—of say, 640 acres—in lieu of desert-land act.

Pasturage lands could be disposed of under this act as well.

Mining land laws. All acts (see page 1162) should be consolidated. This would include the timber and stone act proper and the coal-land act of March 3, 1866.

The town site, lot, and county-seat acts should be retained. They are serviceable and useful. Except in Utah no undue stretch of the provisions of these laws has occurred.

LAWS WHICH SHOULD BE PASSED AS SOON AS IS POSSIBLE.

A law settling the status of lapsed and unused railroad land grants. (See page 1264.)

A law permitting the several States and Territories in which they lie to tax the lands granted rail and wagon roads, as soon as listed by the United States as "granted." A duplicate of the list of lands assigned to railroads under grants could be sent by the General Land Office to the governors of the States or Territories in which they lie for listing and taxation. (See page 1265.)

A law to settle and adjust all private land claims. (See pages 547.)

A law for the sale or other disposition of the timber lands. The timber in alternate sections, or, with or without the fee. In any event a radical change in existing timber-land laws. (See page 542.)

A law fixing the time definitely at which the United States parts title to its lands, purchased or obtained under the disposition or settlement laws, whether at the time the register issues his certificate at the district land office, as he does in all cases for patent, or when the patent issues at the General Land Office at Washington, which in some cases has not yet been done (owing to inadequate clerical force in the General Land Office) for twenty-five years past. (See page 537.)

Indian reservations.—The settlement of the question as to whether lands are to be given the Indians for settlement. It is immaterial for this purpose whether they are to be allotted to the individual or the tribe. The area is the question. It is probable that almost two-thirds of the area at present embraced in Indian reservations will be thrown into the public domain for settlement or disposition. The remainder, above the wants of the Indians, should be taken by the nation, say at $1.25 per acre, and a trust fund created with the proceeds. The interest, payable four times a year, will be ample, coupled with the results of their own labor, to maintain the Indians. An Army officer could disburse it, and the Indians be at once removed from the need of annual legislation. (See page 1253.)

In all lands hereafter sold there should be reserved an easement to the public for highways. This will prevent the holding of water fronts on streams by individuals to the exclusion of settlers in the rear. Such easement will also permit parties owning back lands to get out timber.

The General Land Office should be placed, as an Executive office, on a different basis from now. (See page 1222, 1225, and 1230.)

A building should be erected for the use of the General Land Office wherein the records can be safely stored, and the attaches have a chance for comfort and health. (See page 1222 and 1230.)

The Commissioner should be better paid, and relieved of much mere routine work. (See page 1223.)

An Assistant Commissioner should be provided. (See page 1223.)

The chiefs of division should be better paid. (See page 1224.)

The clerical force should be increased and better compensated, to the end that the arrears of business can be brought up. Swamp-land indemnity and railroad land-grant acts could then be executed. (See page 1224.)

The statistics of the land service should be brought up, and some accuracy at least approximated. (See page 1219.)

The present enormous number of forms in use in the land service can and should be reduced by the repeal of useless and worthless laws, and by the consolidation of useful ones. (See page 538.)

The repeal of laws requiring a force of special timber agents covering the country to prevent fraud, a force always objectionable in a republic and believed to be against the spirit of personal liberty; no law relating to the public lands should be enacted requiring such service. New and wise laws will do away with the necessity for this force.

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ADMINISTRATION OF THE LAND SERVICE.

[See chapter VI, pages 164, 165 and 1230.]

FROM JUNE 30, 1880, TO JUNE 30, 1883.

Name.	Whence appointed.	Date of commission.	Administration.
SECRETARIES OF THE INTERIOR.			
Samuel J. Kirkwood	Iowa	March 8, 1881	Garfield and Arthur.
Henry M. Teller	Colorado	April 8, 1882	Arthur.
ASSISTANT SECRETARIES OF THE INTERIOR.			
Alonzo Bell	New York	April 9, 1877	Schurz, Kirkwood, and Teller.
Merritt L. Joslyn	Illinois	Aug. 1, 1882	Teller.
CHIEF CLERK OF THE INTERIOR DEPARTMENT.			
George M. Lockwood	New York	April 10, 1877	Schurz, Kirkwood, and Teller.
COMMISSIONER OF THE GENERAL LAND OFFICE.			
Noah C. McFarland *	Kansas	June 17, 1881	Garfield.
CHIEF CLERK OF THE GENERAL LAND OFFICE.			
Luther Harrison †	Pa.	Sept. 20, 1882	Arthur.

* See page 166. Office in Interior Department, F street between Seventh and Ninth streets, Washington, D. C. Residence, No. 1326 I street N. W., Washington, D. C.

† Residence, No. 612 Massachusetts avenue N. W., Washington, D. C.

ADMINISTRATIVE STAFF OF THE GENERAL LAND OFFICE, JUNE 30, 1883.

Law Clerk.—Harry C. St. John, 518 Tenth street N. W., Washington, D. C.

Recorder.—Seth W. Clark, 1416 Corcoran street N. W., Washington, D. C.

Principal Clerk of Public Lands.—M. E. N. Howell, 809 E street N. W., Washington, D. C.

Principal Clerk of Private Land Claims.—William H. Walker, 1840 Vermont avenue, Washington, D. C.

Principal Clerk of Surveys.—O. Hinrichs, Washington, D. C.

Railroad Division.—Chief, J. Dempster Smith, 1838 Vermont avenue, Washington, D. C.

Pre-emption Division.—Chief, Henry Howes, 127 Indiana avenue, Washington, D. C.

Swamp-Land Division.—Chief, Sardis L. Crissey, 1307 Second street N. W., Washington, D. C.

Accounts Division.—Chief, J. W. Donnelley, 901 T street N. W., Washington, D. C.

Mineral Division.—Chief, J. Tyssowski, Washington, D. C.

Timber Depredations.—Chief, A. G. McKenzie, 1120 Sixth street N. W., Washington. D. C.

Principal Draftsman.—G. P. Strum, 1438 Pierce Place, Washington, D. C.

Receiving Clerk.—G. N. Whittington, 1004 Twenty-sixth street N. W., Washington, D. C.

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PATENTS ISSUED FOR AGRICULTURAL PURPOSES.

[See page 168.]

TOTAL TO JUNE 30, 1882.

Patents issued.	Prior to 1878.	1878.	1879.	1880.	1881.	1882.	Total.
For cash sales	2,021,356	2,998	4,209	6,498	9,018	22,336	2,066,315
For homestead entries	103,149	13,418	12,702	15,781	14,669	20,006	179,725
For agricultural college scrip	50,479	123	91	74	111	48	50,926
For Sioux half-breed scrip	3,517	12	3	11		25	3,568
For Chippewa half-breed scrip	1,209		34		19	21	1,283
For Choctaw scrip, &c	2,722		1		1		2,724
For surveyor-generals' certificates	2,732				95	206	3,033
For military bounty-land warrants	550,621	419	855	1,037	866	628	554,426
Under military acts 1790, 1791, 1801, and 1812.	50,000			4			50,004
For town sites				15	11	14	40
Locations with Cole's scrip					22		22
Locations with Supreme Court scrip					1,822	499	2,321
Locations with Porterfield scrip						11	11
Locations with Valentine scrip						3	3
Virginia military surveys in Ohio					7		7
Total	2,785,785	16,970	17,895	23,420	26,641	43,697	2,914,408

M.—DIVISION OF ACCOUNTS.

[See page 170.]

The division of accounts has the adjustment and auditing of all accounts pertaining to public lands, and the examination and docketing of all returns from the local land offices.

DIVISION N.

Salaries of officers and employés of General Land Office June 30, 1883.

[See page 170.]

1 commissioner, at $4,000	$4,000
1 chief clerk, at $2,000	2,000
1 recorder, at $2,000	2,000
1 law clerk, at $2,000	2,000
3 inspectors, at $2,000	6,000
1 principal clerk of surveys, at $1,800	1,800
1 principal clerk of public lands at $1,800	1,800
1 principal clerk of private land claims, at $1,800	1,800
32 clerks of class 4, at $1,800	57,600
43 clerks of class 3, at $1,600	68,800
54 clerks of class 2, at $1,400	75,600
55 clerks of class 1, at $1,200	66,000
27 clerks, at $1,000	27,000
54 copyists, at $900	48,600
8 assistant messengers, at $720	5,760
6 packers, at $720	4,320
12 laborers, at $660	7,920
301	383,000

Total employés, 301, at an annual total compensation of three hundred and eighty-three thousand dollars.

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LIST OF SURVEYORS-GENERAL.

Appointed by the President, confirmed by the Senate, and give a bond for the faithful performance of official duties during their four year term. Receive a fixed annual compensation, as below stated, reside in their surveying districts and conduct the surveys of the public lands, under direction and approval of the Commissioner of the General Land Office. For details of their duties and citations of laws relating thereto, see page 182 herein, and also "Manual of Instructions as to survey of public lands," printed herein in addenda to Chapter VII, wherein the sections of the Statutes of the United States governing surveyors-general are given in full. Page 579.

[Also see page 172.]

List of surveying districts where surveys are now in progress, names of surveyors general, with their compensation and location of offices, June 30, 1883.

District.	Name of surveyor general.	Location of offices.	Compensation under organic act.*	Compensation under act of March 3, 1881, fixing salaries for fiscal year 1882.†
			Per annum.	*Per annum.*
Arizona	Joseph W. Robbins	Tucson, Ariz	$3,000 00	$2,500 00
California	Wm. H. Brown	San Francisco, Cal	3,000 00	2,750 00
Colorado	Norman H. Meldrum	Denver, Colo	3,000 00	2,500 00
Dakota	Cortez Fessenden	Yankton, Dak	2,000 00	2,000 00
Florida	Malachi Martin	Tallahassee, Fla	2,000 00	1,800 00
Idaho	Wm. P. Chandler	Boise City, Idaho	3,000 00	2,500 00
Louisiana	James Lewis	New Orleans, La	2,000 00	1,800 00
Minnesota	Martin S. Chandler	Saint Paul, Minn	2,000 00	2,000 00
Montana	John S. Harris	Helena, Mont	3,000 00	2,500 00
Nebraska	Chris'er C. Powning	Plattsmouth, Nebr	3,000 00	2,500 00
Nevada	D. V. Stephenson	Reno, Nev	2,000 00	2,000 00
New Mexico	H. M. Atkinson	Santa Fé, N. Mex	3,000 00	2,500 00
Oregon	James Tolman	Portland, Oreg	2,500 00	2,500 00
Utah	Fred. Salomon	Salt Lake City, Utah	3,000 00	2,500 00
Washington	Wm. McMicken	Olympia, Wash	2,500 00	2,500 00
Wyoming	Edward C. David	Cheyenne, Wyo	3,000 00	2,500 00

* See R. S., sections 2208, 2209, 2210. † See U. S. Stats., vol. 21, p. 410.

LOCAL OR DISTRICT LAND OFFICES.

[See page 173 to 176 inclusive.]

Corrections and additions to list of local land offices (in all 272) under the laws of the United States from May 10, 1800, to June 30, 1883, by States and Territories, with date of establishment and discontinuance.

State or Territory.	Location.	When established.	Removed or discontinued.
Arizona	Tucson	July 12, 1881	From Florence.
		Ex. order	
Colorado	Durango	October 20, 1882	
	Gunnison	October 20, 1882	
Dakota	Aberdeen	March 3, 1883	
	Huron	March 3, 1883	
	Creelsburgh	March 3, 1883	
	Watertown	April 11, 1879	From Springfield.
		Ex. order	
Idaho	Hailey	January 24, 1883	
Kansas	Oberlin	March 21, 1881	
Montana	Bozeman	June 20, 1874	
	Miles City	October 9, 1880 / April 30, 1880	
Nebraska	McCook	June 19, 1882	
	Neligh	June 28, 1881	
	Valentine	June 19, 1882	
New Mexico	Las Cruces	April 25, 1883	From La Mesilla.
		Ex. order	
Kansas	Garden City	May 21, 1883	
Washington	Spokane Falls	June 23, 1883	From Colfax.

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*EXISTING UNITED STATES DISTRICT OR LOCAL LAND OFFICES.

List of United States local land offices (105 *in number*) *and names of officers, June* 30, 1883.

State or Territory.	Name of office.	Name of register.	Name of receiver.
Alabama	Huntsville	John M. Cross	Wm. H. Tancré.
	Montgomery	Thomas J. Scott	Harvey A. Wilson
Arizona	Prescott	Thomas Wing	Alex. W. DeLong.
	Tucson	Henry Cousins	Benj. M. Thomas.
Arkansas	Camden	Samuel W. Mallory	Alfred A. Tufts.
	Dardanelle	Thomas M. Gibson	Zenas L. Wise.
	Harrison	John Murphy	A. C. Phillips.
	Little Rock	Mifflin W. Gibbs	Charles E. Kelsey.
California	Bodie	Edward R. Cleveland	Henry Z. Osborne.
	Humboldt	Charles F. Roberts	Solomon Cooper.
	Los Angeles	Charles R. Johnson	J. W. Haverstick,
	Marysville	John C. Bradley	Thos. J. Sherwood.
	Sacramento	Edward F. Taylor	Henry O. Beatty.
	San Francisco	William R. Wheaton	C. H. Chamberlain.
	Shasta	John W. Gardner	Adolph Dobrowsky.
	Stockton	G. A. McKenzie	Otis Perrin.
	Susanville	Frank H. Merrill	F. G. Ward.
	Visalia	Jeremiah D. Hyde	Tipton Lindsey.
Colorado	Central City	Richard Harvey	E. W. Henderson.
	Del Norte	John Cleghorn, jr	C. A. Brastow.
	Denver City	Louis Dugal	W. C. Willitts.
	Durango	Daniel L. Sheets	Willard S. Hickox.
	Gunnison	John J. Thomas	Frederick J. Leonard.
	Leadville	Septimus J. Hanna	Edward L. Salisbury.
	Lake City	Henry C. Olney	C. D. Peck.
	Pueblo	Mark L. Blunt	Michael H. Fitch.
Dakota	Aberdeen	S. W. Dunscombe	Buell E. Hutchinson.
	Creelsburgh	H. W. Lord	A. O. Whipple.
	Bismarck	John A. Rea	Wm. H. Francis.
	Deadwood	James P. Luse	Edward P. Champlin.
	Fargo	Horace Austin	E. C. Geary.
	Grand Forks	Byram C. Tiffany	Wm. J. Anderson.
	Huron	Geo. B. Anthony	Robert Lowry.
	Mitchell	William Letcher	Hiram Barber, jr.
	Watertown	Charles G. Williams	H. R. Pease.
	Yankton	Gustavus A. Wetter	Joseph G. Chandler.
Florida	Gainesville	Louis A. Barnes	John F. Rollins.
Idaho	Boise City	David P. R. Pride	Malachi Krebs.
	Hailey	Homer L. Pound	J. S. Waters.
	Lewiston	Jonathan M. Howe	Martin H. Smith.
	Oxford	Aug. Duddenhausen	A. W. Eaton.
Iowa	Des Moines	Felix G. Clarke	Henry H. Griffiths.
Kansas	Concordia	S. H. Dodge	Evan J. Jenkins.
	Independence	Melville J. Salter	Henry M. Waters.
	Kirwin	John Bissell	Robert R. Hayes.
	Larned	Charles A. Morris	Henry Booth.
	Oberlin	A. L. Patchen	C. E. Chandler.
	Salina	John M. Hodge	Harper S. Cunningham.
	Topeka	John J. Fisher	John Q. A. Peyton.
	Wa-Keeney	B. J. F. Hanna	Wm. H. Pilkenton.
	Wichita	Richard L. Walker	James L. Dyer.
Louisiana	Natchitoches	Louis Dupleix	Alexis E. Lemee.
	New Orleans	Chester B. Darrall	Morris Marks.
Michigan	Detroit	Adam E. Bloom	Lyman G. Willcox.
	East Saginaw	Charles Doughty	George B. Brooks.
	Marquette	Varnum B. Cochran	Jas. M. Wilkinson.
	Reed City	Edward Stevenson	Wm. H. C. Mitchell.
Minnesota	Benson	Darwin S. Hall	Heman W. Stone.
	Crookston	John Cromp	Paul C. Stetten.
	Duluth	John R. Carey	W. W. Spalding.
	Fergus Falls	Bermt M. Johnson	John H. Allen.
	Redwood Falls	W. P. Dunnington	Wm. B. Herriott.
	St. Cloud	Daniel H. Freeman	Wm. B. Mitchell.
	Taylor's Falls	John P. Owens	Geo. B. Folsom.
	Tracy	Chas. B. Tyler	John Lind.
	Worthington	Mons. Grinager	C. H. Smith.
Mississippi	Jackson	Richard C. Kerr	John T. Hull.
Missouri	Boonville	Gustave Reiche	Patrick H. McNulty.
	Ironton	George A. Moser	G. H. Crumb.
	Springfield	Geo. A. C. Woolley	James Dumars.
Montana	Bozeman	Davis Willson	John T. Carlin.
	Helena	Francis Adkinson	Ellis Ballou.
	Miles City	Edward A. Kreidler	C. H. Gould.

* Salaries of registers and receivers, $500 per annum, with fees and commissions as prescribed by law; the total of salary, fees, and commissions not to exceed $3,000 per annum.

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List of United States local land offices, &c.—Continued.

State or Territory.	Name of office.	Name of register.	Name of receiver.
Nebraska	Beatrice	Hiram W. Parker	W. H. Somers.
	Bloomington	Simon W. Switzer	R. W. Montgomery.
	Grand Island	C. Hostetter	William Anyan.
	Lincoln	Chas. H. Pierce	Henry D. Root.
	McCook	Gilbert L. Laws	Charles F. Babcock.
	Niobrara	Benj. F. Chambers	Sanford Parker.
	Neligh	Edward S. Butler	Wm. B. Lambert.
	North Platte	Alex. D. Buckworth	John Taffe.
	Valentine	James Morris	J. Wesley Tucker.
Nevada	Carson City	C. A. Witherell	Samuel C. Wright.
	Eureka	F. H. Hinckley	Harvey Carpenter.
New Mexico	Las Cruces	Geo. D. Bowman	Samuel W. Sherfey.
	Santa Fé	Max Frost	Wm. H. Bailhache.
Oregon	Le Grand	Henry W. Dwight	Geo. B. Curry.
	Lake View	James H. Evans	Jerome Knox.
	Oregon City	Louis T. Barin	John G. Pilsbury.
	Roseburg	Wm. F. Benjamin	James C. Fullerton.
	The Dalles	Laban Coffin	C. N. Thornbury.
Utah	Salt Lake City	H. McMaster	Moses M. Bane.
Washington	Colfax	James M. Armstrong	John W. Wilson.
	Olympia	John F. Gowey	Robt. G. Stuart.
	Vancouver	Fred. W. Sparling	Albert O. Marsh.
	Walla Walla	Jos. Jorgensen	Thos. H. Rooney.
	Yakima	R. B. Kinne	James M. Adams.
Wisconsin	Bayfield	Albert K. Osborne	Isaac H. Wing.
	Eau Claire	Alex. Meggett	Vincent W. Bayliss.
	Falls of St. Croix	Michael Field	Joel F. Nason.
	La Crosse	Fred. A. Husher	John Ulrich.
	Menasha	George W. Fay	James H. Jones.
	Wausau	Stephen H. Alban	Everett B. Sanders.
Wyoming	Cheyenne City	Edgar W. Mann	Wm. M. Garvey.
	Evanston	C. H. Priest	E. S. Crocker.

REGISTERS AND RECEIVERS.

APPOINTMENT OF—FEES AND COMMISSIONS ALLOWED, AND DUTIES OF—THE LAWS RELATIVE THERETO.

[Revised Statutes.]

Appointment of registers and receivers.
See all acts establishing land-districts.

SECTION 2234. There shall be appointed by the President, by and with the advice and consent of the Senate, a register of the land-office and a receiver of public moneys, for each land-district established by law.

Residence of register and receiver.
See all acts establishing land-districts.

SEC. 2235. Every register and receiver shall reside at the place where the land-office for which he is appointed is directed by law to be kept.

Bond of register and receiver.
10 May, 1800, c. 55, ss. 1, 6, v. 2, pp. 73, 75. 3 March, 1853, c. 145, s. 5, v. 10, p. 245.

SEC. 2236. Every register and receiver shall, before entering on the duties of his office, give bond in the penal sum of ten thousand dollars, with approved security, for the faithful discharge of his trust.

Salaries of register and receiver.
30 May, 1862, c. 86, s. 6, v. 12, p. 409. 20 April, 1818, c. 123, v. 3, p. 466.

SEC. 2237. Every register and receiver shall be allowed an annual salary of five hundred dollars.

Fees and commissions of register and receiver.
4 Sept., 1841, c. 16, s. 12, v. 5, p. 456, 21 Mar., 1864, c. 38, s. 4, v. 13, p. 35.

SEC. 2238. Registers and receivers, in addition to their salaries, shall be allowed each the following fees and commissions, namely:

First. A fee of one dollar for each declaratory statement filed, and for services in acting on pre-emption claims.

Second. A commission of one per centum on all moneys received at each receiver's office.

20 April, 1818, c. 123, v. 3, p. 466.

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Third. A commission to be paid by the homestead applicant, at the time of entry, of one per centum on the cash price, as fixed by law, of the land applied for; and a like commission when the claim is finally established, and the certificate therefor issued as the basis of a patent.

21 March, 1864, c. 38, s. 2, v. 13, p. 35. 20 May, 1862, c. 75, s. 6, v. 12, p. 393. 15 July, 1870, c. 294, s. 25, v. 16, p. 320.

Fourth. The same commission on lands entered under any law to encourage the growth of timber on western prairies, as allowed when the like quantity of land is entered with money.

3 March, 1873, c. 277, s. 6, v. 17, p. 606.

Fifth. For locating military bounty-land warrants issued since the eleventh day of February, eighteen hundred and forty-seven, and for locating agricultural college land-scrip, the same commission to be paid by the holder or assignee of each warrant or scrip, as is allowed for sales of the public lands for cash, at the rate of one dollar and twenty-five cents per acre.

22 March, 1852, c. 19, s. 2, v. 10, p. 4. 2 July, 1862, c. 130, s. 7, v. 12, p. 505.

Sixth. A fee, in donation cases, of five dollars for each final certificate for one hundred and sixty acres of land; ten dollars for three hundred and twenty acres; and fifteen dollars for six hundred and forty acres.

30 May, 1862, c. 86, s. 6, v. 12, p. 409.

Seventh. In the location of lands by States and corporations under grants from Congress for railroads and other purposes, (except for agricultural colleges,) a fee of one dollar for each final location of one hundred and sixty acres; to be paid by the State or corporation making such location.

1 July, 1864, c. 196, s. 1, v. 13, p. 335.

Eighth. A fee of five dollars per diem for superintending public-land sales at their respective offices; [and to each receiver, mileage in going to and returning from depositing the public moneys received by him.]*

24 April, 1820, c. 51, s. 5, v. 3, p. 567.

Ninth. A fee of five dollars for filing and acting upon each application for patent or adverse claim filed for mineral lands, to be paid by the respective parties.

10 May, 1872, c. 152, s. 12, v. 17, p. 95.

Tenth. Registers and receivers are allowed, jointly, at the rate of fifteen cents per hundred words for testimony reduced by them to writing for claimants, in establishing pre-emption and homestead rights.

21 March, 1864, c. 38, s. 4, v. 13, p. 35.

Eleventh. A like fee as provided in the preceding subdivision when such writing is done in the land-office, in establishing claims for mineral lands.

10 May, 1872, c. 152, s. 12, v. 17, p. 95.

Twelfth. Registers and receivers in California, Oregon, Washington, Nevada, Colorado, Idaho, New Mexico, Arizona, Utah, Wyoming, and Montana, are each entitled to collect and receive fifty per centum on the fees and commissions provided for in the first, third, and tenth subdivisions of this section.

21 March, 1864, c 38, s. 6, v. 13, p. 36, and several acts establishing land offices for Utah, Wyoming, and Montana.

SEC. 2239. The register for any consolidated land-district, in addition to the fees now allowed by law, shall be entitled to charge and receive for making transcripts for individuals, or furnishing any other record information respecting public lands or land-titles in his consolidated land-district, such fees as are properly authorized by the tariff existing in the local courts of his district; and the receiver shall receive his equal share of such fees, and it shall be his duty to aid the register in the preparation of the transcripts, or giving the desired record information.

Fees of register and receiver for consolidated land offices.
18 Feb., 1861, c. 38, ss. 1, 3, v. 12, p. 131.

SEC. 2240. The compensation of registers and receivers, including salary, fees, and commissions, shall in no case exceed in the aggregate three thousand dollars a year, each; and no register or receiver shall receive for any one quarter or fractional quarter more than a pro-rata allowance of such maximum.

Maximum of compensation for registers and receivers.
21 March, 1864, c. 38, s. 6, v. 13, p. 36. 20 April, 1818, c. 123, v. 3, p. 466. 20 May, 1862, c. 75, s. 6, v. 12, p. 393. 30 May, 1862, c. 86, s. 6, v. 12, p. 409. 1 July, 1864, c. 196, s. 1, v. 13, p. 335. 22 March, 1852, c. 19, s. 3, v. 10, p. 4. 2 July, 1862, c. 130, s. 7, v. 12, p. 505. 2 Feb., 1859, c. 19, v. 11, p. 378. 18 Feb., 1861, c. 38, ss. 1, 3, v. 12. p. 131.—U. S. *vs.* Babbit, 1 Bl., 55.

SEC. 2241. Whenever the amount of compensation received at any land-office exceeds the maximum allowed by law to any register or receiver, the excess shall be paid into the Treasury, as other public moneys.

Excess of compensation to be paid into Treasury.
3 March, 1853, c. 97, s. 1, v. 10, p. 204. 18 Feb., 1861, c. 38, ss. 1, 3, v. 12, p. 131.

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*Part in brackets repealed. Annual expenses only allowed. Act June 16, 1874. Stats., vol. 18, p. 72.

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Illegal fees: Penalty.
22 March, 1852, c. 19, s. 3, v. 10, p. 4. 17 July, 1854, c. 84, s. 6, v. 10, p. 306.

SEC. 2242. No register or receiver shall receive any compensation out of the Treasury for past services who has charged or received illegal fees; and, on satisfactory proof that either of such officers has charged or received fees or other rewards not authorized by law, he shall be forthwith removed from office.

Compensation of registers and receivers, when to commence.
24 Feb., 1855, c. 124, s. 3, v. 10, p. 615.

SEC. 2243. The compensation of registers and receivers, both for salary and commissions, shall commence and be calculated from the time they, respectively, enter on the discharge of their duties.

Duration of office of registers and receivers.
15 May, 1820, c. 102, s. 1, v. 3, p. 582.

SEC. 2244. All registers and receivers shall be appointed for the term of four years, but shall be removable at pleasure.

Monthly and quarterly returns o receivers.
4 July, 1836, c. 352, s. 9, v. 5, p. 111.

SEC. 2245. The receivers shall make to the Secretary of the Treasury monthly returns of the moneys received in their several offices, and pay over such money pursuant to his instructions. And they shall also make to the Commissioner of the General Land Office like monthly returns, and transmit to him quarterly accounts-current of the debits and credits of their several offices with the United States.

Oaths administered by registers and receivers.
12 June, 1840, c. 35, v. 5, p. 384.

SEC. 2246. The register or receiver is authorized, and it shall be their duty, to administer any oath required by law or the instructions of the General Land-Office, in connection with the entry or purchase of any tract of the public lands; but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

Penalty for false information by register.
4 July, 1836, c. 352, s. 13, v. 5, p. 112.

SEC. 2247. If any person applies to any register to enter any land whatever, and the register knowingly and falsely informs the person so applying that the same has already been entered, and refuses to permit the person so applying to enter the same, such register shall be liable therefor to the person so applying, for $5 for each acre of land which the person so applying offered to enter, to be recovered by action of debt in any court of record having jurisdiction of the amount.

* * * * * * *

DEPARTMENTAL REGULATIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., October 1, 1880.

It is the duty of the registers and receivers to be in attendance at their offices, and give proper facilities and information to persons applying for lands.

Within three days from the close of each month they are required to make out and transmit to the General Land Office a statement of the business of their respective offices for the preceding month.

These reports are in the form of abstracts of pre-emption declarations and of soldiers' declarations filed, abstracts of lands sold, abstracts of homesteads entered, abstracts of timber culture entries allowed, abstracts of military bounty land warrants and of agricultural college scrip located, accompanied by the certificates of purchase, receivers' receipts, homestead and timber culture applications and affidavits, military bounty land warrants and agricultural college scrip surrendered as satisfied, and the certificates of location thereof. Names of parties must be clearly and legibly written in these papers to correspond with the signature to every application; and when spelled in two or more ways, or illegibly written by the person signing, the register must ascertain by proper inquiry the correct orthography and certify to the same upon the margin of the certificate.

The abstracts, after being carefully examined by the register and receiver, are to be certified by them as correct and as in conformity with the papers in the entries or locations embraced therein and with their records, which papers, abstracts, and records must agree with each other.

The receiver is required also to render promptly a *monthly account of all moneys received*, showing the balance due the Government at the close of each month.

At the end of every *quarter* he must also transmit a *quarterly* account as receiver; upon the several accounts an adjustment is here made, and submitted to the Treasury Department for final settlement.

He must also render a quarterly disbursing account of all moneys expended.

He is required to deposit the moneys received by him at some depository designated by the Secretary of the Treasury, when the amount on hand shall have reached the sum of *one thousand dollars;* and in no case is he authorized, without special instructions, to hold a larger amount in his hands.

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Registers and receivers of the land offices are not authorized by law to make any charges for their services in accepting or entering pre-emption or homestead claims, other than such as are herein set forth. By section 2242 of the Revised Statutes it is, among other things, provided that upon satisfactory proof that either of said officers has charged or received fees or other rewards not authorized by law, he shall forthwith be removed from office. To them, their official clerks and employés, and to those intimately and confidentially related to them, or their official clerks and employés, it is forbidden to make entries of public lands at the district offices with which they are respectively connected.

J. A. WILLIAMSON,
Commissioner of the General Land Office.

* * * * * * *

NOTE.—See also circular of July 20, 1883, in relation to fees of registers and receivers for reducing testimony to writing.

RULES OF PRACTICE IN CASES BEFORE THE UNITED STATES DISTRICT LAND OFFICES, THE GENERAL LAND OFFICE, AND THE DEPARTMENT OF THE INTERIOR.

APPROVED DECEMBER 20, 1880. IN EFFECT DECEMBER 1, 1883.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., November 26, 1880.

SIR: In compliance with your direction of the 22d of September last, I have the honor to submit herewith, for your consideration and approval, a revised draft of the Rules of Practice in cases before the district land officers, the General Land Office, and Department of the Interior, embracing such modifications and additional rules as the experience of this office has suggested for the good of the practice and the public service; the whole being arranged in a new form by topics, and the consecutive numbering of paragraphs, with a view to greater clearness and convenience.

I am, sir, very respectfully, your obedient servant,

J. A. WILLIAMSON,
Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, December 20, 1880.

SIR: I herewith return with my approval the draft of the revised Rules of Practice in land cases received with your letter of November 26, 1880.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

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PROCEEDINGS BEFORE REGISTERS AND RECEIVERS.

I.

CONTESTS AND HEARINGS.

1.—*Initiation of contests.*

RULE 1.—Contests may be initiated by a party in interest, or by any other person, in the following cases:

1. Alleged abandoned homestead entries. (Revised Statutes, sec. 2297.)
2. Alleged abandoned or forfeited timber-culture entries. (20 Stat., 113, sec. 3.)

RULE 2.—In all other cases contests can be initiated only by a party in interest.

RULE 3.—In every case of application for a hearing an affidavit must be filed by the contestant with the register and receiver, fully setting forth the facts which constitute the grounds of contest.

RULE 4. Where an entry has been allowed and remains of record, the affidavit of the contestant must be accompanied by the affidavits of one or more witnesses in support of the allegations made.

2.—*Hearings in contested cases.*

RULE 5.—Registers and receivers may order hearings in the following cases wherein entry has not been perfected and no certificate has been issued as a basis for patent, namely:

1. Contests between pre-emption claimants.
2. Contests between homestead and pre-emption claimants.
3. Contests to clear the record of abandoned homestead entries.
4. Contests to clear the record of abandoned or forfeited timber-culture entries.

RULE 6.—In case of an entry or location of record, on which final certificate has been issued, the hearing will be ordered only by direction of the Commissioner of the General Land Office.

RULE 7.—Applications for hearings under the preceding section must be transmitted by the register and receiver, with special report and recommendation, to the Commissioner for his determination and instructions.

3.—*Notice of contest.*

RULE 8.—At least thirty days' notice shall be given of all hearings before the register and receiver, unless, by written consent, an earlier day shall be agreed upon.

RULE 9.—The notice of contest and hearing must conform to the following requirements:

1. It must be written or printed.
2. It must be signed by the register and receiver, or by one of them.
3. It must state the time and place of hearing.
4. It must describe the land involved.
5. It must state the R. and R. number of the entry, and the land office where, and the date when made, and the name of the party making the same.
6. It must give the name of the contestant, and briefly state the grounds and purpose of the contest.
7. It may contain any other information pertinent to the contest.

4.—*Service of notice.*

RULE 10.—Personal service shall be made in all cases when possible, if the party to be served is resident in the State or Territory in which the land is situated, and shall consist in the delivery of a copy of the notice to each person to be served.

RULE 11.—Personal service may be executed by any officer or person.

RULE 12.—Notice may be given by publication alone only when it is shown by affidavit of the contestant, and by such other evidence as the register and receiver may require, that personal service cannot be made.

5.—*Notice by publication.*

RULE 13.—Notice by publication shall be made by advertising the notice at least once a week for four successive weeks in some newspaper published in the county

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wherein the land in contest lies; and, if no newspaper be published in such county, then in the newspaper published in the county nearest to such land.

RULE 14.—Where notice is given by publication a copy of the notice shall be mailed by registered letter to the last known address of each person to be notified, and a like copy shall be posted in a conspicuous place on the land during the period of publication for at least two weeks prior to the day set for hearing.

6.—*Proof of service of notice.*

RULE 15.—Proof of personal service shall be the written acknowledgment of the person served, or the affidavit of the person who served the notice attached thereto, stating the time, place, and manner of service.

RULE 16.—When service is by publication the proof of service shall be a copy of the advertisement, with the affidavit of the publisher or foreman attached thereto, showing that the same was successively inserted the requisite number of times and the date thereof.

7.—*Notice of interlocutory proceedings.*

RULE 17.—Notice of interlocutory motions, proceedings, orders, and decisions shall be in writing, and may be served personally or by registered letter through the mail.

RULE 18.—Proof of service by mail shall be the affidavit of the person who mailed the notice, attached to the post-office receipt for the registered letter.

8.—*Rehearings.*

RULE 19.—Orders for rehearing must be brought to the notice of the parties in the same manner as in case of original proceedings.

9.—*Continuances.*

RULE 20.—A postponement of a hearing to a day to be fixed by the register and receiver may be allowed on the day of trial on account of the absence of material witnesses, when the party asking for the continuance makes an affidavit befor the register and receiver showing—

1. That one or more of the witnesses in his behalf is absent without his procurement or consent;
2. The name and residence of each witness;
3. The facts to which they would testify if present;
4. The materiality of the evidence;
5. The exercise of proper diligence to procure the attendance of the absent witnesses; and
6. That affiant believes said witnesses can be had at the time to which it is sought to have the trial postponed.

RULE 21.—One continuance only shall be allowed to either party on account of absent witnesses, unless the party applying for a further continuance shall at the same time apply for an order to take the depositions of the alleged absent witnesses.

RULE 22.—No continuance shall be granted when the opposite party shall admit that the witnesses would, if present, testify to the statement set out in the application for continuance.

10.—*Depositions.*

RULE 23.—Testimony may be taken by deposition in the following cases:

1. Where the witness is unable, from age, infirmity, or sickness, or shall refuse, to attend the hearing at the local land office.
2. Where the witness resides more than fifty miles from the place of trial, computing distance by the usually traveled route.
3. Where the witness resides out of or is about to leave the State or Territory, or is absent therefrom.
4. Where, from any cause, it is apprehended that the witness may be unable or will refuse to attend; in which case the deposition will be used only in event that the personal attendance of the witness cannot be obtained.

RULE 24.—The party desiring to take a deposition under Rule 23 must comply with the following regulations:

1. He must make affidavit before the register or receiver setting forth one or more of the above-named causes for taking such deposition, and that the witness is material.
2. He must file with the register and receiver the interrogatories to be propounded to the witness.

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3. He must state the name and residence of the witness.

4. He must serve a copy of the interrogatories on the opposing party or his attorney.

RULE 25.—The opposing party will be allowed ten days in which to file cross-interrogatories.

RULE 26.—After the expiration of the ten days allowed for filing cross-interrogatories, a commission to take the deposition shall be issued by the register and receiver, which commission shall be accompanied by a copy of all the interrogatories filed.

RULE 27.—The register and receiver may designate any officer authorized to administer oaths within the county or district where the witness resides to take such deposition.

RULE 28.—It is the duty of the officer before whom the deposition is taken to cause the interrogatories appended to the commission to be written out, and the answers thereto to be inserted immediately underneath the respective questions; and the whole, when completed, is to be read over to the witness, and must be by him subscribed and sworn to in the usual manner.

RULE 29.—The officer must attach his certificate to the deposition stating that the same was subscribed and sworn to by the deponent at the time and place therein mentioned.

RULE 30.—The deposition and certificate, together with the commission and interrogatories, must then be sealed up, the title of the cause indorsed on the envelope, and the whole returned by mail or express to the register and receiver.

RULE 31.—Upon receipt of the package at the local land-office, the date when the same is opened must be indorsed on the envelope and body of the deposition by the local land-officers.

RULE 32.—If the officer designated to take the deposition has no official seal, a proper certificate of his official character, under seal, must accompany his return.

RULE 33.—The parties in any case may stipulate in writing to take depositions before any qualified officer, and in any manner.

RULE 34.—All stipulations by parties or counsel must be in writing, and be filed with the register and receiver.

RULE 35.—Registers and receivers are not authorized to cite contestants before any officer other than themselves.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 3, 1883.

REGISTERS and RECEIVERS, and SURVEYORS-GENERAL:

GENTLEMEN: You are advised of the adoption of the following *amendment to the Rules of Practice*:

Rule 35 of the Rules of Practice adopted December 20, 1880, is hereby amended to read as follows:

RULE 35.

1. In contested cases and hearings ordered by the Commissioner of the General Land Office, testimony may be taken near the land in controversy before a U. S. commissioner or other officer authorized to administer oaths at a time and place to be fixed by the register and receiver, and stated in the notice of hearing.

2. Officers taking testimony under the foregoing rule will be governed by the rules applicable to trials before registers and receivers. (See Rules 36 to 42, inclusive.)

3. Testimony so taken must be certified to, sealed up, and transmitted by mail or express to the register and receiver, and the receipt thereof at the local office noted on the papers, in the same manner as provided in case of depositions by Rules 29 to 32, inclusive.

4. On the day set for hearing at the local office the register and receiver will examine the testimony taken by the officer designated, and render a decision thereon in the same manner as if the testimony had been taken before themselves. (See Rules 50 to 53, inclusive.)

5. No charge for examining testimony in such cases will be made by the register or receiver.

6. Officers designated to take testimony under this rule will be allowed to charge such fees as are properly authorized by the tariff of fees existing in the local courts of their respective districts, to be taxed in the same or equivalent manner as costs are taxed by registers and receivers under Rules 54 to 58, inclusive.

7. The costs of transcribing cross-examinations will in all cases be taxed to the party making the cross-examination.

8. Where hearings are ordered by the Commissioner of the General Land Office in cases to which the United States is a party, continuances will be granted in accordance with the usual practice in Unted States cases in the courts, without requiring an affidavit on the part the Government.

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9. When an officer designated to take testimony under this rule, or when an officer designated to take depositions under Rule 27, cannot act on the day fixed for taking the testimony or deposition, the testimony or deposition, as the case may be, will be deemed properly taken before any other qualified officer at the same place and time who may be authorized, by the officer originally designated, or by agreement of parties to act in the place of the officer first named.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Approved, December 28, 1882.

H. M. TELLER,
Secretary.

11.—*Trials.*

RULE 36.—Upon the trial of a cause the register and receiver may, in any case, and should in all cases when necessary, personally direct the examination of witnesses in order to draw from them all the facts within their knowledge requisite to a correct conclusion by the officers upon any point connected with the case.

RULE 37.—The register and receiver will be careful to reach, if possible, the exact condition and status of the land involved in any contest, and will ascertain all the facts having any bearing upon the rights of parties in interest.

RULE 38.—In pre-emption cases they will particularly ascertain the nature, extent, and value of alleged improvements; by whom made, and when; the true date of the settlement of persons claiming as pre-emptors; the steps taken to mark and secure the claim, and the exact status of the land at that date as shown upon the records of their office.

RULE 39.—In like manner, under the homestead and other laws, the conditions affecting the inception of the alleged right, as well as the subsequent acts of the respective claimants, must be fully and specifically examined.

RULE 40.—Due opportunity will be allowed opposing claimants to confront and cross examine the witnesses introduced by either party.

RULE 41.—No testimony will be excluded from the record by the register and receiver on the ground of any objection thereto; but when objection is made to testimony offered, the exceptions will be noted, and the testimony, with the exceptions, will come up with the case for the consideration of the Commissioner.

RULE 42.—Upon the day originally set for hearing, and upon any day to which the trial may be continued, the testimony of all the witnesses present shall be taken and reduced to writing.

12.—*Appeals.*

RULE 43.—Appeals from the action or decisions of registers and receivers lie in every case to the Commissioner of the General Land Office. (Revised Statutes, sections 453, 2478.)

RULE 44.—After hearing in a contested case has been had and closed, the register and receiver will notify the parties in interest of the conclusions to which they have arrived, and that thirty days are allowed for an appeal from their decision to the Commissioner.

RULE 45.—The appeal must be in writing or in print, and should set forth in brief and clear terms the specific points of exception to the ruling appealed from.

RULE 46.—No appeal from the action or decisions of the register and receiver will be received at the General Land Office unless forwarded through the local officers.

RULE 47.—A failure to appeal from the decision of the local officers will be considered final as to the facts in the case, and will be disturbed by the Commissioner only as follows:

1. Where fraud or gross irregularity is suggested on the face of the papers.
2. Where the decision is contrary to existing laws or regulations.
3. In event of disagreeing decisions by the local officers.
4. Where it is not shown that the party against whom the decision was rendered was duly notified of the decision and of his right of appeal.

RULE 48.—In any of the foregoing cases the Commissioner will reverse or modify the decision of the local officers or remand the case, at his discretion.

RULE 49.—All documents once received by the local officers must be kept on file with the cases, and the date of filing must be noted thereon; and no papers will be allowed under any circumstances to be removed from the files or taken from the custody of the register and receiver; but access to the same under proper rules, so as not to interfere with necessary public business, will be permitted to the parties in interest, or their attorneys, under the supervision of those officers.

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13.—*Reports and opinions.*

RULE 50.—Upon the termination of a contest the register and receiver will render a joint report and opinion in the case, making full and specific references to the postings and annotations upon their records.

RULE 51.—In order that all parties to a contest may have full opportunity to examine the record and prepare their arguments upon the questions at issue, the report of the register and receiver in such cases will not be forwarded until the expiration of the thirty days named in the notice for appeal, unless all parties request its earlier transmission.

RULE 52.—The register and receiver will forward their report, together with the testimony and all the papers in the case, to the Commissioner of the General Land Office, with a brief letter of transmittal, describing the case by its title, the nature of the contest, and the tract involved.

RULE 53.—The local officers will thereafter take no further action affecting the disposal of the land in contest until instructed by the Commissioner.

14.—*Taxation of costs.*

RULE 54.—Applicants for contest must deposit with the register and receiver a sufficient sum of money to defray the cost of the proceedings.

RULE 55.—Registers and receivers are not required to make advances from their own funds, nor to incur individual liabilities, for the expense of hearings.

RULE 56.—When testimony is taken by deposition the party in whose behalf the same is taken must pay the costs thereof.

RULE 57.—Parties contesting the validity of homestead and timber-culture entries must pay the costs of the contest.

RULE 58.—In other contested cases the costs may be equitably apportioned between the parties by the register and receiver.

RULE 59.—Only the actual costs of notice, and the legal fees for reducing testimony to writing, or for acting on mineral land applications and protests, can be charged to the parties. (Revised Statutes, sec. 2238.)

RULE 60.—Costs of notice will include the costs of all notices up to the final determination of the case.

RULE 61.—Upon the final disposal of a case, any excess in the sum deposited as security over the amount chargeable to the party making the deposit will be returned to him by the register and receiver.

RULE 62.—When hearings are ordered by the Commissioner or by the Secretary of the Interior, upon the discovery of reasons for suspension in the usual course of examination of entries, the preliminary costs will be provided from the contingent fund for the expenses of local land offices.

RULE 63.—The preliminary costs provided for by the preceding section will be collected by the register and receiver when the parties are brought before them in obedience to the order of hearing.

RULE 64.—The register and receiver will then require proper provision to be made for such further notification as may become necessary in the usual progress of the case to final decision.

RULE 65.—The register and receiver will append to their report in each case a statement of costs and the amount actually paid by each of the contestants, and also a statement of the amount deposited to secure the payment of the costs, how said sum was apportioned, and the amount returned, if any, and to whom.

II.

APPEALS FROM DECISIONS REJECTING APPLICATIONS TO ENTER PUBLIC LANDS.

RULE 66.—For the purpose of enabling appeals to be taken from the rulings or action of the local officers relative to applications to file upon, enter, or locate the public lands, the following rules will be observed:

1. The register and receiver will indorse upon every rejected application the date when presented, and their reasons for rejecting it.
2. They will promptly advise the party in interest of their action, and of his right of appeal to the Commissioner.
3. They will note upon their records a memorandum of the transaction.

RULE 67.—The party aggrieved will be allowed thirty days from receipt of notice in which to file his appeal in the local land office.

RULE 68.—The register and receiver will promptly forward the appeal to the General Land Office, together with a full report upon the case.

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RULE 69.—This report should recite all the facts and the proceedings had, and must embrace the following particulars:

1. A statement of the application and rejection, with the reasons for the rejection.
2. A description of the tract involved and a statement of its status as shown by the records of the local land office.
3. References to all entries, filings, annotations, memoranda, and correspondence shown by the record relating to said tract, and to the proceedings had.

RULE 70.—Rules 43 to 48, inclusive, are applicable to all appeals from the decisions of registers and receivers.

PROCEEDINGS BEFORE SURVEYORS-GENERAL.

RULE 71.—The proceedings in hearings and contests before surveyors-general shall, as to notices, depositions, and other matters, be governed, as nearly as may be, by the rules prescribed for proceedings before registers and receivers unless otherwise provided by law.

PROCEEDINGS BEFORE THE COMMISSIONER OF THE GENERAL LAND OFFICE AND SECRETARY OF THE INTERIOR.

RULE 72.—When a contest has been closed before the local land officers, and their report forwarded to the General Land Office, no additional evidence will be admitted in the case unless offered under stipulation of the parties to the record, except where such evidence is presented as the basis of a motion for a new trial or in support of a mineral application or protest; but this rule will not prevent the Commissioner, in the exercise of his discretion, from ordering further investigation when necessary.

RULE 73.—After the Commissioner shall have received a record of testimony in a contested case, thirty days will be allowed to expire before any action thereon is taken, unless, in the judgment of the Commissioner, public policy or private necessity shall demand summary action, in which case he will proceed at his discretion, first notifying the attorneys of record of his proposed action.

RULE 74.—When a case is pending on appeal from the decision of the register and receiver, or surveyor-general, and argument is not filed before the same is reached in its order for examination, the argument will be considered closed, and thereafter no further arguments or motions of any kind will be entertained except upon written stipulation duly filed, or good cause shown to the Commissioner.

RULE 75.—If, before decision by the Commissioner, either party should desire to discuss a case orally, reasonable opportunity therefor will be given in the discretion of the Commissioner, but only at a time to be fixed by him upon notice to the opposing counsel, stating time and specific points upon which discussion is desired; and, except as herein provided, no oral hearings or suggestions will be allowed.

REHEARINGS AND REVIEWS.

RULE 66.—Motions for rehearings before registers and receivers, or for review or reconsideration of the decisions of the Commissioner or Secretary, will be allowed in accordance with legal principles applicable to motions for new trials at law, after due notice to the opposing party.

RULE 77.—Motions for rehearings and reviews must be filed in the office wherein the decision to be affected by such rehearing or review was made, or in the local land office for transmittal to the General Land Office, and, except when based upon newly-discovered evidence, must be filed within thirty days from notice of such decision.

RULE 78.—Motions for rehearings and reviews must be accompanied by an affidavit of the party, or his attorney, that the motion is made in good faith, and not for the purpose of delay.

RULE 79.—The time between the filing of a motion for rehearing or review and the notice of the decision upon such motion shall be excluded in computing the time allowed for appeal.

RULE 80.—No officer shall entertain a motion in a case after an appeal from his decision has been taken.

APPEALS FROM THE COMMISSIONER TO THE SECRETARY.

RULE 81.—An appeal may be taken from the decision of the Commissioner of the General Land Office to the Secretary of the Interior, upon any question relating to the disposal of the public lands and to private land claims, except in case of interlocutory orders and decisions, and orders for hearing or other matter resting in the discretion of the Commissioner. Decisions and orders forming the above exception

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will be noted in the record, and will be considered by the Secretary on review, in case an appeal upon the merits be finally allowed.

RULE 82.—When the Commissioner considers an appeal defective he will notify the party of the defect and if not amended within fifteen days from the date of the rvice of such notice, the appeal will be dismissed and the case closed.

RULE 83.—In proceedings before the Commissioner in which he shall formally decide that a party has no right of appeal to the Secretary, the party against whom such decision is rendered may apply to the Secretary for an order directing the Commissioner to certify said proceedings to the Secretary, and to suspend further action until the Secretary shall pass upon the same.

RULE 84.—Applications to the Secretary under the preceding rule shall be made in writing, under oath, and shall fully and specifically set forth the grounds upon which the application is made.

RULE 85.—When the Commissioner shall formally decide against the right of an appeal, he shall suspend action on the case at issue for twenty days from service of notice of his decision, to enable the party against whom the decision is rendered to apply to the Secretary for an order, in accordance with rules 83 and 84.

RULE 86.—Notice of an appeal from the Commissioner's decision must be filed in the General Land Office, and served on the appellee or his counsel, within sixty days from the date of the service of notice of such decision.

RULE 87.—When notice of the decision is given through the mails by the register and receiver, or surveyor-general, five days additional will be allowed by those officers for the transmission of the letter, and five days for the return of the appeal through the same channel, before reporting to the General Land Office.

RULE 88.—Within the time allowed for giving notice of appeal, the appellant shall also file in the General Land Office a specification of errors, which specification shall clearly and concisely designate the errors of which he complains.

RULE 89.—He may also, within the same time, file a written argument, with citation of authorities, in support of his appeal.

RULE 90.—A failure to file a specification of errors within the time required will be treated as a waiver of the right of appeal, and the case will be considered closed.

RULE 91.—The appellee shall be allowed thirty days from the expiration of the sixty days allowed for appeal in which to file his argument.

RULE 92.—The appellant shall be allowed thirty days from service of argument of appellee in which to file argument strictly in reply; and no other or further arguments or motions of any kind shall be filed without permission of the Commissioner or Secretary and notice to the opposite party.

RULE 93.—A copy of the notice of appeal, specification of errors, and all arguments of either party, shall be served on the opposite party within the time allowed for filing the same.

RULE 94.—Such service shall be made personally or by registered letter.

RULE 95.—Proof of personal service shall be the written acknowledgment of the party served, or the affidavit of the person making the service attached to the papers served, and stating time, place, and manner of service.

RULE 96.—Proof of service by registered letter shall be the affidavit of the person mailing the letter attached to a copy of the post-office receipt.

RULE 97.—Fifteen days, exclusive of the day of mailing, will be allowed for the transmission of notices and papers by mail, except in case of notice to resident attorneys, when one day will be allowed.

RULE 98.—Notice of interlocutory motions and proceedings before the Commissioner and Secretary shall be served personally or by registered letter, and service proved as provided in rules 94 and 95.

RULE 99.—No motion affecting the merits of a case or the regular order of proceedings will be entertained, except on due proof of service of notice.

RULE 100.—Ex-parte cases and cases in which the adverse party does not appear will be governed by the foregoing rules as to notices of decisions, time for appeal, and filing of exceptions and arguments, as far as applicable. In such cases, however, the right to file additional evidence at any stage of the proceedings to cure defects in the proof or record will be allowed.

RULE 101.—No person hereafter appearing as a party or attorney in any case shall be entitled to a notice of the proceedings who does not at the time of his appearance file in the office in which the case is pending a statement in writing, giving his name and post-office address, and the name of the party whom he represents; nor shall any person who has heretofore appeared in a case be entitled to a notice unless within fifteen days after being requested to file such statement he shall comply with said requirement.

RULE 102.—No person, not a party to the record, shall intervene in a case without first disclosing on oath the nature of his interest.

RULE 103.—When the Commissioner makes an order or decision affecting the merits of a case or the regular order of proceedings therein, he will cause notice to be given to each party in interest whose address is known.

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ATTORNEYS.

RULE 104.—In all cases, contested or ex parte, where the parties in interest are represented by attorneys, such attorneys will be recognized as fully controlling the cases of their respective clients.

RULE 105.—All notices will be served upon the attorneys of record.

RULE 106—Notice to one attorney in a case shall constitute notice to all counsel appearing for the party represented by him; and notice to the attorney will be deemed notice to the party in interest.

RULE 107.—All attorneys practicing before the General Land Office and Department of the Interior must first file the oath of office prescribed by section 3478 United States Revised Statutes.

RULE 108.—In the examination of any case, whether contested or ex parte, and for the preparation of arguments, the attorneys employed, when in good standing in the Department, will be allowed full opportunity to consult the record of the case and to examine the abstracts, plats, field notes, and tract-books, and the correspondence of the General Land Office or of the Department relative thereto, and to make verbal inquiries of the various chiefs of divisions at their respective desks in respect to the papers or status of said case; but such personal inquiries will be made of no other clerk in the division except in the presence or with the consent of the head thereof, and will be restricted to the hours between 11 a. m. and 2 p. m.

RULE 109.—Any attorney detected in any abuse of the above privileges, or of gross misconduct, upon satisfactory proof thereof, after due notice and hearing, shall be prohibited from further practicing before the Department.

RULE 110.—Should either party desire to discuss a case orally before the Secretary opportunity will be afforded at the discretion of the Department, but only at a time specified by the Secretary or fixed by stipulation of the parties, with the consent of the Secretary; and in the absence of such stipulation, on written notice to opposing counsel, with like consent, specifying the time when argument will be heard.

RULE 111.—The examination of cases on appeal to the Commissioner or Secretary will be faciliated by filing in printed form such arguments as it is desired to have considered.

DECISIONS.

RULE 112.—Decisions of the Commissioner not appealed from within the period prescribed become final, and the case will be regularly closed. (Revised Statutes, sec. 2273.)

RULE 113.—The decision of the Secretary, so far as respects the action of the Executive, is final.

RULE 114.—The preceding rules shall take effect on the 1st day of February, 1881.

None of the foregoing rules shall be construed to deprive the Secretary of the Interior of the exercise of the directory and supervisory powers conferred upon him by law.

SURVEYS OF THE PUBLIC LANDS.

JUNE 30, 1882.

[See page 1239.]

[See Chapter VII, pages 178 to 195. See manual of instructions to surveyors-general issued by the General Land Office, May 3, 1881, printed herein, page 575.]

APPROPRIATIONS FOR SURVEYS, 1881 AND 1882.

By the act of Congress approved June 16, 1880, the sum of $300,000 was appropriated for the survey of the public lands for the fiscal year ending June 30, 1881.

By the act of Congress approved March 3, 1881, the sum of $300,000 was appropriated for the survey of the public lands for the fiscal year ending June 30, 1882.

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These amounts were apportioned by the Commissioner to the sixteen surveying districts, in accordance with the respective exigencies of field work called for by the public service in the years 1881 and 1882, as follows:

To the district of—	1881.	1882.
Arizona	$10,000	$9,500
California	35,000	30,000
Colorado	30,000	19,000
Dakota	35,000	31,400
Florida	8,000	3,100
Idaho	12,000	13,000
Louisiana	12,000	13,000
Minnesota	16,000	16,000
Montana	15,000	20,000
Nebraska and Iowa	25,000	20,000
Nevada	17,000	16,000
New Mexico	20,000	25,000
Oregon	16,000	19,000
Utah	12,000	16,000
Washington	16,000	19,000
Wyoming	15,000	12,000
Amount apportioned for field work	294,000	282,000
Additional apportionment to sundry survey districts	6,000	
	300,000	

By the act of Congress of June 16, 1880, there was also appropriated for surveys of private land claims during the year 1881.

In Arizona	$8,000
In California	10,000
In New Mexico	6,000
Making a total of	24,000

There was also appropriated by the same act of Congress for occasional examinations of public surveys in the several surveying districts and for inspection of coal fields, timber lands, &c., in land States where offices of the surveyors-general have been closed, the sum of $8,000, making an aggregate of the appropriations of $332,000 for the year 1881.

By the act of Congress of March 3, 1881, there was also appropriated for surveys of private land claims during the year 1882.

In Arizona	$8,000
In California	10,000
In New Mexico	8,000
	26,000

in addition to the sum of $300,000, or an aggregate appropriation of $326,000 for the year 1882.

Or a total of Congressional appropriations for 1881 of	$332,000 00
Private survey deposits by individuals in 1881	1,804,166 47
Or a total for surveys for 1881 of	2,136,166 47
Congressional appropriations for 1882	326,000 00
Private or individual deposits for 1882	2,013,270 77
Or a total for surveys for 1882 of	2,339,270 77

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ADDITIONAL SURVEYING MERIDIANS AND BASE LINES.

[See pages 179, 180, 181.]

TO JUNE 30, 1882.

Since June 30, 1880, the following additional surveying meridians and base lines have been ordered or established:

The Wind River meridian governs the subdivisional surveys within the Shoshone Indian Reservation, in the Territory of Wyoming.

The Uinta special base and meridian govern the surveys of the Uinta Indian Reservation, in the Territory of Utah.

The Navajoe special base and meridian controls the surveys of the Navajoe Indian Reservation, in the Territories of New Mexico and Arizona.

The Black Hills meridian is coincident with the west boundary of the Territory of Dakota, on the 27° of longitude west from Washington, and intersects the base line in the parallel of 44° north latitude; it governs the surveys in the southwestern corner of the Territory named.

The Grand River meridian and base line governs the subdivisional surveys for allotment to the Ute Indians, in Western Colorado.

Proposed Cimarron meridian will be coincident with the eastern boundary of the Territory of New Mexico, or 103° meridian of longitude west from Greenwich, and intersects the base line on the parallel of 36° 30′ north latitude, or the north boundary of the State of Texas, and will govern the proposed surveys in the strip of public lands inclosed between the States of Kansas and Colorado on the north, the Indian Territory on the east, the State of Texas on the south, and the Territory of New Mexico on the west.

INDIVIDUAL DEPOSITS FOR THE SURVEY OF PUBLIC LANDS.

[See pages 184, 185, and 1239.]

Sections 2401, 2402, and 2403, Revised Statutes, provide that when settlers in any township, not mineral or reserved, desire a survey of the same under authority of the surveyor-general, they shall be entitled thereto, upon filing a written application therefor, and depositing a sum sufficient to pay for the survey and all expenses incident thereto; that said sums so deposited shall be placed to the credit of the proper appropriation for the surveying service, and that the amount so deposited by any such settlers may go in part payment for their lands situated in the township, the surveying of which is paid out of such deposits.

By act of March 3, 1879, amendatory of section 2403, Revised Statutes, the certificates issued for such deposits were made assignable by indorsement, and receivable in payment for pre-emption and homestead claims.

In 1881, under authority of the above laws, individual deposits for surveys were made to the amount of $1,804,166.47, and in 1882 to the amount of $2,013,270.77; in both years exceeding the Congressional appropriations by an aggregate of $3,159,437.24

The certificates issued for the return of the money advanced by individuals for the surveys of the public lands are used for final payment in pre-emption and homestead entries. [See circulars General Land Office March 5, 1880, April 6, 1881, and June 2, 1881, for method of procedure to obtain surveys by deposit and duties of officers.]

For a startling exhibit as to the operations of this law, see report of Commissioner of General Land Office for 1881, pages 6, 7, and 8, 144 and 145

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Statement showing the amount deposited by individuals and corporations for field and office work on account of the survey of public lands in the several surveying districts during the fiscal year ending June 30, 1882.

Districts.	Field work.	Office work.			Aggregate.
		Agricultural.	Mineral.	Total.	
Arizona	$50,721 66	$3,410 00	$4,475 00	$7,885 00	$58,606 66
California	219,626 58	21,328 43	8,386 00	29,714 43	249,341 01
Colorado	266,029 14	10,685 00	44,392 50	55,077 50	321,106 64
Dakota	53,448 00	3,900 00	1,110 00	5,010 00	58,458 00
Florida	30 00	10 00	.....	10 00	40 00
Idaho	25,656 00	3,007 00	1,980 00	4,987 00	30,643 00
Louisiana	6,360 11	400 00	.....	400 00	6,760 11
Minnesota	25,188 34	2,926 00	.....	2,926 00	28,114 34
Montana	4,080 00	250 00	6,575 00	6,825 00	10,905 00
Nebraska	64,835 05	5,929 84	.....	5,929 84	70,764 89
Nevada	124,340 86	9,120 00	3,210 00	12,330 00	136,670 86
New Mexico	270,068 22	15,892 83	3,479 85	19,372 68	289,440 90
Oregon	147,511 06	15,240 00	25 00	15,265 00	162,776 06
Utah	14,616 00	1,660 00	5,334 00	6,994 00	21,610 00
Washington	25,815 16	2,815 84	.....	2,815 84	28,631 00
Wyoming	498,867 30	40,185 00	350 00	40,535 00	539,402 30
Total	1,797,193 48	136,759 94	79,317 35	216,077 29	2,013,270 77

EFFORTS OF COMMISSIONERS OF THE GENERAL LAND OFFICE TO PREVENT OR SUPPRESS FRAUDS UNDER THE INDIVIDUAL DEPOSIT SYSTEM FOR SURVEYS.

With the intent to secure, as far as possible, honest proceedings under the individual deposit survey system, J. A. Williamson, Commissioner of the General Land Office, issued the following circular:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 28, 1881.

It having been alleged that gross frauds have been and are being perpetrated under section 2401, Revised Statutes, whereby lands unsettled upon and worthless are being surveyed, and that surveys are improperly executed, and that applications for surveys are fraudulently procured by or through the United States deputy surveyors, and the vast increase in the said applications and contracts indicating an extraordinary condition of things without explanation, it becomes my duty to direct you to require the most satisfactory proof as to the character of the land, nature of settlement, character and value of improvements, &c., and make yourselves entirely satisfied with the validity and good faith of each and every application for survey before giving it your approval, and if you *suspect*, even, that it is irregular in any respect, you must refuse to approve it.

If the frauds are not and cannot be prevented, it may become necessary to resort to extreme measures, even to a suspension of the execution of the law.

In view of recent developments, and to aid in restricting as far as possible the irregularities complained of, the circular instructions from this office, dated April 6th, ultimo, and amendatory instructions of subsequent date, are hereby suspended, except in so far as the same permit surveys under the deposit system for lands entered under the desert-land law.

The original affidavits, instead of copies as heretofore, must be forwarded to this office with the contracts.

The circular instructions of March 5, 1880, except as herein modified, are hereby restored.

The surveyors general are required to exercise the utmost care and vigilance to prevent frauds or irregularities of any kind regarding surveys under the law, and will promptly report any fact that may come to their knowledge of any attempted fraud, and by whom made, with all particulars concerning the same.

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The law, as amended by act of March 3, 1879, allowing certificates of deposit to be used in payment of lands in townships other than those for the survey of which money was deposited, holds out inducements for fraudulent transactions. It therefore becomes all the more necessary to use all lawful means to protect the interests of the Government.

You will therefore proceed with the mose scrupulous prudence.

Respectfully,

J. A. WILLIAMSON,
Commissioner.

To UNITED STATES SURVEYORS GENERAL.

Mr. Commissioner McFarland (succeeding after the resignation of Commissioner Williamson), still further impressed with the enormity of the frauds perpetrated under this law, issued the following:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE.
Washington, D. C., September 5, 1881.

To SURVEYORS GENERAL:

In order to prevent as far as possible the perpetration of frauds and fraudulent surveys, which have already assumed alarming proportions under the system of deposits by individuals, it is hereby ordered:

I. The surveyors general shall exercise the most searching scrutiny into the statements of applicants for survey, to satisfy themselves of the truth thereof, and unless found to be *bona fide* in every respect they shall not accept such applications nor furnish the estimates requested.

II. Believing that in a great many instances applications for survey, particularly in sections of country unfit for settlement, have been procured or invited at the instance of deputy surveyors seeking contracts, you are instructed that such proceedings on the part of deputy surveyors are unlawful, and that contracts thus unlawfully procured will not be recognized as valid. The surveyor general must minutely examine into all applications for surveys under the deposit system. If he is satisfied that the deputy has acted in the manner described, the commission of such deputy shall be forthwith revoked, and the surveyor general shall report all the facts, with his findings in the case, to this office. Upon approval thereof such deputy shall be deemed unfit to exercise the functions of a deputy surveyor, and the approval of a finding against a deputy will be communicated by this office to each surveyor general for his information and guidance; and any surveyor general who shall fail to report such deputy, or who shall employ any deputy so barred, will be open to charges to be preferred by the Commissioner of the General Land Office to the Secretary of the Interior.

III. Surveyors general are required to exercise the utmost care and vigilance to prevent frauds and irregularities of any kind regarding surveys under the system of deposits by individuals, as also of surveys made under any other appropriation of moneys by Congress, whether general or special, and they will report each and every fact that may come to their knowledge of any attempted fraud, by whomsoever made, with all obtainable particulars, to this office for consideration and action.

IV. The plats and field notes of surveys under the system of deposits by individuals, as returned to this office, do not usually show the settlements and improvements of the settlers at whose instance the surveys are ostensibly made. In a majority of instances the location of the settler, whether *bona fide* or otherwise, is entirely omitted, while the improvements, if any, are never noted. In order, therefore, to still further check the abuses and dishonest practices to which this system of surveys has become subject, the attention of surveyors general and deputy surveyors is specially directed to the requirements of pages 18 and 19 of the Manual of Surveys, and pages 43 and 44 of the Instructions of the Commissioner of the General Land Office, dated May 3, 1881. The requirements therein contained must be strictly adhered to, and surveyors general are required and enjoined to see to it that their deputies comply therewith.

V. Surveyors general are directed to instruct their deputies that they must designate in the field notes and plats of their surveys the location of each and every settlement within a township surveyed under the deposit system, whether it be permanent in character or not, together with the names of such settlers and their improvements, if any. Cattle corrals are not considered as constituting improvements.

VI. When no settlers are found within a township surveyed under the system of individual deposits, the field notes of survey must *distinctly and unequivocally state that fact*, and any omission so to describe and designate the settlements and their surrounding improvements, or the *absence* of one or both in the field notes and plat, will be deemed a sufficient cause to infer fraud, and the accounts of the deputy will be

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suspended until such omission shall have been supplied to both plat and field notes. A suspension of the commission of the deputy will in the meantime take place, and all the facts will be reported to this office for consideration and action.

VII. Surveyors general are directed to make known to their several deputies the provisions and nature of this order, and will be held strictly accountable for its faithful execution. Ignorance of the terms of this order will not be held an excuse for failure to comply therewith by deputies.

VIII. This order will be observed by deputies now in the field, and surveyors general are directed to so inform them with the least practicable delay.

IX. Surveyors general are reminded of the important trust confided to them, and are instructed to exercise their whole authority to secure correct and honest surveys and returns by their deputies.

X. This order will take effect from and after the receipt of the same, and its receipt will be immediately acknowledged by each surveyor general.

XI. In every case of a contract heretofore approved which the surveyor general has reason to believe was fraudulently procured, such contract and the accounts thereunder must be immediately suspended and the facts reported to this office.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Approved:

A. BELL,
Acting Secretary of the Interior.

REPEAL OF THE INDIVIDUAL DEPOSIT LAW RECOMMENDED.

Mr Commissioner McFarland, in his annual report for 1881, says:

"I am compelled to conclude, however, that there is no effectual remedy for said abuses except by the repeal of said act of March 3, 1879. This act, in its purpose and intent, in my opinion, is well adapted to the wants of actual settlers who desire to obtain title to their settlements without being subject to the enforced postponement incident to surveys under the present system; but the temptation to irregularity and fraud are too great, and the means of evading the law too easy, to justify a reasonable expectation that the law can be administered in the public interest."

AREAS OF SURVEYS FOR THE FISCAL YEARS 1881 AND 1882.

The extent of the surveying operations during the fiscal years ending June 30, 1881, and June 30, 1882, payable out of the Congressional appropriations, and individual deposits for the survey of public lands, as provided in section 2401 of the United States Revised Statutes, were as follows:

In 1881, public lands, 21,788,010 acres; private land claims, 526,359.95 acres, or a total in 1881 of 21,314,369.95 acres. In 1882, public lands, 14,204,561.79 acres; private land claims, 74,278 acres; Indian lands, 502,427.12 acres, or a total of 14,781,266.91 acres, as follows:

Areas surveyed in land States and Territories, severally considered, both of public lands and private claims, during the fiscal years ending June 30, 1881, and June 30, 1882.

Land States and Territories.	1881.		1882.		
	Public lands.	Private land claims.	Public lands.	Private land claims.	Indian lands.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Arizona	5,096	36,905.75	293,036.38	5,134	
California	888,308	462,300.38	949,778.19	69,144	
Colorado	7,435,084		5,818,183.84		382,078.12
Dakota	*1,475,655		1,568,255.89		
Idaho	60,916		242.47		
Louisiana	235,084		330,426.20		
Minnesota	194,427		222,825.57		
Montana	348,017		69,367.12		
Nebraska	852,300		645,802.21		
Nevada	4,524,598		631,373.47		
New Mexico	3,179,216	27,153.82	1,287,307.74		120,349.00
Oregon	1,008,324		1,318,617.90		
Utah	294,409		202,539.61		
Washington	231,459		454,534.29		
Wyoming	1,055,116		412,270.91		
Totals	21,788,010	526,359.95	14,204,561.79	74,278	502,427.12

* 62,012.25 acres are included in the Red Cloud and Spotted Tail Indian lands in Dakota Territory.

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PROGRESS OF SURVEYS FOR FIVE YEARS, TO JUNE 30, 1882.

TOTAL COST AND COST PER ACRE.

Comparative progress of surveys, cost thereof, disposal of the public lands, the number of surveying and land districts, during the period of five years to June 30, 1882, including office expenses of surveyors-general.

Fiscal year ending June 30.	Surveying districts.	Land districts.	Cost of surveys.	Number of acres.		Cost per acre to survey.
				Surveyed.	Disposed of.	
						Cents.
1877	17	99	$550, 054 03	10, 847, 082. 00	4, 849, 767. 70	$5\frac{7}{10}$
1878	16	98	523, 786 76	8, 041, 012. 00	8, 686, 178. 88	$6\frac{1}{2}$
1879	16	93	525, 707 00	8, 455, 781. 00	9, 333, 383. 29	$6\frac{1}{2}$
1880	16	95	796, 084 79	15, 699, 253. 00	14, 792, 371. 65	$5\frac{7}{10}$
1881	16	96	1, 244, 838 65	21, 788, 011. 00	10, 893, 397. 05	$5\frac{7}{10}$
1882	16	99	1, 914, 328 93	14, 781, 266. 91	14, 309, 166. 40	$4\frac{2}{10}$
Grand total	.....	.....	5, 554, 800 16	79, 612, 405. 91	62, 864, 264. 97	.....

NECESSITY FOR SURVEYS.

The Secretary of the Interior, Hon S. J. Kirkwood, in his annual report for 1881, says:

Under the present law there seems good reason to believe that extensive surveys are made far in advance of any legitimate demand; it is impossible to test the accuracy of the field work, and it is probable that when, in the future, a survey shall be needed, the work will have to be done again.

The Secretary of the Interior, Hon. H. M. Teller, says in his annual report for 1882:

The public lands ought to be speedily surveyed. It is lawful for a settler to go on the public lands in advance of the surveys, but it is difficult for him to fix boundaries to his location made in advance of the surveys. Conflicts arise between neighbors as to lines, and when the surveys are made, not infrequently a whole neighborhood is thrown into confusion, and much bitterness and strife created by the attempt to adjust their location to the Government surveys. There is but little, if any, of the public land that will not be ultimately surveyed. The necessity for surveys in the agricultural and pastoral regions is not greater than in the mineral regions of the high mountains. The miner as well as the agriculturist finds it difficult clearly and properly to define and locate his claim in the absence of Government surveys. Liberal appropriations ought to be made for the survey of the unsurveyed land of all kinds, with a proper classification of the same, showing whether they are timber, agricultural, pastoral, or mineral lands.

AREA OF SURVEYED LANDS UNSOLD.

[See page 529.]

The United States, June 30, 1882, owned, in round numbers, 220,000,000 acres of surveyed lands which were unsold.

RATES FOR SURVEYS OF THE PUBLIC LANDS.

Rates for surveys for fiscal year 1882.

Minimum rates, per mile:	
For standard and meander lines	$12 00
For township lines	10 00
For section lines	8 00
Maximum rates, per mile:	
For standard lines	16 00
For township lines	14 00
For section lines	10 00
Under sections 2404 and 2405, R. S., applying only to Oregon, California, and Washington Territory:	
Standard lines in Oregon	18 00
Township lines in Oregon	15 00
Section lines in Oregon	12 00
In California and Washington Territory, per mile:	
For standard lines	18 00
For township lines	16 00
For section lines	14 00

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SURVEYED AND UNSURVEYED LANDS TO JUNE 30, 1882.

[See pages 16–178, 189, and 1241.]

The total amount of public lands, from the beginning of the land system, surveyed to June 30, 1882, was 831,725,863 acres. The total acreage of public lands remaining unsurveyed to June 30, 1882, was 983,068,075 acres.

Tabular statement showing the number of acres of public lands surveyed in the following land States and Territories up to June 30, 1881, during the fiscal year 1882, and the total of the public lands surveyed up to June 30, 1882; also the total area of the public domain remaining unsurveyed within the same.

Land States and Territories.	Area of public lands in States and Territories.		Number of acres of public lands surveyed.				Total area of public and Indian lands remaining unsurveyed, inclusive of the private land claims surveyed up to June 30, 1882.
	In acres.	In square miles.	Up to June 30, 1881.	Under contracts made prior to June 30, 1881, but not heretofore reported because returned since June 30, 1881.	Under contracts made for the fiscal year ending June 30, 1882.	Total up to June 30, 1882.	
Alabama	32,462,115	50,722	32,462,115	.....	.....	32,462,115	.....
Arkansas	33,410,063	52,203	33,410,063	.....	.....	33,410,063	.....
California	100,992,640	157,801	57,560,018	1,987,746.61	949,778.79	60,497,543	40,495,097
Colorado	66,880,000	104,500	*35,026,683	6,407,692.57	5,818,183.84	47,252,560	19,627,440
Florida	37,931,520	59,268	30,175,027	96,985.71	.....	30,272,013	7,659,507
Illinois	35,465,093	55,414	35,465,093	.....	.....	35,465,093	.....
Indiana	21,637,760	33,809	21,637,760	.....	.....	21,637,760	.....
Iowa	35,228,800	55,045	35,228,800	.....	.....	35,228,800	.....
Kansas	51,770,240	80,891	51,770,240	.....	.....	51,770,240	.....
Louisiana	26,461,440	41,346	25,547,631	68,053.74	330,426.20	25,946,111	515,329
Michigan	36,128,640	56,451	36,128,640	.....	.....	36,128,640	.....
Minnesota	53,459,840	83,531	40,213,003	199,953.84	222,825.57	40,635,782	12,824,058
Mississippi	30,179,840	47,156	30,179,840	.....	.....	30,179,840	.....
Missouri	41,836,931	65,370	41,836,931	.....	.....	41,836,931	.....
Nebraska	48,636,800	75,995	42,945,036	392,280.60	645,802.21	43,983,119	4,653,681
Nevada	71,737,600	112,090	17,825,600	4,142,714.83	631,373.47	22,599,688	49,137,912
Ohio	25,581,976	39,972	25,576,960	5,016.31	.....	25,581,976	.....
Oregon	60,975,360	95,274	26,444,066	3,393,335.63	1,318,617.90	31,156,019	29,819,341
Wisconsin	34,511,360	53,924	34,511,360	.....	.....	34,511,360	.....
Alaska	369,529,600	577,390	.....	.....	.....	.....	369,529,600
Arizona	72,906,240	113,916	5,812,970	335,783.68	293,036.38	6,441,790	66,454,450
Dakota	96,596,480	150,932	27,081,815	1,761,290.50	1,568,255.89	30,411,361	66,185,119
Idaho	55,228,160	86,294	7,853,375	262,890.71	242.47	8,116,508	47,111,652
Indian Territory	44,154,240	68,991	27,003,990	.....	.....	27,003,990	17,150,250
Montana	92,016,640	143,776	11,759,082	150,172.99	69,367.12	11,978,622	80,038,018
New Mexico	77,568,640	121,201	†14,659,083	7,584,819.49	1,287,307.74	23,510,710	54,057,930
Utah	54,064,640	84,476	10,076,369	208,044.62	202,539.61	10,486,953	43,577,687
Washington	44,796,160	69,994	16,368,489	934,009.96	454,534.29	17,757,033	27,039,127
Wyoming	62,645,120	97,883	10,366,940	4,684,031.72	412,270.91	15,463,243	47,181,877
Total	‡1,814,793,938	2,835,615	784,906,979	32,614,323.31	14,204,561.79	831,725,863	983,068,075

*Of the surveys in Colorado, 229,906.83 acres were for allotments to the Uncompahgre Ute Indians, who were since removed to Utah Territory, which lands became public lands by act of Congress approved July 28, 1882; and 152,171.29 acres were surveyed into 40-acre tracts for the Southern Ute Indians.

†Of the surveys in New Mexico, 120,349.47 acres were surveyed into 40-acre tracts for the Southern Ute Indians, under the Ute commission, of which 108,533.82 acres had been also surveyed as public lands under the surveyor-general of New Mexico.

‡Exclusive of the area of the public land strip, viz, 3,673,600 acres.

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SURVEYS OF THE PUBLIC LANDS.

INSTRUCTIONS OF THE COMMISSIONER OF THE GENERAL LAND OFFICE TO THE SURVEYORS-GENERAL OF THE UNITED STATES RELATIVE TO THE SURVEY OF THE PUBLIC LANDS AND PRIVATE LAND CLAIMS.

MAY 3, 1881.—IN EFFECT DECEMBER 1, 1883.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 3, 1881.

GENTLEMEN: The following instructions, including full and minute directions for the execution of surveys in the field, are issued under the authority given me by sections 453, 456, 2398, and 2399 United States Revised Statutes, and must be strictly complied with by yourselves and your deputy surveyors.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

TO SURVEYORS-GENERAL OF THE UNITED STATES.

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INTRODUCTORY.

The present system of survey of the public lands was inaugurated by a committee appointed by the Continental Congress, and consisting of the following delegates:

Hon. THOS. JEFFERSON, *Chairman* ..... Virginia.
Hon. HUGH WILLIAMSON ..... North Carolina.
Hon. DAVID HOWELL ..... Rhode Island.
Hon. ELBRIDGE GERRY ..... Massachusetts.
Hon. JACOB READ ..... South Carolina.

On the 7th of May, 1784, this committee reported "An ordinance for ascertaining the mode of locating and disposing of lands in the western territory, and for other purposes therein mentioned." This ordinance required the public lands to be divided into "hundreds" of ten geographical miles square, and those again to be subdivided into lots of one mile square each, to be numbered from 1 to 100, commencing in the *northwestern* corner, and continuing from west to east and from east to west consecutively. This ordinance was considered, debated, and amended, and reported to Congress April 26, 1785, and required the surveyors "to divide the said territory into townships of 7 miles square, by lines running due north and south, and others crossing these at right angles. * * * The plats of the townships, respectively, shall be marked by subdivisions into sections of 1 mile square, or 640 acres, in the same direction as the external lines, and numbered from 1 to 49. * * * And these sections shall be subdivided into lots of 320 acres." This is the first record of the use of the terms "township" and "section."

May 3, 1785, on motion of Hon. William Grayson, of Virginia, seconded by Hon. James Monroe, of Virginia, the section respecting the extent of townships was amended by striking out the words "seven miles square" and substituting the words "six miles square." The record of these early sessions of Congress are not very full or complete; but it does not seem to have occurred to the members until the 6th of May, 1785, that a township six miles square could not contain 49 sections of 1 mile square. At that date a motion to amend was made, which provided, among other changes, that a township should contain 36 sections; and the amendment was *lost*. The ordinance as finally passed, however, on the 20th of May, 1785, provided for townships, 6 miles square, containing 36 sections of 1 mile square. The first public surveys were made under this ordinance. The townships, six miles square, were laid out in ranges, extending northward from the Ohio river, the townships being numbered from south to north, and the ranges from east to west. The region embraced by the surveys under this law forms a part of the present State of Ohio, and is usually styled "The Seven Ranges." In these initial surveys only the *exterior lines* of the townships were surveyed, but the plats were marked by subdivisions into sections of 1 mile square, and mile corners were established on the township lines. The sections were numbered from 1 to 36, commencing with No. 1 in the *southeast* corner of the township, and running from *south* to *north* in each tier to No. 36 in the *northwest* corner of the township, as shown in the following diagram:

36	30	24	18	12	6
35	29	23	17	11	5
34	28	22	16	10	4
33	27	21	15	9	3
32	26	20	14	8	2
31	25	19	13	7	1

The surveys were made under the direction of the Geographer of the United States. The act of Congress approved May 18, 1796, provided for the appointment of a sur-

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veyor-general, and directed the survey of the lands northwest of the Ohio River, and above the mouth of the Kentucky River, "in which the titles of the Indian tribes have been extinguished." Under this law *one-half* of the townships surveyed were subdivided into sections "by running through the same, each way, parallel lines at the end of every two miles, and by making a corner on each of said lines at the end of every mile," and it further provided that the "sections shall be numbered, respectively, beginning with the number one in the northeast section and proceeding west and east alternately, through the township, with progressive numbers till the thirty-sixth be completed." This method of numbering sections, as shown by the following diagram, is still in use:

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

The act of Congress approved May 10, 1800, required the "townships west of the Muskingum, which * * * are directed to be sold in quarter townships, to be subdivided into half sections of three hundred and twenty acres each, as nearly as may be, by running parallel lines through the same from east to west, and from south to north, at the distance of one mile from each other, and marking corners, at the distance of each half mile on the lines running from east to west, and at the distance of each mile on those running from south to north. * * * And the interior lines of townships intersected by the Muskingum, and of all the townships lying east of that river, which have not been heretofore actually subdivided into sections shall also be run and marked. * * * And in all cases where the exterior lines of the townships thus to be subdivided into sections or half sections shall exceed, or shall not extend, six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western and northern ranges of sections or half sections in such township, according as the error may be in running the lines from east to west or from south to north."

The act of Congress approved February 11, 1805, directs the subdivision of the public lands into quarter-sections, and provides that all the corners marked in the public surveys shall be established as the proper corners of sections or subdivisions of sections which they were intended to designate, and that corners of half and quarter sections *not marked* shall be placed as nearly as possible "equidistant from those two corners which stand on the same line." This act further provides that "The boundary lines actually run and marked * * * shall be established as the proper boundary lines of the sections or subdivisions for which they were intended; and the length of such lines as returned by * * * the surveyors * * * shall be held and considered as the true length thereof, and the boundary lines which shall not have been actually run and marked as aforesaid shall be ascertained by running straight lines from the established corners to the opposite corresponding corners; but in those portions of the fractional townships, where no such opposite or corresponding corners have been or can be fixed, the said boundary line shall be ascertained by running from the established corners due north and south or east and west lines, as the case may be, to the * * * external boundary of such fractional township."

The act of Congress approved April 25, 1812, provided "That there shall be established in the Department of the Treasury an office to be denominated the General Land Office, the chief officer of which shall be called the Commissioner of the General Land Office, whose duty it shall be, under the direction of the head of the Department, to superintend, execute, and perform all such acts and things touching or respecting the public lands of the United States, and other lands patented or granted by the United States, as have heretofore been directed by law to be done or performed in the office of the Secretary of State, of the Secretary and Register of the Treasury, and of the Secretary of War, or which shall hereafter by law be assigned to the said office."

The act of Congress approved April 24, 1820, provides for the sale of public lands in half quarter-sections, and requires that "in every case of the division of a quarter-section the line for the division thereof shall run north and south * * * and

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fractional sections containing 160 acres and upwards shall, in like manner, as nearly as practicable, be subdivided into half quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Treasury; but fractional sections containing less than 160 acres shall not be divided."

The act of Congress approved May 24, 1824, provides "That whenever, in the opinion of the President of the United States, a departure from the ordinary mode of surveying land on any river, lake, bayou, or watercourse would promote the public interest, he may direct the surveyor-general in whose district such land is situated, and where the change is intended to be made, under such rules and regulations as the President may prescribe, to cause the lands thus situated to be surveyed in tracts of two acres in width, fronting on any river, bayou, lake, or watercourse, and running back the depth of forty acres." * * *

The act of Congress approved May 29, 1830, provides for the fine and imprisonment of any person obstructing the survey of the public lands, and for the protection of surveyors, in the discharge of their official duties, by the United States marshal, with sufficient force, whenever necessary.

The act of Congress approved April 5, 1832, directed the subdivision of the public lands into quarter quarters; that in every case of the division of a half quarter-section the dividing line should run east and west, and that fractional sections should be subdivided under rules and regulations prescribed by the Secretary of the Treasury. Under the latter provision the Secretary directed that fractional sections containing less than 160 acres, or the residuary portion of a fractional section, after the subdivision into as many quarter quarter-sections as it is susceptible of, may be subdivided into lots, each containing the quantity of a quarter quarter-section as nearly as practicable, by so laying down the line of subdivision that they shall be 20 chains wide, which distances are to be marked on the plat of subdivision, as are also the areas of the quarter quarters and residuary fractions.

The two acts last above mentioned provided that the corners and contents of half-quarter and quarter-quarter sections should be ascertained, as nearly as possible, in the manner and on the principles directed and prescribed in the act of Congress approved February 11, 1805.

The act of Congress approved July 4, 1836, provided for the reorganization of the General Land Office, and that the executive duties of said office "shall be subject to the supervision and control of the Commissioner of the General Land Office under the direction of the President of the United States." The repealing clause is: "That such provisions of the act of the twenty-fifth of April, in the year one thousand eight hundred and twelve, entitled 'An act for the establishment of a General Land Office in the Department of the Treasury,' and of all acts amendatory thereof, as are inconsistent with the provisions of this act, be, and the same are hereby, repealed."

From the wording of this act it would appear that the control of the General Land Office was removed from the Treasury Department, and that the Commissioner reported direct to the President, but, as a matter of fact, the Secretary of the Treasury still had supervisory control, for the act of Congress approved March 3, 1849, by which the Department of the Interior was established, provided "That the Secretary of the Interior shall perform all the duties in relation to the General Land Office, of supervision and appeal, now discharged by the Secretary of the Treasury." * * * By this act the General Land Office was transferred to the Department of the Interior, where it still remains.

In 1855 a manual of instructions to surveyors-general was prepared, under the direction of the Commissioner of the General Land Office, by John M. Moore, then principal clerk of surveys, and the act of Congress approved May 30, 1862, provided "That the printed manual of instructions relating to the public surveys, prepared at the General Land Office, and bearing the date February twenty-second, eighteen hundred and fifty-five, the instructions of the Commissioner of the General Land Office, and the special instructions of the surveyor-general, when not in conflict with said printed manual or the instructions of said Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands of the United States."

The instructions contained in this volume are issued under the authority given in the clause in said act providing that "The instructions of the Commissioner of the General Land Office * * * shall be taken and deemed to be a part of every contract for surveying the public lands of the United States."

The following comprise so much of the general laws relating to the survey of the public domain as it is deemed necessary to incorporate in this volume, reference being made by chapter and section to the codification of the Public Land Laws, prepared pursuant to acts of Congress approved March 3, 1879, and June 16, 1880, and by section number to the Revised Statutes of the United States.

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CHAPTER TWO.

THE GENERAL LAND OFFICE.

SEC. 32. The Commissioner of the General Land Office shall perform under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of lands, and the issuing of patents for all grants of land under the authority of the Government. (R. S. 453.)

Duties of Commissioner.

SEC. 35. All returns relative to the public lands shall be made to the Commissioner of the General Land Office; and he shall have power to audit and settle all public accounts relative to the public lands; and upon the settlement of any such accounts he shall certify the balance, and transmit the account with the vouchers and certificate to the First Comptroller of the Treasury for his examination and decision thereon. (R. S. 456.)

Returns and accounts relative to lands.

SEC. 38. Upon the discontinuance of any surveying district the authority, powers and duties in relation to the survey, resurvey, or subdivision of lands therein and all matters and things connected therewith, as previously exercised by the surveyor-general, shall be vested in and devolved upon the Commissioner of the General Land Office; and deputy surveyors or other agents under his direction shall have free access to any field-notes, maps, records, and other papers, turned over to the authorities of any State pursuant to law, for the purpose of making copies thereof, without charge of any kind. (R. S. 2219, 2220.)

Commissioner to perform duties of surveyor-general, &c.

SEC. 45. The Commissioner shall approve all contracts for the survey of the public lands. (R. S. 2398.)

Approval of surveying contracts.

SEC. 46. The instructions issued by the Commissioner of the General Land Office not in conflict with law shall be deemed part of every contract for surveying the public lands. (R. S. 2399.)

Commissioner's instructions deemed part of contract for surveying.

SEC. 61. The Commissioner, under the direction of the Secretary of the Interior, is authorized to enforce and carry into execution every part of the public land laws not otherwise specially provided for. (R. S. 2478.)

Power of Commissioner to make regulations.

CHAPTER THREE.

SURVEYS AND SURVEYORS.

SEC. 77. There shall be appointed by the President, by and with the advice and consent of the Senate, a surveyor-general for the States and Territories herein named, embracing, respectively, one surveying district, namely: Louisiana, Florida, Minnesota, Kansas, California, Nevada, Oregon, Nebraska and Iowa, Dakota, Colorado, New Mexico, Idaho, Washington, Montana, Utah, Wyoming, Arizona. (R. S. 2207.)

Surveyor-general, how and where appointed.

SEC. 83. Every surveyor-general, while in the discharge of the duties of his office, shall reside in the district for which he is appointed. (R. S. 2414.)

Residence of surveyor-general.

SEC. 84. Every surveyor-general shall, before entering on the duties of his office, execute and deliver to the Secretary of the Interior a bond, with good and sufficient security, for the penal sum of thirty thousand dollars, conditioned for the faithful disbursement, according to law, of all public money placed in his hands, and for the faithful performance of the duties of his office; and the President has discretionary authority to require a new bond and additional security, under the direction of the Secretary of the Interior, for the lawful disbursements of public moneys. (R. S. 2215, 2216.)

Bond of surveyor-general.

SEC. 85. The commission of each surveyor-general shall cease and expire in four years from the date thereof, unless sooner vacated by death, resignation, or removal from office. (R. S. 2217.)

Duration of office.

SEC. 86. Every surveyor-general, except where the President sees cause otherwise to determine, is authorized to continue in the uninterrupted discharge of his regular official duties after the day of expiration of his commission and until a new commission is issued to him for the same office, or until the day when a successor enters upon the duties of such office; and the existing official bond of any officer so acting shall be deemed good and sufficient and in force until the date of the approval of a new bond to be given by him, if recommissioned, or otherwise, for the additional time he may so continue officially to act, pursuant to the authority of this section. (R. S. 2222.)

Continuance of duties and bond after expiration of commission.

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Transfer of papers and discontinuance of office in case of completed surveys.

SEC. 87. Whenever the surveys and records of any surveying district are completed the surveyor-general thereof shall be required to deliver over to the secretary of state or the respective States, including such surveys, or to such other officer as may be authorized to receive them, all the field-notes, maps, records, and other papers appertaining to land titles within the same; and the office of surveyor-general in every such district shall thereafter cease and be discontinued. (R. S. 2218.)

Devolution of powers upon Commissioner in case of discontinuance.

SEC. 88. In all cases of discontinuance, as provided in the preceding section, the authority, powers, and duties of the surveyor-general in relation to the survey, resurvey, or subdivision of the lands therein, and all matters and things connected therewith shall be vested in and devolved upon the Commissioner of the General Land Office. (R. S. 2219.)

Free access to public records delivered to States and conditions of such delivery.

SEC. 89. Under the authority and direction of the Commissioner of the General Land Office any deputy surveyor or other agent of the United States shall have free access to any such field-notes, maps, records, and other papers for the purpose of taking extracts therefrom or making copies thereof without charge of any kind; but no transfer of such public records shall be made to the authorities of any State until such State has provided by law for the reception and safe-keeping of such public records and for the allowance of free access thereto by the authorities of the United States. (R. S. 2220, 2221.)

General duties of surveyor-general.

SEC. 90. Every surveyor-general shall engage a sufficient number of skillful surveyors as his deputies, to whom he is authorized to administer the necessary oaths upon their appointments. He shall have authority to frame regulations for their direction, not inconsistent with law or the instructions of the General Land Office, and to remove them for negligence or misconduct in office.

Second. He shall cause to be surveyed, measured, and marked, without delay, all base and meridian lines through such points and perpetuated by such monuments, and such other correction parallels and meridians as may be prescribed by law or by instructions from the General Land Office in respect to the public lands within his surveying district, to which the Indian title has been or may be hereafter extinguished.

Third. He shall cause to be surveyed all private land claims within his district after they have been confirmed by authority of Congress, so far as may be necessary to complete the survey of the public lands.

Fourth. He shall transmit to the register of the respective land offices within his district general and particular plats of all lands surveyed by him for each land district; and he shall forward copies of such plats to the Commissioner of the General Land Office.

Fifth. He shall, so far as is compatible with the desk duties of his office, occasionally inspect the surveying operations while in progress in the field, sufficiently to satisfy himself of the fidelity of the execution of the work according to contract, and the actual and necessary expenses incurred by him while so engaged shall be allowed; and where it is incompatible with his other duties for a surveyor-general to devote the time necessary to make a personal inspection of the work in progress, then he is authorized to depute a confidential agent to make such examination, and the actual and necessary expenses of such person shall be allowed and paid for that service, and five dollars a day during the examination in the field; but such examination shall not be protracted beyond thirty days, and in no case longer than is actually necessary; and when a surveyor-general, or any person employed in his office at a regular salary, is engaged in such special service, he shall receive only his necessary expenses in addition to his regular salary. (R. S. 2223.)

Bond of deputy surveyor.

SEC. 91. Every deputy surveyor shall enter into bond, with sufficient security, for the faithful performance of all surveying contracts confined to him; and the penalty of the bond in each case shall be double the estimated amount of money accruing under such contract at the rate per mile stipulated to be paid therein. The sufficiency of the sureties to all such bonds shall be approved and certified by the proper surveyor-general. (R. S. 2230.)

Oath of deputy surveyor.

SEC. 92. The surveyors-general, in addition to the oath now authorized by law to be administered to deputies on their appointment to office, shall require each of their deputies, on the return of his surveys, to take and subscribe an oath that those surveys have been faithfully and correctly executed according to law and the instructions of the surveyor-general. (R. S. 2231.)

Suit on bond of deputy surveyor; lien of.

SEC. 93. The district attorney of the United States, in whose district any false, erroneous, or fraudulent surveys have been executed, shall, upon the application of the proper surveyor-general, immediately institute suit upon the bond of such deputy, and the institution of such suit shall act as a lien upon any property owned or held by such deputy or his sureties at the time such suit was instituted. (R. S. 2232.)

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SEC. 98. The President is authorized, in any case where he thinks the public interest may require it, to transfer the duties of register and receiver in any district to the surveyor-general of the surveying district in which such land district is located. (R. S. 2228.)

Duties of register and receiver performed by surveyor-general.

SEC. 99. The public lands shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of an Indian reservation, or of tracts of land heretofore surveyed or patented, or the course of navigable rivers may render this impracticable; and in that case this rule must be departed from no further than such particular circumstances require.

Rules of survey.

Second. The corners of the townships must be marked with progressive numbers from the beginning, each distance of a mile between such corners must be also distinctly marked with marks different from those of the corners.

Third. The township shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines at the end of every two miles; and by making a corner on each of such lines, at the end of every mile. The sections shall be numbered, respectively, beginning with the number one in the northeast section and proceeding west and east alternately through the township with progressive numbers till the thirty-sixth be completed.

Fourth. The deputy surveyors, respectively, shall cause to be marked on a tree near each corner established in the manner described, and within the section, the number of such section, and over it the number of the township within which such section may be; and the deputy surveyors shall carefully note, in their respective field-books, the names of the corner trees marked and the numbers so made.

Fifth. Where the exterior lines of the townships which may be subdivided into sections or half sections exceed, or do not extend six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western and northern ranges of sections or half sections in such townships, according as the error may be in running the lines from east to west, or from north to south; the sections and half sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats, respectively, and all others as containing the complete legal quantity.

Sixth. All lines shall be plainly marked upon trees, and measured with chains, containing two perches, of sixteen and one-half feet each, subdivided into twenty-five equal links; and the chain shall be adjusted to a standard to be kept for that purpose.

Seventh. Every surveyor shall note in his field-book the true situations of all mines, salt-licks, salt-springs, and mill-seats which come to his knowledge; all water-courses over which the line he runs may pass; and also the quality of the lands.

Eighth. These field-books shall be returned to the surveyor-general, who shall cause therefrom a description of the whole lands surveyed to be made out and transmitted to the officers who may superintend the sales. He shall also cause a fair plat to be made of the townships and fractional parts of townships contained in the lands, describing the subdivisions thereof and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; and a copy thereof shall be kept open at the surveyor-general's office for public information, and other copies shall be sent to the places of the sale and to the General Land Office. (R. S. 2395.)

SEC. 100. The boundaries and contents of the several sections, half sections, and quarter sections of the public lands shall be ascertained in conformity with the following principles:

Boundaries and contents of public lands, how ascertained.

First. All the corners marked in the surveys returned by the surveyor-general shall be established as the proper corners of sections, or subdivisions of sections, which they were intended to designate; and the corners of half and quarter sections, not marked on the surveys, shall be placed as nearly as possible equidistant from two corners which stand on the same line.

Second. The boundary lines, actually run and marked on the surveys returned by the surveyor-general, shall be established as the proper boundary lines of the sections or subdivisions for which they were intended, and the length of such lines as returned, shall be held and considered as the true length thereof. And the boundary lines which have not been actually run and marked shall be ascertained by running straight lines from the established corners to the opposite corresponding corners; but in those portions of the fractional townships, where no such opposite corresponding corners have been or can be fixed, the boundary lines shall be ascertained by running from the established corners due north and south or east and west lines, as the case may be, to the water-course, Indian boundary line, or other external boundary of such fractional township.

Third. Each section or subdivision of section, the contents whereof have been returned by the surveyor-general, shall be held and considered as containing the exact quantity expressed in such return; and the half-sections and quarter-sections, the contents whereof shall not have been thus returned, shall be held and considered as

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containing the one-half or the one-fourth part, respectively, of the returned contents of the section of which they may make part. (R. S. 2396.)

Lines of division of half-quarter sections, how run.

SEC. 101. In every case of the division of a quarter-section the line for the division thereof shall run north and south, and the corners and contents of half-quarter sections which may thereafter be sold shall be ascertained in the manner and on the principles directed and prescribed by the section preceding, and fractional sections containing one hundred and sixty acres or upwards shall in like manner, as nearly as practicable, be subdivided into half quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Interior, and in every case of a division of a half-quarter section, the line for the division thereof shall run east and west, and the corners and contents of quarter-quarter sections, which may thereafter be sold, shall be ascertained, as nearly as may be, in the manner and on the principles directed and prescribed by the section preceding; and fractional sections containing fewer or more than one hundred and sixty acres shall in like manner, as nearly as may be practicable, be subdivided into quarter-quarter sections, under such rules and regulations as may be prescribed by the Secretary of the Interior. (R. S. 2397.)

Variance in shape of surveys on rivers, &c.

SEC. 102. Whenever, in the opinion of the President, a departure from the ordinary method of surveying land on any river, lake, bayou, or water-course would promote the public interest, he may direct the surveyor-general, in whose district such land is situated, and where the change is intended to be made, to cause the lands thus situated to be surveyed in tracts of two acres in width, fronting on any river, bayou, lake, or water-course, and running back the depth of forty acres; which tracts of land so surveyed shall be offered for sale entire, instead of in half-quarter sections, and in the usual manner, and on the same terms in all respects as the other public lands of the United States. (R. S. 2407.)

MINERAL LANDS.

Extension of puclic surveys over mineral lands.

SEC. 106. The public surveys shall extend over all mineral lands, and all subdividing of surveyed lands into lots less than one hundred and sixty acres may be done by county and local surveyors at the expense of claimants; but nothing in this section contained shall require the survey of waste or useless lands. (R. S. 2406.)

What instructions to be deemed part of contract.

SEC. 107. The printed manual of instructions relating to the public surveys, prepared at the General Land Office, and bearing date February twenty-second, eighteen hundred and fifty-five, the instructions of the Commissioner of the General Land Office, and the special instructions of the surveyor-general, when not in conflict with such printed manual or the instructions of the Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands. (R. S. 2399.)

Contracts for surveys of puclic lands, when binding.

SEC. 111. Contracts for the survey of the public lands shall not become binding upon the United States until approved by the Commissioner of the General Land Office, except in such cases as the Commissioner may otherwise specially order. (R. S. 2398.)

Price of surveys, how established; cost of surveying private claims and railroad grants to be refunded.

SEC. 112. The Commissioner of the General Land Office has power, and it shall be his duty to fix the prices per mile for public surveys, which shall in no case exceed the maximum established by law; and, under instructions to be prepared by the Commissioner, an accurate account shall be kept by each surveyor-general of the cost of surveying and plotting private land claims, to be reported to the General Land Office, with the map of such claim; and patents shall not issue for any such private claim, nor shall any copy of such survey be furnished, until the cost of survey and platting has been paid into the Treasury by the claimant or other party; and before any land granted to any railroad company by the United States shall be conveyed to such company or any persons entitled thereto, under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest. (R. S. 2400.)

INDIVIDUAL DEPOSIT SURVEYS.

When survey may be had by settlers in township.

SEC. 115. When the settlers in any township, not mineral or reserved by government, desire a survey made of the same, under the authority of the surveyor-general, and file an application therefor in writing and deposit in a proper United States depository to the credit of the United States, a sum sufficient to pay for such survey, together with all expenses incident thereto, without cost or claim for indemnity on the United States, it may be lawful for the surveyor-general, under such instructions as may be given him by the Commissioner of the General Land Office, and in accordance with law, to survey such

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township and make return thereof to the general and proper local land office, provided the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for the township and subdivisional surveys. (R. S. 2401.)

Deposit for expenses of surveys deemed an appropriation, &c.

SEC. 116. The deposit of money in a proper United States depository, under the provisions of the preceding section, shall be deemed an appropriation of the sums so deposited for the objects contemplated by that section, and the Secretary of the Treasury is authorized to cause the sums so deposited to be placed to the credit of the proper appropriations for the surveying service; but any excesses in such sums over and above the actual cost of the surveys, comprising all expenses incident thereto, for which they were severally deposited, shall be repaid to the depositors respectively. (R. S. 2402.)

Settlers' deposits for surveys to go in part payment of lands, and are assignable.

SEC. 117. Where settlers make deposits in accordance with the provisions of section one hundred and fifteen, the amount so deposited shall go in part payment for their lands situated in the townships, the surveying of which is paid for out of such deposits; or the certificates issued for such deposits may be assigned by indorsement and be received in payment for any public lands of the United States entered by settlers under the preemption and homestead laws of the United States, and not otherwise. (R. S. 2403.)

Surveyors-general to survey private land claims when confirmed, &c.

SEC. 118. Each surveyor-general, when thereunto duly authorized by law, shall cause all confirmed private land claims within his district to be accurately surveyed, and shall transmit plats and field-notes thereof to the Commissioner of the General Land Office for his approval. When publication of such surveys is authorized by law, the proof thereof, together with any objections properly filed, and all evidence submitted either in support of or in opposition to the approval of any such survey, shall also be transmitted to said Commissioner. (R. S. 2447.)

Penalty for interrupting surveys.

SEC. 120. Every person who in any manner, by threat or force, interrupts, hinders, or prevents the surveying of the public lands, or of any private land claim which has or may be confirmed by the United States, by the persons authorized to survey the same, in conformity with the instructions of the Commissioner of the General Land Office, shall be fined not less than fifty dollars, nor more than three thousand dollars, and be imprisoned not less than one nor more than three years. (R. S. 2412.)

Protection of surveyor by marshal of district.

SEC. 121. Whenever the President is satisfied that forcible opposition has been offered, or is likely to be offered, to any surveyor or deputy surveyor in the discharge of his duties in surveying the public lands, it may be lawful for the President to order the marshal of the State or district, by himself or deputy, to attend such surveyor or deputy surveyor with sufficient force to protect such officer in the execution of his duty, and to remove force should any be offered. (R. S. 2413.)

Surveyors to explore and select timber lands to reserve for use of the Navy.

SEC. 122. The President is authorized to appoint surveyors of public lands, who shall explore such vacant and unappropriated lands of the United States as produce the live-oak and red-cedar timbers, and shall select such tracts or portions thereof, where the principal growth is of either of such timbers, as in the judgment of the Secretary of the Navy may be necessary to furnish for the Navy a sufficient supply of the same. Such surveyors shall report to the President the tracts by them selected, with the boundaries ascertained and accurately designated by actual survey or water-courses. (R. S. 2459.)

APPOINTMENT OF DEPUTY SURVEYORS.

Sec. 2223 U. S. Revised Statutes provides that "Every surveyor-general shall engage a sufficient number of skillful surveyors as his deputies, to whom he is authorized to administer the necessary oaths upon their appoinntments. He shall have authority to frame regulations for their direction, not inconsistent with law or the instructions of the General Land Office, and to remove them for negligence or misconduct in office."

Each surveyor-general should exercise great care in the appointment of deputy surveyors, and should thoroughly satisfy himself, before making such appointments, that the applicants possess the proper theoretical and practical qualifications, as well as to their moral standing and fitness for the important trusts to be confided to them.

Commissions will be issued to deputy surveyors as follows:

Form of commission.

The United States of America.

To all to whom these presents shall come, greeting:

Know ye, that, reposing special trust and confidence in the integrity, ability, and discretion of ——— ———, I do appoint him to be deputy surveyor of the United

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States for the district of ——, and do authorize and empower him to execute and fulfill the duties of that office according to law, and to hold the said office with all the rights and emoluments thereunto legally appertaining to him, the said —— ——, during the pleasure of the surveyor-general of the United States for the district of —— for the time being.

In testimony whereof I have hereunto affixed my signature.

Given under my hand at ——, the —— day of ——, 18—, in the year of our Lord one thousand eight hundred and ——, and of the Independence of the United States of America the one hundred and ——.

—— ——,

United States Surveyor-General for ——.

The deputy surveyor will acknowledge in writing to the surveyor-general the receipt of such commission, stating in such letter that he accepts the same. He must also transmit, with such letter, his official oath, duly subscribed and sworn to, as follows:

Oath prescribed to be taken by all persons in the public service, by act of Congress approved July 2, 1862.

I, —— ——, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended Government, authority, power or constitution within the United States hostile or inimical thereto. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

—— ——. [SEAL.]

Subscribed and sworn to before me at ——, county of ——, —— of ——, this —— day ——, 18—.

—— ——,

—— ——.

A full record of all commissions issued, together with letters of acceptance and official oaths, must be carefully filed in the office of the surveyor-general. Thereafter the deputy surveyor will execute in duplicate, and forward to the surveyor-general, his official bond (one copy of which will be forwarded by the surveyor-general to the Commissioner of the General Land Office), in accordance with the following form:

Form of bond.

Know all men by these presents that we, —— ——, of ——, as principal, and —— ——, of ——, —— —— of ——, —— —— of ——, and —— ——, of ——, as sureties, are held and firmly bound unto the United States of America, in the sum of —— thousand dollars, lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, and each and every one of us and them, jointly and severally, firmly by these presents.

Signed with our hand and sealed with our seals this —— day of ——, 18—.

The condition of the above obligation is such that if the above bounden —— ——, during the time for which his appointment as deputy surveyor, under —— ——, surveyor-general of the United States for ——, may continue, shall well, truly, and faithfully, according to the laws of the United States, the printed manual of surveying instructions and other surveying instructions issued, or which may hereafter be issued, by the Commissioner of the General Land Office, and with such special instructions as he may receive from the surveyor-general in conformity therewith, make and execute the surveys which are required of him to be made by each and every contract which has been or shall be entered into by him as such deputy surveyor, and return the true field-notes of the said surveys to the surveyor-general in the manner and

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within the period named in the said contracts respectively, then this obligation to be void, or otherwise it shall remain in full force and virtue.

Signed, sealed, and acknowledged before us:

——— ———, ——— ———. [SEAL.]
Residence, ———. ——— ———. [SEAL.]
——— ———, ——— ———. [SEAL.]
Residence, ———. ——— ———. [SEAL.]
——— ———. [SEAL.]

Affidavits of sureties.

——— of ———,
County of ———, *ss:*

I, ——— ———, one of the sureties on the official bond of ——— ———, United States deputy surveyor for the district of ———, dated the —— day of ———, 18—, do depose and say that I am worth, in unencumbered property, not exempt from execution under the laws of ———, the sum of ——— thousand dollars and upwards, after payment of my just debts and liabilities.

——— ———. [SEAL.]

P. O. address: ———.

Subscribed and sworn to before me this —— day of ———, 18—.

——— ———.

——— of ———
County of ———, *ss:*

I, ——— ———, one of the sureties on the official bond of ——— ———, United States deputy surveyor for the district of ———, dated the —— day of———, 18—, do depose and say that I am worth, in unencumbered property, not exempt from execution under the laws of ———, the sum of ——— thousand dollars and upwards, after payment of my just debts and liabilities.

——— ———. [SEAL.]

P. O. address: ———.

Subscribed and sworn to before me this —— day of ———, 18—.

——— ———.

——— of ———,
County of ———, *ss:*

I, ——— ———, one of the sureties on the official bond of ——— ———, United States deputy surveyor of the district of ———, dated the —— day of ———, 18—, do depose and say that I am worth, in unencumbered property, not exempt from execution under the laws of ———, the sum of ——— thousand dollars and upwards, after payment of my just debts and liabilities.

——— ———. [SEAL.]

P. O. address: ———.

Subscribed and sworn to before me this —— day of ———, 18—.

——— ———.

——— *of* ———,
County of ———, *ss:*

I, ——— ———, one of the sureties on the official bond of ——— ———, United States deputy surveyor for the district of ———, dated the —— day of ———, 18—, do depose and say that I am worth, in unencumbered property, not exempt from execution under the laws of ———, the sum of ——— thousand dollars and upwards, after payment of my just debts and liabilities.

——— ———. [SEAL.]

P. O. address: ———

Subscribed and sworn to before me this —— day of———, 18—.

——— ———.

Certificate.

I, ——— ———, hereby certify that, in my opinion, the sureties to the above bond are sufficient, and I hereby approve the same.

———,
U. S. Surveyor-General for ———.

1. The bond must be dated the date it is signed by all the parties thereto.
2. The names of all the parties executing the bond and of the witnesses thereto must be written in full.
3. The affidavits of sureties must be made before some officer (preferably an officer of the United States) duly authorized to administer oaths.

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4. The sufficiency of sureties must be certified to by the surveyor-general.
5. All erasures, mutilations, and interlineations must be avoided.
6. The amount of bond must be *at least* double the estimated amount that will be due to the deputy surveyor upon the completion of the first contract made under the same; and whenever the estimated amount that will be due the deputy surveyor on any contract or contracts under any bond shall equal one-half the sum named in such bond, subsequent contracts must be made under a new bond, *e. g.*, the bond being for $30,000, and the deputy surveyor having had three contracts of $5,000 each, under such bond, if a further contract is given him, he must execute a new bond to cover same and subsequent contracts.

The deputy surveyor having been duly commissioned, and his letter of acceptance, oath of office, and official bond filed in the surveyor-general's office, contracts for surveys may then be entered into between the surveyor-general and such deputy surveyor, in accordance with the following form:

Form of contract.

This agreement made this —— day of ——, 18—, by and between —— ——, surveyor-general of the United States for ——, acting for and in behalf of the United States, of the one part, and —— ——, deputy surveyor, of the other part (a bond for the faithful performance of this and other contracts having been executed by the said —— ——, deputy surveyor, as principal, and —— ——, —— ——, as sureties, and dated the —— day of ——, 18—), witnesseth:

That the said —— ——, for and in consideration of the conditions, terms, provisions, and covenants hereinafter expressed, and according to the true intent and meaning thereof, doth hereby covenant and agree with the said —— ——, in his capacity aforesaid, that he, the said —— ——, in his own proper person, with the assistance of such compassmen, chainmen, axmen, flag-bearers, and others as may be necessary, in strict conformity with the laws of the United States, the printed manual of surveying instructions, and other surveying instructions issued by the Commissioner of the General Land Office, and with such special instructions as he may receive from the surveyor-general in conformity therewith (all of said instructions being hereby incorporated with and made a part of this contract), will well, truly, and faithfully survey, mark, and establish —— ——, or such other lines of survey as he may be authorized to substitute for those named above, in accordance with instructions and subject to the approval of the surveyor-general and the Commissioner of the General Land Office, and that he will complete these surveys in the manner aforesaid, and return the true field-notes thereof to the office of the said surveyor-general, on or before the —— day of ——, 18—, on penalty of forfeiture and paying to the United States the sum of —— dollars, lawful money of the United States (being double the estimated amount which would be due by the United States to the said —— —— upon the completion of the surveys named in this contract), if default be made in any of the foregoing conditions.

And it is further expressly stipulated and made a condition of this contract, that the surveys herein described shall not be commenced before the —— day of ——, 18—, or before said —— —— shall have been officially notified by the surveyor-general of the approval of this contract by the Commissioner of the General Land Office.

And the said —— ——, in his official capacity aforesaid, covenants and agrees with the said —— ——, that on the completion of the surveys above named, in manner aforesaid, there shall be paid to the said —— ——, by the Treasury Department of the United States, as a full compensation for all work performed under this agreement, at the rate of —— dollars for base, standard, meridian, and meander lines, —— dollars for township lines, and —— dollars for section lines, except where the lines of survey pass over mountainous lands, or lands heavily timbered, or covered with dense undergrowth, and in such case at the rate of —— dollars for base, standard, meridian, and meander lines, —— dollars for township lines, and —— dollars for section lines, per mile, for every mile and part of a mile actually run and marked in the field, *random lines and offsets not included.*

It is further agreed by and between the parties to this agreement that no account shall be paid unless properly certified by —— ——, in his official capacity aforesaid (or by his successor in office in such official capacity), that the surveys are in accordance with the instructions herein referred to and the provisions of this agreement, and until approved plats and certified transcripts of field-notes of the surveys for which the accounts are rendered are filed in the General Land Office.

And it is further understood and agreed by and between the parties to this agreement that the said surveys will not be approved by the said —— ——, in his official capacity aforesaid (or by his successor in office in such official capacity), unless they shall be found to be in exact accordance with the instructions hereinbefore specified. *Provided, also,* That no member of Congress, or subcontractor, shall have any part or

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interest in this contract. and that no payment shall be made for any surveys not executed by the said deputy surveyor, ——— ———, in his own proper person.

In testimony whereof the parties to these articles of agreement have hereunto set their hands and seals, the day and year and place specified, as follows:

The surveyor-general at ———, county of ———, ——— of ———, the —— day of ———, 18—.

The deputy surveyor at ———, county of ———, ——— of ———, the —— day of ———, 18—.

——— ———, [SEAL.]
United States Surveyor-General for ———.
——— ———, [SEAL.]
United States Deputy Surveyor.

Signed, sealed, and acknowledged before us:
Witnesses to surveyor-general's signature:

———,
Residence, ———,
———,
Residence, ———.

Witnesses to deputy surveyor's signature:

———,
Residence, ———.
———,
Residence, ———.

1. Where both parties sign the contract on the same day it will be dated that day.
2. Where parties sign the contract on different days it will be dated the day when the last signature is affixed.
3. The names of the surveyor-general, deputy surveyor, sureties, and witnesses must be written in full, and the residence of witnesses written after their signatures.
4. A full description of the surveys embraced in the contract must be written in the blank space left for that purpose.
5. When contract is made under the appropriation for public surveys, the date when surveys are required to be completed and field-notes returned shall not be later than the end of the fiscal year for which appropriation is made; and the date when surveys can be commenced shall not be earlier than the commencement of such fiscal year, except in cases where the appropriation is made immediately available.
6. The rates named in contract must not exceed those fixed by law.
7. The signatures of the surveyor-general and of the deputy surveyor must each be witnessed by two persons.
8. All erasures, mutilations, and interlineations must be avoided.

The substitution provided for in above form of contract is to be made only in cases where townships or portions of townships included in the contract for subdivision are found to be unsurveyable under instructions; and in such cases other townships which are surveyable may be substituted, preference being given to those upon which settlement has been made, or toward which settlement is tending.

In case the deputy finds it necessary to make such substitution, he must forward to the surveyor-general a written report of same at the earliest practicable date. Such report must state fully all of the circumstances of the case and the reasons for substitution, and if subsequent investigation should prove that the substitution was unnecessary and should not have been made, payment for the survey of such substituted townships will not be made.

SYSTEM OF RECTANGULAR SURVEYING.

1. The public lands of the United States are ordinarily surveyed into rectangular tracts, bounded by lines conforming to the cardinal points.
2. The public lands shall be laid off, in the first place, into bodies of land of 24 miles square, as near as may be. This shall be done by the extension of standard lines from the principal meridian every 24 miles, and by the extension, from the base and standard lines, of auxiliary meridians every 24 miles. Thereafter they shall be laid off into bodies of land of 6 miles square, as near as may be, called *townships*, containing as near as may be 23,040 acres. The township shall be subdivided into 36 tracts, called sections, each containing as near as may be 640 acres. Any number or series of contiguous townships, situate north or south of each other, constitute a *range*.

The law requires that the lines of the public surveys shall be governed by the true meridian, and that the townships shall be *six miles square*—two things involving in connection a mathematical impossibility—for, strictly to conform to the meridian,

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necessarily throws the township out of square, by reason of the convergency of meridians, and hence, by adhering to the true meridian, results the necessity of departing from the strict requirements of law, as respects the precise area of townships and the subdivisional parts thereof, the township assuming something of a trapezoidal form, which inequality develops itself more and more as such, the higher the latitude of the surveys. It is doubtless in view of these circumstances that the law provides (see section 2 of the act of May 18, 1796) that the sections of a mile square shall contain the quantity of 640 acres, *as nearly as may be;* and, moreover, provides (see section 3 of the act of May 10, 1800) in the following words: "And in all cases where the exterior lines of the townships, thus to be subdivided into sections or half sections, shall exceed, or shall not extend 6 miles, the excess or deficiency shall be specially noted, and added to or deducted from the western or northern ranges of sections or half sections in such township, according as the error may be in running the lines from east to west, or from south to north; the sections and half sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats, respectively, and all others as containing the complete legal quantity."

The accompanying diagram, marked A, and the specimen field-notes pertaining to the same, will serve to illustrate the method of running lines to form tracts of land 24 miles square, as well as the method of running out the exterior lines of townships, and the order and mode of subdividing townships will be found illustrated in the accompanying specimen field-notes, conforming with the township diagram B. The method here presented is designed to insure as full a compliance with all the requirements, meaning, and intent of the surveying laws as, it is believed, is practicable.

The section lines are surveyed from *south* to north on true meridians, and from *east* to west, in order to throw the excesses or deficiencies in measurements on the north and west sides of the township, as required by law. In case where a township has been partially surveyed, and it is necessary to complete the survey of the same, or where the character of the land is such that only the north or west portions of the township can be surveyed, this rule cannot be strictly adhered to, but, in such cases, must be departed from only so far as is absolutely necessary. It will also be necessary to depart from this rule where surveys close upon State or Territorial boundaries, or upon surveys extending from different meridians.

3. The townships are to bear numbers in respect to the base line, either north or south of it; and the tiers of townships called "ranges" will bear numbers in respect to the meridian line according to their relative position to it, either on the east or west.

4. The thirty-six sections into which a township is subdivided are numbered, commencing with number *one* at the *northeast* angle of the township, and proceeding west to number six, and thence proceeding east to number twelve, and so on, alternately, until the number thirty-six in the southeast angle. In all cases of surveys of fractional townships, the sections should bear the same numbers as they would if the township was full.

5. Standard parallels shall be established at intervals of every 24 miles, north and south of the base line, and auxiliary meridians at intervals of every 24 miles, east and west of the principal meridian; the object being to confine the errors resulting from convergence of meridians, and inaccuracies in measurements, within the tracts of lands bounded by the lines so established.

6. The survey of all principal base and meridian, standard parallels, and auxiliary meridian, and township lines must be made with an instrument operating independently of the magnetic needle. Burt's *improved solar compass*, or other instrument of equal utility, must be used of necessity in such cases; and it is deemed best that such instrument should be used under all circumstances. Where the needle can be relied on, however, the ordinary compass may be used in subdividing and meandering. Whenever deputies use instruments with magnetic apparatus only, they must test the accuracy of their work and the condition of their instruments by at least three observations upon a circumpolar star, upon different days, between the commencement and the close of surveying operations in any given township. Deputies using instruments with solar apparatus are not required to make observations of the star Polaris, but they must test their instruments by taking the latitude daily, weather permitting, in running base, standard, meridian, and range lines, and upon three different days during the execution of subdivisional surveys in each township. They must make complete records in their field-notes, under proper dates, of the making of all observations in compliance with these instructions, showing the style and condition of the instrument in use, and the angle formed, by comparing the line run with the meridian as by observation determined.

7. The construction and adjustments of all surveying instruments used in the surveying of the public lands of the United States must be tested at least once a year, and oftener if necessary, by comparison with the true meridian, established under the direction of the surveyor-general of the district; and the instruments must be

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so modified in construction, or in such a way corrected, as may be necessary to produce the closest possible approximation to accuracy and uniformity in the operation of all such instruments. A record will be made of such examinations, showing the number and style of the instrument, name of the maker, the quantity of instrumental error discovered by comparison, in either solar or magnetic apparatus, or both, and means taken for correction. The surveyor-general will allow no surveys to be made until the instruments to be used therefor have been approved by him.

8. The township lines and the subdivision lines will usually be measured by a two-pole chain of 33.03 feet in length, consisting of 50 links, and each link being 7 inches and ninety-two hundredths of an inch long. On uniform and level ground, however, the four-pole chain may be used. The measurements will, however, always be represented according to the four-pole chain of 100 links. The four-pole chains must be adjusted to lengths of 66.06 feet. The object in adding six-hundredths of a foot to the 66 feet of a four-pole chain is to assure thereby that 66 feet will be set off upon the earth's surface without the application of a greater strain than about 20 pounds by the chainmen, thus providing for loss by vertical curvature of the chain, and at the same time avoiding the uncertain results attending the application of strains taxing its elasticity. The deputy surveyor must provide himself with a measure of the standard chain kept at the office of the surveyor-general, to be used by him as a field standard. The chain in use must be compared and adjusted with this field standard each working day, and such field standard must be returned to the surveyor-general's office for examination when his work is completed.

OF TALLY PINS.

9. You will use eleven tally pins made of steel, not exceeding 14 inches in length, weighty enough toward the point to make them drop perpendicularly, and having a ring at the top, in which is to be fixed a piece of red cloth, or something else of conspicuous color, to make them readily seen when stuck in the ground.

PROCESS OF CHAINING.

10. In measuring lines with a two-pole chain, every *five* chains are called "a *tally*"; and in measuring lines with a four-pole chain, every *ten* chains are called "a *tally*," because at that distance the last of the ten tally pins with which the forward chainman set out will have been struck. He then cries "tally"; which cry is repeated by the other chainman, and each registers the distance by slipping a thimble, button, or ring of leather, or something of the kind, on a belt worn for that purpose, or by some other convenient method. The hind chainman then comes up, and having counted in the presence of his fellow the tally pins which he has taken up, so that both may be assured that none of the pins have been lost, he then takes the forward end of the chain, and proceeds to set the pins. Thus the chainmen alternately change places, each setting the pins that he has taken up, so that one is forward in all the odd, and the other in all the even, tallies. Such procedure, it is believed, tends to insure accuracy in measurement, facilitates the recollection of the distances to objects on the line, and renders a mistally almost impossible.

LEVELING THE CHAIN AND PLUMBING THE PINS.

11. The length of every line you run is to be ascertained by precise horizontal measurement, as nearly approximating to an air line as is possible in practice on the earth's surface. This all-important object can only be attained by a rigid adherence to the three following observances:

1. Ever keeping the chain *stretched* to its utmost degree of tension on even ground.
2. On uneven ground, keeping the chain not only stretched as aforesaid, but horizontally *leveled*. And, when ascending and descending steep ground, hills, or mountains, the chain will have to be *shortened* to one-half its length (and sometimes more), in order accurately to obtain the true horizontal measure.
3. The careful plumbing of the tally pins, so as to attain precisely *the spot* where they should be stuck. The more uneven the surface, the greater the caution needed to set the pins.

MARKING LINES.

12. All lines on which are to be established the legal corner boundaries are to be marked after this method, viz: Those trees which may intercept your line must have two chops or notches cut on each side of them without any other marks whatever. These are called "*sight trees*" or "*line trees*." A sufficient number of other trees standing within 50 links of the line, on either side of it, are to be *blazed* on two sides diag-

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onally, or quartering toward the line, in order to render the line conspicuous, and readily to be traced, the blazes to be opposite each other, coinciding in direction with the line where the trees stand very near it, and to approach nearer each other the farther the line passes from the blazed trees. Due care must ever be taken to have the lines so well marked as to be readily followed, and to cut the blazes deep enough to have recognizable scars as long as the trees stand.

Where trees 2 inches or more in diameter are found, the required blazes must not be omitted.

Bushes on or near the line should be bent at right angles therewith, and receive a blow of the ax at about the usual height of blazes from the ground sufficient to leave them in a bent position, but not to prevent their growth.

ON TRIAL, OR RANDOM LINES,

the trees are not to be blazed, unless occasionally, from indispensable necessity, and then it must be done so guardedly as to prevent the possibility of confounding the marks of the trial line with the *true*. But bushes and limbs of trees may be lopped, and *stakes set* on the trial or random line, at every *ten* chains, to enable the surveyor on his return to follow and correct the trial line and establish therefrom the *true line*. To prevent confusion the temporary stakes set on the trial or random lines must be *pulled up* when the surveyor returns to establish the true line.

INSUPERABLE OBJECTS ON LINE—WITNESS POINTS.

13. Under circumstances where your course is obstructed by impassable obstacles, such as ponds, swamps, marshes, lakes, rivers, creeks, &c., you will prolong the line across such obstacles by taking the necessary right angle offsets; or, if such be inconvenient, by a traverse or trigonometrical operation, until you regain the line on the opposite side. And in case a north and south, or a true east and west, line is regained in advance of any such obstacle, you will prolong and mark the line back to the obstacle so passed, and state all the particulars in relation thereto in your field-book. And at the intersection of lines with both margins of impassable obstacles, you will establish a *witness point* (for the purpose of perpetuating the intersections therewith), by setting a post, and giving in your field-book the course and distance therefrom to two trees on opposite sides of the line, each of which trees you will mark with a blaze and notch facing the post; but on the margins of navigable water-courses, or navigable lakes, you will mark the trees with the proper number of the fractional section, township, and range.

☞The best marking tools adapted to the purpose must be provided for marking neatly and *distinctly* all the letters and figures required to be made at corners, *arabic* figures being used exclusively; and the deputy is always to have at hand the necessary implements for keeping his marking irons in order.

ESTABLISHING CORNERS.

To procure the faithful execution of this portion of a surveyor's duty is a matter of the utmost importance. After a true coursing and most exact measurements the establishment of corners is the consummation of the work. If, therefore, the corner be not perpetuated in a permanent and workmanlike manner the *great aim* of the surveying service will not have been attained.

The following are the different points for perpetuating corners, viz:

1. For township boundaries, at intervals of every 6 miles.
2. For section boundaries, at intervals of every mile, or 80 chains.
3. For quarter-section boundaries, at intervals of every half mile, or 40 chains. Exceptions, however, occur, as fully set forth hereafter in that portion of the manual showing the manner of running township lines and method of subdividing.
4. Meander corners are established at all those points where the lines of the public surveys intersect the banks of such rivers, bayous, lakes, or islands as are by law directed to be meandered.

DESCRIPTION OF CORNERS.

The following is the form and language to be used by deputy surveyors in describing the establishment of corners in their field-notes, and their work in the field must strictly comply with the same:

STANDARD TOWNSHIP CORNERS.

Stone with Pits and Mound.

SEC. 1. Set a — stone —×—×— ins. — ins. in the ground, for Standard Cor. to (e. g.) Tps. 5 N., R's 2 & 3 W., marked S. C. with 6 notches on N., E. & W. edges, dug pits 24×18×12 ins. crosswise on each line, N.,

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E. & W. of stone 6 ft. dist. and raised a mound of earth, 2½ ft. high, 5 ft. base alongside.

Stone with Mound of Stone.

SEC. 2. Set a — stone —×—×— ins. — ins. in the ground, for Standard Cor. to (e. g.) Tps. 5 N., R's 2 & 3 W., marked S. C., with 6 notches on N., E. & W. edges, and raised a mound of stone alongside. Pits impracticable.

Stone with Bearing Trees.

SEC. 3. Set a — stone —×—×— ins. — ins. in the ground, for Standard Cor. to (e. g.) Tps. 5 N., R's 2 & 3 W., marked S. C., with 6 notches on N., E & W. edges, from which

A —, — ins. diam. bears N —° E. — lks., dist. marked T. 5 N. R. 2 W. S. 31, B. T.
A —, — ins. diam., bears N. —° W. —lks., dist. marked T. 5 N. R. 3 W. S. 36, B. T.
A —, — ins. diam., bears S —° W. — lks. dist. marked T. 4 N. R. 3 W. S. 1, B. T.

Post in Mound.

SEC. 4. Set a post, 4½ ft. long, 4 ins. square, with marked stone (charred stake or quart of charcoal), 12 ins. in the ground, for Standard Cor. to (e. g.) Tps. 5 N., R's 2 & 3 W., marked S. C. T. 5 N. on N.
R. 2 W. S. 31, on E. and
R. 3 W. S. 36 on W. faces, with 6 notches on N., E. & W. faces, dug pits, 24×18×12 ins. crosswise on each line, N., E. & W. of post, 6 ft. dist. and raised a mound of earth 2½ ft. high, 5 ft. base, around post.

Post with Bearing Trees.

SEC. 5. Set a post, 4½ ft. long, 4 ins. square, 24 ins. in the ground, for Standard Cor. to (e. g.) Tps. 5 N., R's 2 & 3 W. marked
S. C. T. 5 N. on N.
R. 2 W. S. 31, on E. and
R. 3 W. S. 36 on W. faces, with 6 notches on N., E. & W. faces; from which
A —, — ins. diam., bears N —° E. — lks., dist. marked T. 5 N. R. 2 W. S. 31, B. T.
A —, — ins. diam., bears N —° W. — lks., dist. marked T. 5 N. R. 3 W. S. 36, B. T.
A —, — ins. diam., bears S —° W. — lks., dist. marked T. 4 N. R. 3 W. S. 1, B. T.

Mound without Post or Stone.

SEC. 6. Deposited a marked stone (charred stake or quart of charcoal) 12 ins. in the ground, for Standard Cor. to (e. g.) Tps. 5 N., R's 2 & 3 W., dug pits. 24×18×12 ins. crosswise on each line, N., E. & W. of cor., 6 ft. dist. and raised a mound of earth 2½ feet high, 5 ft. base, over it. In E. pit drove a stake 2 ins. square, 2 ft. long, 12 ins. in the ground, marked
S. C. T. 5 N. on N.
R. 2 W. S. 31, on E. and
R. 3 W. S. 36 on W. faces, with 6 notches on N., E. & W. faces.

Tree Corner without Bearing Trees.

SEC. 7. A—, — ins. diam., which I marked (e. g.)
S. C. T. 5 N. on N.
R. 2 W. S. 31, on E. and
R. 3 W. S. 36 on W. faces, with 6 notches on N., E. & W. faces, dug pits 24×18×12 ins. crosswise on each line, N., E. & W. of tree 6 ft. dist., and raised a mound of earth round tree, for Standard Cor. to Tps. 5 N., R's 2 & 3 W.

Tree Corner with Bearing Trees.

SEC. 8. A —, — ins. diam., which I marked (e. g.)
T. 5 N. S. C. on N.
R. 2 W. S. 31, on E. and
R. 3 W. S. 36 on W. faces, with 6 notches on N., E. & W. faces, for Standard Cor. to Tps. 5 N., R's 2 & 3 W.; from which
A —, — ins. diam., bears N —° E. — lks. dist. marked T. 5 N. R. 2 W. S. 31, B. T.
A —, — ins. diam., bears N —° W. — lks. dist. marked T. 5 N. R. 3 W., S. 36, B. T.
A —, — ins. diam., bears S —° W. — lks. dist. marked T. 4 N. R. 3 W. S. 1, B. T.

CLOSING TOWNSHIP CORNERS.

Stone with Pits and Mound.

SEC. 1. Set a — stone — × — × — ins. — ins. in the ground for Closing Cor. to (e. g.) Tps. 4 N., R's 2 & 3 W., marked C. C. with 6 notches on S. E. & W. edges, dug pits, 24×18×12 ins., crosswise on each line, S., E. & W. of stone, 6 ft. dist., and raised a mound of earth, 2½ ft. high, 5 ft. base alongside.

Stone with Mound and Stone.

SEC. 2. Set a — stone — × — × — ins. —ins. in the ground for Closing Cor. to (e. g.) Tps. 4 N., R's 2 & 3 W., marked C. C. with 6 notches on S. E. & W. edges, and raised a mound of stone alongside. Pits impracticable.

Stone with Bearing Trees.

SEC. 3. Set a — stone — × — × — ins. — ins. in the ground for Closing Cor. to (e. g.) Tps. 4 N., R's 2 & 3 W., marked C. C. with 6 notches on S., E., & W. edges; from which
A—, — ins. diam. bears S — ° E. — lks. dist. marked T. 4 N. R. 2 W. S. 6, B. T.
A—, — ins. diam. bears S — ° W. — lks. dist. marked T. 4 N. R. 3 W. S. 1, B. T.
A—, — ins. diam. bears N — ° W. — lks. dist. marked T. 5 N. R. 2 W. S. 31, B. T.

Post in Mound.

SEC. 4. Set a post, 4½ ft. long, 4 ins. square, with marked stone (charred stake or quart of charcoal) 12 ins. in the ground for Closing Cor. to (e. g.) Tps. 4 N., R's 2 & 3 W., marked
C. C. T. 4 N. on S.

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R. 2 W. S. 6, on E. and
R. 3 W. S. 1 on W. faces, with 6 notches on S., E., & W. faces, dug pits 24 × 18 × 12 ins., crosswise on each line, S., E., & W. of post, 6 ft. dist., and raised a mound of earth 2½ ft. high, 5 ft. base around post.

Post with Bearing Trees.

SEC. 5. Set a post, 4½ ft. long, 4 ins. square, 24 ins. in the ground, for Closing Cor. to (e. g.) Tps. 4 N., R's 2 & 3 W., marked
C. C. T. 4 N, on S.
R. 2 W. S. 6, on E. and
R. 3 W. S. 1 on W. faces, with 6 notches on S., E. & W. faces; from which
A —, — ins. diam. bears S — ° E. — lks. dist. marked T. 4 N. R. 2 W. S. 6, B. T.
A —, — ins. diam. bears S — ° W. — lks. dist, marked T. 4 N. R. 3 W. S. 1, B. T.
A —, — ins. diam. bears N — ° W. — lks. dist. marked T. 5 N. R. 2 W. S. 31, B. T.

Mound without Post or Stone.

SEC. 6. Deposited a marked stone (charred stake or quart of charcoal) 12 ins. in the ground for Closing Cor. to (e. g.) Tps. 4 N., R's 2 & 3 W., dug pits 24 × 18 × 12 ins. crosswise on each line, S., E., & W. of corner, 6 ft. dist., and raised a mound of earth 2½ ft. high, 5 ft. base, over it. In E. pit drove a stake 2 ins. square, 2 ft. long, 12 ins. in the ground, marked
C. C. T. 4 N. on S.
R. 2 W. S. 6, on E. and
R. 3 W. S. 1 on W. faces, with 6 notches on S., E. & W. faces.

Tree Corner without Bearing Trees.

SEC. 7. A —, — ins. diam., which I marked (e. g.)
C. C. T. 4 N. on S.
R. 2 W. S. 6, on E. and
R. 3 W. S. 1 on W. faces, with 6 notches on S., E. & W. faces, dug pits 24 × 18 × 12 ins. crosswise on each line S. E. & W. of tree, 6 ft. dist. and raised a mound of earth around tree, for Closing Cor. to Tps. 4 N. R's. 2 & 3, W.

Tree Corner with Bearing Trees.

SEC. 8. A —, — ins. diam., which I marked (e. g.)
C. C. T. 4 N. on S.
R. 2 W. S. 6, on E. and
R. 3 W. S. 1 on W. faces, with 6 notches on S., E. & W. faces for Closing Cor. to Tps. 4 N., R's 2 & 3 W.; from which
A —, — ins. diam. bears S — ° E. — lks. dist. marked T. 4 N. R. 2 W. S. 6, B. T.
A —, — ins. diam. bears S — ° W. — lks. dist. marked T. 4 N. R. 3 W. S. 1, B. T.
A —, — ins. diam. bears N — ° W. — lks. dist. marked T. 5 N. R. 2 W. S. 31, B. T.

SEC. 9. All Closing Township Corners must be connected with the nearest corner on the Standard line.

STANDARD SECTION CORNERS.

Stone with Pits and Mound.

SEC. 1. Set a — stone — × — ins., in the ground, for Standard Cor. to (e. g.) Secs. 35 & 36, marked S. C., with 1 notch on E. and 5 notches on W. edges, dug pits, 18×18×12 ins., N., E. & W. of stone, 5½ ft. dist., and raised a mound of earth, 2 ft. high, 4½ ft. base alongside.

Stone with Mound of Stone.

SEC. 2. Set a — stone — × — × — ins., — ins. in the ground, for Standard Cor. to (e. g.) Secs. 33 & 34, marked S. C., with 3 notches on E. & W. edges, and raised a mound of stone alongside. Pits impracticable.

Stone with Bearing Trees.

SEC. 3. Set a stone — × — × — ins., — ins. in the ground, for Standard Cor. to (e. g.) Secs. 35 & 36, marked S. C., with 1 notch on E and 5 notches on W. edges; from which
A —, — ins. diam. bears N — ° E. — lks. dist. marked T. 5 N. R. 3 W. S. 36, B. T.
A —, — ins. diam. bears N — ° W. — lks. dist. marked T. 5 N. R. 3 W. S. 35, B. T.
A —, — ins. diam. bears S — ° E. — lks. dist. marked T. 4 N. R. 3 W. S. 2, B. T.

Post in Mound.

SEC. 4. Set a post, 4 ft. long, 4 ins. square, with marked stone (charred stake or quart of charcoal) 12 ins. in the ground, for Standard Cor. to (e. g.) Secs. 35 & 36, marked
S. C. T. 5 N. R. 3 W., on N.
S. 36, on E. and
S. 35 on W. faces, with 1 notch on E. and 5 notches on W. faces, dug pits, 18×18×12 ins., N., E. and W. of post, 5½ ft. dist. and raised a mound of earth 2 ft. high, 4½ ft. base round post.

Post with Bearing Trees.

SEC. 5. Set a post 4 ft. long, 4 ins. square, 24 ins. in the ground, for Standard Cor. to (e. g.) Secs. 35 & 36, marked
S. C. T. 5 N. R. 3 W., on N.
S. 36, on E. and
S. 35 on W. faces, with 1 notch on E. and 5 notches on W. faces; from which
A —, — ins. diam. bears N — ° E. — lks. dist. marked T. 5 N. R. 3 W. S. 36, B. T.
A —, — ins. diam. bears N — °W. — lks. dist. marked T. 5N. R. 3 W. S. 35, B. T.
A —, — ins. diam. bears S — ° E. — lks. dist. marked T. 4 N. R. 3 W. S. 2, B. T.

Mound without Post or Stone.

SEC. 6. Deposited a marked stone (charred stake or quart of charcoal) 12 ins. in the ground, for Standard Cor. to (e. g.) Secs. 33 & 34, dug pits, 18×18×12 ins., N., E. and W. of corner, 5½ ft. dist., and raised a mound

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of earth 2 ft. high, 4½ ft. base over it. In E. pit drove a stake 2 ins. square, 2 ft. long, 12 ins. in the ground, marked

T. 5 N. R. 3 W., S. C. on N.

S. 34 on E. and

S. 33 on W. faces, with 3 notches on E. & W. faces.

Tree Corner without Bearing Trees.

SEC. 7. A —, — ins, diam., which I marked (e. g.)

S. C. T. 5 N. R. 3 W., on N.

S. 36 on E. and

S. 35 on W. faces, with 1 notch on E. and 5 notches on W. faces, dug pits, 18×18×12 ins. N., E. & W. of tree, 5½ ft. dist. and raised a mound of earth around tree, for Standard Cor. to Secs. 35 & 36.

Tree Corner with Bearing Trees.

SEC. 8. A —, — ins. diam., which I marked (e. g.)

S. C. T. 5 N. R. 3 W., on N.

S. 36, on E. and

S. 35 on W. faces, with 1 notch on E. and 5 notches on W. faces, for Standard Cor. to Secs. 35 & 36; from which

A —, — ins. diam. bears N —° E. — lks. dist. marked T. 5 N. R. 3 W. S 36, B. T.

A —, — ins. diam. bears N —° W.— lks. dist. marked T. 5 N. R. 3 W. S. 35, B. T.

A —, — ins. diam. bears S —° E. — lks. dist. marked T. 4 N. R. 3 W. S. 2, B. T.

SECTION CLOSING CORNERS.

Stone with Pits and Mound.

SEC. 1. Set a — stone — × — × — ins., — ins. in the ground, for Closing Cor. to (e. g.) Secs. 1 & 2, marked C. C., with 1 notch on E. and 5 notches on W. edges, dug pits, 18×18×12 ins. S., E. & W. of stone, 5½ feet dist., and raised a mound of earth 2 ft. high, 4½ ft. base alongside.

Stone with Mound of Stone.

SEC. 2. Set a — stone — × — × — ins., — ins. in the ground, for Closing Cor. to (e. g.) Secs. 3 & 4, marked C. C., with 3 notches on E. and W. edges, & raised, a mound of stone alongside. Pits impracticable.

Stone with Bearing Trees.

SEC. 3. Set a — stone — × — × — ins. — ins. in the ground, for Closing Cor. to (e. g.) Secs. 1 & 2, marked C. C., with 1 notch on E. and 5 notches on W. edges; from which

A —, — ins. diam. bears S —° E. — lks dist. marked T. 4 N. R. 3 W. S. 1, B. T.

A —, — ins. diam. bears S —° W. — lks. dist. marked T. 4 N. R. 3 W. S. 2, B. T.

A —, — ins. diam. bears N —° E. — lks. dist. marked T. 5 N. R. 3 W. S. 36, B. T.

Post in Mound.

SEC. 4. Set a post 4 ft. long, 4 ins. square, with marked stone, (charred stake or quart of charcoal) 12 ins. in the ground for Closing Cor. to (e. g.) Secs. 1 & 2, marked.

C. C. T. 4 N. R. 3 W., on S.

S. 1. on E. and

S. 2 on W. faces, with 1 notch on E. and 5 notches on W. faces dug pits, 18×18×12 ins., S., E. & W. of post 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base around post.

Post with Bearing Trees.

SEC. 5. Set a post 4 ft. long, 4 ins. square, 24 ins. in the ground, for Closing Cor. to (e. g.) Secs. 1 & 2, marked

C. C. T. 4 N. R. 3 W., on S.

S. 1, on E. and

S. 2 on W. faces, with 1 notch on E. and 5 notches on W. faces; from which

A —, — ins. diam. bears S — ° E. — lks. dist. marked T. 4 N. R. 3 W. S. 1, B. T.

A —, — ins. diam. bears S — ° W. — lks. dist. marked T. 4 N. R. 3 W. S. 2, B. T.

A —, — ins. diam. bears N — ° E. — lks. dist. marked T. 5 N. R. 3 W. S. 36, B. T.

Mound without Post or Stone.

SEC. 6. Deposited a marked stone (charred stake or quart of charcoal) 12 ins. in the ground, for Closing Cor. to (e. g.) Secs. 3 & 4, dug pits, 18×18×12 ins., S., E. & W. of Cor., 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base over it. In E. pit drove a stake, 2 ins. square, 2 ft. long, 12 ins. in the ground, marked

C. C. T. 4 N. R. 3 W., on S.

S. 3, on E. and

S. 4 on W. faces, with 3 notches on E. & W. faces.

Tree Corner without Bearing Trees.

SEC. 7 A —, — ins. diam., which I marked (e. g.) C. C. T. 4 N. R. 3 W., on S.

S. 1, on E. and

S. 2 on W. faces, with 1 notch on E. and 5 notches on W. faces, dug pits 18 × 18 × 12 ins. S., E. & W. of tree, 5½ ft. dist., and raised a mound of earth around tree, for closing Cor. to Secs. 1 & 2.

Tree Corner with Bearing Trees.

SEC. 8. A —, — ins. diam., which I marked (e. g.) C. C. T. 4 N. R. 3 W., on S.

S. 1, on E. and

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S. 2 on W. faces, with one notch on E. and 5 notches on W. faces, for Closing Cor. to Secs. 1 & 2; from which

A —, — ins. diam. bears S — ° E. — lks. dist. marked T. 4 N. R. 3 W. S. 1, B. T.
A —, — ins. diam. bears S — ° W. — lks. dist. marked T. 4 N. R. 3 W. S. 2, B. T.
A —, — ins. diam. bears N — ° E. — lks. dist. marked T. 5 N. R. 3 W. S. 36, B. T.

Connection Lines.

SEC. 9. All Section Closing Corners must be connected with the nearest corner on the Standard line.

CORNERS COMMON TO 4 TOWNSHIPS.

Stone with Pits and Mound.

SEC. 1. Set a — stone — × — × — ins., — ins. in the ground for Cor. to (e. g.) Tps. 2 & 3 N. R's 2 & 3 W., marked with 6 notches on each edge, dug pits, 24 × 18 × 12 ins. lengthwise on each line, N., S., E. & W. of stone, 6 ft. dist., and raised a mound of earth 2½ ft. high, 5 ft. base alongside.

Stone with Mound of Stone.

SEC. 2. Set a — stone — × — × ins., — ins. in the ground, for Cor. to (e. g.) Tps. 2 & 3 N. R's 2 & 3 W. marked with 6 notches on each edge, and raised a mound of stone alongside. Pits impracticable.

Stone with Bearing Trees.

SEC. 3. Set a — stone — × — × — ins., — ins. in the ground, for Cor. to (e. g.) Tps. 2 & 3 N. R. 2 & 3 W. marked with 6 notches on each edge; from which

A —, — ins. diam. bears N — ° E. — lks. dist. marked T. 3 N. R. 2 W. S. 31, B. T.
A —, — ins. diam. bears S — ° E. — lks. dist. marked T. 2 N. R. 2 W. S. 6, B. T.
A —, — ins. diam. bears S — ° W. — lks. dist. marked T. 2 N. R. 3 W. S. 1, B. T.
A —, — ins. diam. bears N — ° W. — lks. dist. marked T. 3 N. R. 3 W. S. 36, B. T.

Post in Mound.

SEC. 4. Set a post, 4½ ft. long, 4 ins. square, with marked stone (charred stake or quart of charcoal) 12 ins. in the ground, for Cor. to (e. g.) Tps. 2 & 3 N. R's 2 & 3 W. marked

T. 3 N. S. 31, on N. E.
R. 2 W. S. 6, on S. E.
T. 2 N. S. 1, on S. W. and
R. 3 W. S. 36 on N. W. faces, with 6 notches on each edge, dug pits, 24 × 18 × 12 ins., lengthwise on each line, N., S., E. & W. of post, 6 ft. dist., and raised a mound of earth 2½ ft. high, 5 ft. base around post.

Post with bearing Trees.

SEC. 5. Set a post 4½ ft. long, 4 ins. square, 24 ins. in the ground, for Cor. to (e. g.) Tps. 2 & 3 N. R's 2 & 3 W. marked

T. 3 N. S. 31, on N. E.
R. 2 W. S. 6, on S. E.
T. 2 N. S. 1, on S. W. and
R. 3 W. S, 36 on N. W. faces, with 6 notches on each edge; from which

A —, — ins. diam. bears N — ° E. — lks. dist. marked T. 3 N. R. 2 W. S. 31, B. T.
A —, — ins. diam. bears S — ° E. — lks. dist. marked T. 2 N. R. 2 W. S. 6, B. T.
A —, — ins. diam. bears S — ° W. — lks. dist. marked T. 2 N. R. 3 W. S. 1, B. T.
A —, — ins. diam. bears N — ° W. — lks. dist. marked T. 3 N. R. 3 W. S. 36, B. T.

Mound without Post or Stone.

SEC. 6. Deposited a marked stone (charred stake or quart of charcoal) 12 ins. in the ground for Cor. to (e. g.) Tps. 2 & 3 N. R's 2 & 3 W., dug pits, 24 × 18 × 12 ins., lengthwise on each line, N., S., E. & W. of cor., 6 ft. dist., and raised a mound of earth 2½ ft. high, 5 ft. base over it. In S. E. pit drove a stake 2 ins. square, 2 ft. long, 12 ins. in the ground, marked

T. 3 N. S. 31, on N. E.
R. 2 W. S. 6, on S. E.
T. 2 N. S. 1 on S. W. and
R. 3 W. S. 36, on N. W. faces, with 6 notches on each edge,

Tree Corner without Bearing Trees.

SEC. 7. A —, — ins. diam., which I marked (e. g.) T. 3 N. S. 31, on N. E.

R. 2 W. S. 6, on S. E.
T. 2 N. S. 1, on S. W. and
R. 3 W. S. 36 on N. W. faces, with 6 notches on each edge, dug pits, 24 × 18 × 12 ins. lengthwise on each line, N., S., E. & W. of tree, 6 ft. dist., and raised a mound of earth around tree, for Cor. to Tps. 2 & 3 N. R's 2 & 3 W.

Tree Corner with Bearing Trees.

SEC. 8. A —, — ins. diam., which I marked (e. g.) T. 3 N. S. 31, on N. E.

R. 2 W. S. 6, on S. E.
T. 2 N. S. 1, on S. W. and
R. 3 W. S. 36, on N. W. faces, with 6 notches on each edge, for Cor. to Tps. 2 & 3 N. R's 2 & 3 W. from which

A —, — ins. diam. bears N — ° E. — lks. dist. marked T. 3 N. R. 2 W. S. 31, B. T.
A —, — ins. diam. bears S — ° W. — lks. dist. marked T. 2 N, R. 3 W. S. 1, B. T.
A —, — ins. diam. bears S — ° E. — lks. dist. marked T. 2 N. R. 2 W. S. 6, B. T.
A —, — ins. diam. bears N — ° W. — lks. dist. marked T. 3 N. R. 3 W. S. 36, B. T.

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CORNERS COMMON TO 4 SECTIONS.

SEC. 1. Set a — stone — × — × — ins. — ins. in the ground for Cor. to (e. g.) Secs. 25, 26, 35 & 36, marked with 1 notch on S. & E. edges, dug pits, 18 × 18 × 12 ins. in each Sec., 5½ ft., dist., and raised a mound of earth 2 ft. high, 4½ ft. base alongside. Stone with Pits and Mound.

SEC 2. Set a — stone —×—×— ins. —ins. in the ground, for Cor. to (e. g.) Secs. 14, 15, 22 & 23, marked with 3 notches on S. and 2 notches on E. edges, and raised a mound of stone alongside. Pits impracticable. Stone with Mound Stone.

SEC. 3. Set a — stone —×—×— ins. — ins. in the ground, for Cor. to (e. g.) Secs. 9, 10, 15 & 16, marked with 4 notches on S. & 3 notches on E. edges, from which Stone with Bearing Trees.

A —, — ins. diam. bears N — °E.— lks. dist. marked T. 2 N. R. 2 W. S. 10, B. T.
A —, — ins. diam. bears S — °E.— lks. dist. marked T. 2 N. R. 2 W. S. 15, B. T.
A —, — ins. diam. bears S — °W.— lks. dist. marked T. 2 N. R. 2 W. S. 16, B. T.
A —, — ins. diam. bears N.— °W.— lks. dist. marked T. 2 N. R. 2 W. S. 9, B. T.

SEC. 4. Set a post 4 ft. long, 4 ins. square, with marked stone (charred stake or quart of charcoal) 12 ins. in the ground, for Cor. to (e. g.) Secs. 15, 16, 21, & 22, marked Post in Mound.

T. 2 N. S. 15, on N. E.
R. 2 W. S. 22, on S. E.
S. 21, on S. W. and
S. 16 on N. W. faces, with 3 notches on S. & E. edges, dug pits, 18×18×12 ins. in each Sec., 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base around post.

SEC. 5. Set a post 4 ft. long, 4 ins. square, 24 ins. in the ground, for Cor. to (e. g.) Secs. 25, 26, 35 & 36, marked Post with Bearing Trees.

T. 2 N. S. 25, on N. E.
R. 2 W. S. 36, on S. E.
S. 35, on S. W. and
S. 26, on N. W. faces, with 1 notch on S. & E. edges; from which
A —, — ins. diam. bears N — °E.— lks. dist. marked T. 2 N. R. 2 W. S. 25, B. T.
A —, — ins. diam. bears S — °E.— lks. dist. marked T. 2 N. R. 2 W. S. 36, B. T.
A —, — ins. diam. bears S — °W.— lks. dist. marked T. 2 N. R. 2 W. S. 35, B. T.
A —, — ins. diam. bears N — °W.— lks. dist. marked T. 2 N. R. 2 W. S. 26, B. T.

SEC. 6. Deposited a marked stone (charred stake or quart of charcoal) 12 ins. in the ground, for Cor. to (e. g.) Secs. 25, 26, 35 & 36, dug pits, 18×18×12 ins. in each Sec., 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base over it. Mound without Post or Stone.

In S. E. pit drove a stake 2 ins. square, 2 ft. long, 12 ins in the ground, marked
T. 2 N. S. 25, on N. E.
R. 2 W. S. 36, on S. E.
S. 35, on S. W. and
S. 26 on N. W. faces, with 1 notch on S. & E. edges.

SEC. 7. A —, — ins. diam., which I marked (e. g.) Tree Corner without Bearing Trees.

T. 2 N. S. 29, on N. E.
R. 2 W. S. 32, on S. E.
S. 31, on S. W. and
S. 30, on N. W. faces, with 1 notch on S. and 5 notches on E. edges, dug pits, 18×18×12 ins. in each sec. 5½ ft. dist. and raised a mound of earth around tree, for Cor. to Secs. 29, 30, 31 & 32.

SEC. 8. A—, — ins. diam., which I marked (e. g.) T. 2 N. S. 5, on N. E. Tree Corner with Bearing Trees.

R. 2 W. S. 8, on S. E.
S. 7, on S. W. and
S. 6, on N. W. faces, with 5 notches on S. & E, edges, for Cor. to Secs. 5, 6, 7 & 8; from which
A —, — ins. diam. bears N —° E. — lks. dist. marked T. 2 N. R. 2 W. S. 5, B. T.
A —, — ins. diam. bears S —° E. — lks. dist. marked T. 2 N. R. 2 W. S. 8, B. T.
A —, — ins. diam. bears S —° W. — lks. dist. marked T. 2 N. R. 2 W. S. 7, B. T.
A —, — ins. diam. bears N —° W. — lks. dist. marked T. 2 N. R. 2 W. S. 6, B. T.

ARTICLE X.

QUARTER SECTION CORNERS.

SEC. 1. Set a — stone —×—×— ins., — ins. in the ground, for ¼ Sec. Cor., marked ¼ on N. (or W.) face, dug pits, 18×18×12 ins., N. & S., (or E. & W.) of stone 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base alongside. Stone with Pits and Mound.

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Stone with Mound of Stone.

SEC. 2. Set a — stone —×—×— ins. — ins. in the ground, for ¼ Sec. Cor., marked ¼ on N. (or W.) face, and raised a mound of stone alongside. Pits impracticable.

Stone with Bearing Trees.

SEC. 3. Set a — stone —×—×— ins., — ins. in the ground, for ¼ Sec. Cor. marked ¼ on N. (or W.) face; from which

A —, — ins. diam. bears N —° E. — lks. dist. marked ¼ S. B. T.
A —, — ins. diam. bears S —° W. — lks. dist. marked ¼ S. B. T.

Post in Mound.

SEC. 4. Set a post 3 ft. long, 3 ins. square, with marked stone (charred stake or quart of charcoal) 12 ins. in the ground, for ¼ Sec. Cor., marked ¼ S. on N. (or W.) face, dug pits, 18×18×12 ins., N. & S., (or E. and W.) of post 5½ ft. and dist., raised a mound of earth 1½ ft. high, 3½ ft. base around post.

Post with Bearing Trees.

SEC. 5. Set a post 3 ft. long, 3 ins. square, 24 ins. in the ground, for ¼ Sec. Cor., marked ¼ S. on N. (or W.) face; from which

A —, — ins. diam., bears N. —° E., —lks., dist. marked ¼ S. B. T.
A —, — ins. diam., bears S. —° W., —lks., dist. marked ¼ S. B. T.

Mound without Post or Stone.

SEC. 6. Deposited a marked stone (charred stake or quart of charcoal) 12 ins. in the ground, for ¼ Sec. Cor., dug pits, 18×18×12 ins., N. & S., (or E. & W.) of post 5½ ft. dist. and raised a mound of earth 1½ ft. high, 3½ ft. base over it. In E. (or N.) pit drove a stake 2 ft. long, 2 ins. square, 12 ins. in the ground, marked ¼ S. on N. (or W.) face.

Tree Corner without Bearing Trees.

SEC 7. A—, — ins. diam., which I marked ¼ S. on N. (or W.) face, for ¼ Sec. Cor., dug pits, 18×18×12 ins. N. & S. (or E. & W.) of tree, 5½ ft. dist. and raised a mound of earth around tree.

Tree Corner with Bearing Trees.

SEC. 8. A —, — ins. diam., which I mark ¼ S. on N. (or W.) face, for ¼ Sec Cor.; from which

A —, — ins. diam. bears N —° E. — lks. dist. marked ¼ S. B. T.
A —, — ins. diam. bears S —° W. — lks. dist. marked ¼ S. B. T.

Marks.

SEC. 9. On N. and S. lines the marks must be made on W. side, and on E. and W. lines on N. side of the stone, post or tree.

Pits.

SEC. 10. On N. & S. lines, the pits must be dug N. & S. of Cor. and on E. & W. lines, E, & W, of Cor.

Stakes in Pits.

SEC. 11. On N. & S. lines, the stakes must be driven in N. pit, and on E. & W. lines, in E. pit.

STANDARD QUARTER SECTION CORNERS.

All Quarter Section Corners on Standard lines must be established in all respects like other Quarter Section Corners, with the addition of the letters S. C., and if bearing trees are established for such Corners, each tree must be marked S. C. ¼ S. B. T.

MEANDER CORNERS.

Stone with Pits and Mound.

SEC. 1. Set a — stone — × — × — ins., — ins. in the ground, for Meander Cor. to (e. g.) Fractional Secs. 1 & 2, marked M. C., dug a pit 3 ft. square, 1 ft. deep, 8 lks. — of stone, and raised a mound of earth 2 ft. high, 4½ ft. base alongside.

Stone with Mound of Stone.

SEC. 2. Set a — stone — × — × — ihs.,— ins. in the ground for Meander Cor. to (e. g.) Fractional Secs. 35 & 36, marked M. C., and raised a mound of stone 2 ft. high, 4½ ft. base alongside. Pits impracticable.

Stone with Bearing Trees.

SEC. 3. Set a — stone — × — × — ins., — ins. in the ground for Meander Cor. to (e. g.) Fractional Secs., 9 & 10, marked M. C.; from which

A —, — ins. diam. bears S —° E. — lks., dist. marked T. 2 N. R. 2 W. S. 10, M. C. B. T.
A —, — ins. diam. bears S —° W. — lks. dist. marked T. 2 N. R. 2 W. S. 9, M. C. B. T.

Post in Mound.

SEC. 4. Set a post 4 ft. long, 4 ins. square, with marked stone (charred stake or quart of charcoal) 12 ins. in the ground, for Meander Cor. to (e. g.) Fractional Secs. 35 & 36, marked M. C., with

T. 2 N. on N.
R. 2 W. S. 36, on E. and
S. 35 on W. faces, dug a pit, 3 ft. square, 1 ft. deep, 8 lks.— of post, and raised a mound of earth 2 ft. high, 4½ ft. base, around post.

Post with Bearing Trees.

SEC. 5. Set a post 4 ft. long, 4 ins. square, 24 ins. in the ground, for Meander Cor. to (e. g.) Fractional Secs. 20 & 21, marked M. C. with

T. 2 N. on S.
R. 2 W. S. 21 on E. and
S. 20 on W. faces; from which

A —, — ins. diam., bears S —° E. — lks., dist. marked T. 2 N. R. 2 W. S. 21, M. C. B. T.
A —, — ins. diam., bears S —° W. — lks., dist. marked T. 2 N. R. 2 W. S. 20, M. C. B. T.

Mound without Post or Stone.

SEC. 6. Deposited a marked stone (charred stake or quart of charcoal) 12 ins. in the ground, for Meander Cor. to (e. g.) Fractional Secs. 11 & 12, dug a pit, 3 ft. square, 1 ft. deep, 8 lks.— of Cor., and raised a mound of

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earth 2 ft. high, 4½ ft. base, over it. In pit drove a stake 2 ins. square, 2 ft. long, 12 ins. in the ground, marked M. C. with
T. 2 N. on S.
R. 2 W. S. 12 on E. and
S. 11 on W. faces.

Tree Corner without Bearing Trees.

SEC. 7. A —, — ins. diam., which I marked (e. g.) M. C. with T. 2 N. on W.
R. 2 W. S. 13 on N. and
S. 24 on S. faces, for Meander Cor. to Fractional Secs. 13 & 24.

Tree Corner with Bearing Trees.

SEC. 8. A —, — ins. diam., which I marked (e. g.) M. C. with T. 2 N. on E.
R. 2 W. S. 6 on N. and
S. 7 on S. faces, for Meander Cor. to Fractional Secs. 6 & 7; from which
A —, — ins. diam. bears N — ° W.— lks. dist. marked T. 2 N. R. 2 W. S. 6, M. C. B. T.
A —, — ins. diam. bears S — ° W.—lks. dist. marked T. 2 N. R. 2 W. S. 7, M. C. B. T.

Pits.

SEC. 9. When a pit is dug at a Meander Cor. it must be 8 lks. from the Cor., on the side opposite the river or lake meandered.

Marks.

SEC. 10. The letters "M. C." for Meander Corner must be marked on the side facing the river or lake meandered.

WITNESS CORNERS.

A Witness Corner must bear the same marks that would be placed upon the Corner for which it is a witness, with the addition of the letters W. C., and be established in all respects like such Corner.

If bearing trees are established for a Witness Corner, each tree must be marked W. C., in addition to the usual marks.

MISCELLANEOUS.

Rock in Place.

SEC. 1. When a rock in place is established for a Corner, its dimensions above ground must be given, and a cross (×) marked at exact Corner point. In other respects form for stone corners will be used.

Mounds of Earth.

SEC. 2. Where mounds of earth are raised "alongside" of Corners, on N. and S. lines, they must be placed on the W. and on E. and W. lines on the N. side of Corner. In case the character of the land is such that this cannot be done, the deputy will state in his notes instead of "alongside," "S" (on E.)

Mounds of Stone.

SEC. 3. In case where pits are practicable, the deputy prefers raising a mound of stone, or stone covered with earth, as more likely to perpetuate the Corner, he will use the form given for mound of stone, omitting the words "pits impracticable," and adding "covered with earth," when so established.

Bearing Trees.

SEC. 4. Where the requisite number of trees can be found within 300 links of the Corner point, three (3) bearing trees should be established for every Standard or Closing Cor., four (4) for every Cor. common to 4 Townships or Sections, and two (2) for every Quarter Sec. Cor. or Meander Cor. In case the requisite number cannot be found within limits, the deputy must state in his field notes after describing those established, "no other trees within limits," and "dug pits in Secs. — & —," or "raised a mound of stone alongside."

Stones.

SEC. 5. Stones 18 ins. and less long must be set two-thirds, and over 18 ins. long, three-fourths of their length in the ground. No stones containing less than 504 cubic inches must be used for corners.

Objects to be Noted.

SEC. 6. Particular attention is called to the "Summary of objects and data required to be noted," on pages — and — of these instructions, and it is expected that the deputy will thoroughly comply with same in his work and field notes.

Lines Discontinued at Legal corners.

SEC. 7. No mountains, swampy lands, or lands not classed as surveyable are to be meandered, and all lines approaching such lands must be discontinued at the section or quarter section corner.

Fractional Townships.

SEC. 8. Where by reason of impassable objects the south boundary of a township cannot be established, an east and west line should be run through the Township, first random, then corrected, from one range line to the other, and as far south as possible, and from such line the section lines will be extended in the usual manner, except over any fractions south of said line, which

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may be surveyed in the opposite direction from the Section Corners on the auxiliary base thus established.

Boundaries.

SEC. 9. When no part of the east or west boundaries can be run, both the north and south boundaries will be established as true lines.

Convergency.

SEC. 10. Allowance for the convergency of Meridians must be made whenever necessary.

Red Chalk.

SEC. 11. All letters and figures cut in posts or trees must be marked over with red chalk to make them still more plain and durable.

Mode of Setting Corners.

SEC. 12. Township corners common to four townships, and section corners common to four sections, are to be set diagonally in the earth, with the angles in the direction of the lines. All other corners are to be set square, with the sides facing the direction of the lines.

Size of Posts, etc.

SEC. 13. The sizes of wooden posts, mounds, and pits noted in foregoing descriptions of corners are to be regarded as *minimum*, and whenever practicable to increase their dimensions it is desirable to do so.

Corner Materials.

SEC. 14. In establishing corners, stones should be used wherever practicable; then, posts; and lastly, mounds, with stake in pit.

Examine Instructions.

SEC. 15. It is expected that the deputy surveyors will carefully read and familiarize themselves with these instructions, and all others contained in this volume, and will instruct their assistants as to their duties before commencing work. Extra copies will be furnished the deputies for the use of their assistants.

MEANDERING.

SEC. 1. Proceeding *down* stream, the bank on the *left* hand is termed the "left bank," and that on the *right* hand the "right bank." These terms are to be universally used to distinguish the two banks of a river or stream.

SEC. 2. Both banks of *navigable* rivers are to be meandered by taking the general courses and distances of their sinuosities, and the same are to be entered in the field book.

At those points where either the township or section lines intersect the banks of a navigable stream, corners are to be established at the time of running these lines. These are called "meander corners"; and in meandering you are to commence at one of those corners, coursing the banks, and measuring the distance of each course from your commencing corner to the next "meander corner." By the same method you are to meander the opposite bank of the same river.

The crossing distance *between* the MEANDER CORNERS on same line is to be ascertained by triangulation, in order that the river may be protracted with entire accuracy. The particulars to be given in the field notes.

Rivers not embraced in the class denominated "navigable" under the statute, but which are well-defined natural arteries of internal communication, will only be meandered *on one bank*. For the sake of uniformity, the surveyor will traverse the *right bank* when not impracticable; but where serious obstacles are met with, rendering it difficult to course along the right bank, he may cross to the left bank and continue the meanders as far as necessary; but all changes from one bank to the other will be made at the point of intersection of some line of the public surveys with the stream being meandered.

The subdividing deputies will be required to establish meander corners on both banks of such meanderable streams at the intersection of all section lines, and the distances across the river will be noted in the field book.

In meandering water-courses, where a distance is more than *ten chains* between stations, even chains only should be taken; but if the distance is *less* than ten chains, and it is found convenient to employ chains and links, the number of links should be a multiple of ten, thereby saving time and labor in testing the closings both in the field and in the surveyor-general's office.

SEC. 3. You are also to meander, in manner aforesaid, all lakes, bayous, and deep ponds, which may serve as public highways of commerce. Shallow lakes or ponds, readily to be drained or likely to dry up, are not to be meandered. Lakes, bayous, and ponds lying entirely within a section are not to be meandered.

In meandering lakes, bayous, or ponds you are to commence at a meander corner, and proceed as above directed for meandering the banks of navigable streams; and from said corner take the courses and distances of the entire margin of the same, noting the intersections with all meander corners established thereon.

You will notice all streams of water falling into the river, lake, or bayou you are surveying, stating the width of the same at their mouth; also all springs, noting the size thereof and depth, and whether the water be pure or mineral; also the head and mouth of all bayous; and all islands, rapids, and bars are to be noticed, with inter-

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sections to their upper and lower points to establish their exact situation. You will also note the elevation of the banks of rivers and streams, the heights of falls and cascades, and the length of rapids.

SEC. 4. Meander lines should not be established at the segregation line between dry and swamp or overflowed land, but at the ordinary low-water mark of the actual margin of the rivers or lakes on which such swamp or overflowed lands border. In cases where such meander lines were formerly established at the segregation line between dry and swamp or overflowed lands, new and proper meander lines may be established under the direction of the surveyor-general, and the township and section lines extended over such swamp or overflowed lands and the corners established, as hereinbefore provided, in order that the plats and field-notes of surveys may show the actual facts in the case.

5. The precise relative position of islands, in a township made fractional by the river in which the same are situated, is to be determined trigonometrically; sighting to a flag or other fixed object on the island, from a special and carefully measured base line, connected with the surveyed lines, on or near the river bank, you are to form connection between the meander corners on the river to points corresponding thereto, in direct line, on the bank of the island, and there establish the proper meander corners, and calculate the distance across.

6. In taking the connection of an island with the main land, when there is no meander corner in line, opposite thereto, to sight from, you will measure a special base from the meander corner nearest to such island, and from such base you will triangulate to some fixed point on the shore of the island, ascertain the distance across and there establish a *special* meander corner, wherefrom you will commence to meander the island.

7. The field-notes of meanders will be set forth in the field-books showing the dates when the work is performed, as illustrated in the specimen notes annexed. They are to state and describe particularly the meander corner from which they commenced, and each one upon which they close, and are to exhibit the meanders of each fractional section separately; following, and composing a part of such notes, will be given a description of the land, timber, depth of inundation to which the bottom is subject, and the banks, current, and bottom of the stream or body of water you are meandering. The utmost care must be taken to pass no object of topography, *or change therein*, without giving a particular description thereof in its proper place in your meander notes.

SURVEYING.

Initial points from which the lines of the public surveys are to be extended must be established whenever necessary under such special instructions as may be prescribed in each case by the Commissioner of the General Land Office. The locus of such initial points must be selected with great care and due consideration for their prominence and easy identification, and must be established astronomically.

The initial point having been established, the lines of the public surveys are to be extended therefrom as follows:

BASE LINE.

The base line shall be extended east and west from the initial point by the use of solar instruments or transits, as may be directed by the surveyor-general, in his special written instructions. Where solar instruments are used, the deputy must test said instruments in every 12 miles of line run, by taking the latitude, or by observation on the polar star; and in all cases where he has reason to suppose that said instrument is in error, he must take an observation on the polar star, and if error be found, must make the necessary corrections before proceeding with his survey. The proper corners shall be established at each 40 and 80 chains, and at the intersection of the line with rivers, lakes, or bayous that should be meandered, in accordance with the instructions for the establishment of corners. In order to check errors in measurement, two sets of chainmen, operating independently of each other, must be employed.

Where transits are used, the line will be run by setting off at the point of departure on the principal meridian, a tangent to the parallel of latitude, which will be a line falling at right angles to the said meridian. The survey will be continued on this line for twelve (12) miles, but the corners will be established at the proper points by offsets northerly from said line, at the end of each half mile. In order to offset correctly from the tangent to the parallel, the deputy will be guided by the table of offsets and azimuths contained in this volume. As the azimuth of the tangent is shown, the angle thence to the true meridian at each mile is readily found, thus indicating the direction of the offset line. The computations are made for a distance of 12 miles, at the end of which observations on the polar star must be taken for the

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projection of a new tangent. The computations are also upon even degrees of latitude; offsets for intervening parallels can be readily determined by interpolation. Where offset distances to quarter-section corners exceed 50 links, their direction to the parallel can be determined in like manner by interpolation for azimuth.

Where said distances are less than 50 links interpolations for determining directions will not be required.

PRINCIPAL MERIDIAN.

The principal meridian shall be extended north and south from the initial point, by the use of solar instruments or transits, as may be directed by the surveyor-general in his special written instructions. Where solar instruments are used, the line will be run in the same manner as prescribed for running the base line by solar instruments. Where transits are used, observations upon the polar star must be taken within each 12 miles of line run. In addition to the above general instructions, it is required that in all cases where the establishment of a new principal meridian seems to be necessary to the surveyor-general, he shall submit the matter, together with his reasons therefor, to the Commissioner of the General Land Office, and the survey of such principal meridian shall not be commenced until written authority, together with such special instructions as he may deem necessary, shall have been received from the Commissioner.

STANDARD PARALLELS.

Standard parallels, which are also called correction lines, shall be extended east and west from the principal meridian, at intervals of every 24 miles north and south of the base line, in the same manner as prescribed for running the base line.

AUXILLARY MERIDIANS.

Auxiliary meridians shall be extended north and south from the base line, at intervals of every 24 miles east and west from the principal meridian, in the same manner as prescribed for running the principal meridian.

It is contemplated that these base, principal meridian, standard, and auxiliary meridian lines shall first be extended over the territory to be surveyed, and that afterwards township and section lines shall be run, where needed, within these tracts of 24 miles square, formed by the extension of these principal lines; and each surveyor-general will therefore cause said principal lines to be extended as rapidly as practicable.

EXTERIORS OR TOWNSHIP LINES.

The east and west boundaries of townships are always to be run from south to north on a true meridian line; and the north and south boundaries are to be run from east to west, or from west to east (according to the location of the township to be surveyed with reference to prior surveys), on a *random* or trial line and corrected back on a true line. The distance north or south of the township corner to be closed upon, from the point of intersection of these random lines with the east or west boundary of the township, must be carefully measured and noted. Should it happen, however, that such random line should fall short, or overrun in length, or intersect the east or west boundary more than *three chains'* distance from the township corner thereon, as compared with the corresponding boundary on the south (due allowance being made for convergency), the line, and if necessary the entire exterior boundaries of the township, must be retraced, so as to discover and correct the error. In running random lines temporary corners are to be set at each 40 and 80 chains, and permanent corners established upon the true line as corrected back, in accordance with instructions, throwing the excess or deficiency on the west half mile, as prescribed by law. Permanent corners are to be established in accordance with instructions on the east and west township boundaries at the time they are run. Whenever practicable the township lines within these tracts of 24 miles square, must be surveyed in regular order from *south* to *north*, *i. e.*, the exterior boundaries of the township in any one range lying immediately north of the south boundary of such tract of 24 miles square must first be surveyed, and the exteriors of the other three townships in said range extended therefrom, in regular order from *south* to *north*, and it is preferable to first survey the entire range of townships in such tract adjoining the east boundary or adjoining the west boundary, and the other three ranges in regular sequence. In cases, however, where the character of the land is such that this rule cannot be complied with, the following will be observed.

In extending the *south* or *north* boundaries of a township to the *west* where the *southwest* or *northwest* corners cannot be established in the regular way by running a north and south line, such boundaries will be run *west on a true* line, allowing for conver-

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gency on the west half mile; and from the township corner established at the end of such boundary, the west boundary will be run *north* or *south*. as the case may be. In extending *south* or *north* boundaries of a township to the *east*, where the *southeast* or *northeast* corner cannot be established in the regular way, the same rule will be observed, except that such boundaries will be run *east on a true line*, and the *east* boundary run *north* or *south*, as the case may be. One set of chainmen only is required in running township lines.

METHOD OF SUBDIVIDING.

1. The first mile, both of the south and east boundaries of each township you are required to subdivide, is to be carefully traced and measured before you enter upon the subdivision thereof. This will enable you to observe any change that may have taken place in the magnetic variation, as it existed at the time of running the township lines, and will also enable you to compare your chaining with that upon the township lines.

2. Any discrepancy arising either from a change in the magnetic variation or a difference in measurement, is to be carefully noted in the field-notes.

3. After adjusting your compass to a variation which you have thus found will retrace the eastern boundary of the township, you will commence at the corner to sections 35 and 36, on the south boundary, and run a line parallel to the range line, forty chains, to the quarter-section corner, which you are to establish between sections 35 and 36; continuing on said course forty chains farther, you will establish the corner to sections 25, 26, 35 and 36.

4. From the section corner last named run a *random* line, without blazing, *due east*, for the corner of sections 25 and 36, on east boundary, and at forty chains from the starting point set a post for *temporary* quarter-section corner. If you intersect exactly at the corner, you will blaze your random line back, and establish it as the *true* line; but if your random line intersects the said east boundary, either north or south of said corner, you will measure the distance of such intersection, from which you will calculate a course that will run a *true* line back to the corner from which your random started. You will establish the *permanent* quarter-section corner at a point equidistant from the two terminations of the *true* line.

5. From the corner of sections 25, 26, 35, and 36, run due north between sections 25 and 26, setting the quarter-section post as before, at forty chains, and at eighty chains establishing the corner of sections 23, 24, 25, and 26. Then run a random *due east* for the corner of sections 24 and 25 on east boundary; setting temporary quarter-section post at forty chains; correcting back, and establishing *permanent* quarter-section corner at the equidistant point on the *true* line, in the manner directed on the line between sections 25 and 36.

6. In this manner you will proceed with the survey of each successive section in the first tier, until you arrive at the north boundary of the township, which you will reach in running up a random line between sections 1 and 2. If this random line should not intersect at the corner established for sections 1, 2, 35, and 36, upon the township line, you will note the distance that you fall east or west of the same, from which distance you will calculate a course that will run a true line south to the corner from which your random started. If the north boundary of a township is a base or standard line, the line between sections 1 and 2 is to be run north as a *true* line, and the closing corner established at the point of intersection with such base or standard line; and in such case the distance from said closing corner to the nearest section or quarter-section corner on such base or standard line must be carefully measured and noted as a *connection line*.

7. In like manner proceed with the survey of each successive tier of sections, until you arrive at the fifth tier; and from each section corner which you establish upon this tier you are to run random lines to the corresponding corners established upon the range line forming the western boundary of the township; setting, as you proceed, each *temporary* quarter-section corner at forty chains from the interior section corner, so as to throw the excess or deficiency of measurement on the extreme tier of quarter-sections contiguous to the township boundary; and on returning establish the *true* line, and establish thereon the *permanent* quarter-section corner.

8. It is not required that the deputy shall complete the survey of the first tier of sections from south to north, before commencing the survey of the second or any subsequent tier, but the corner on which the random line closes must have been previously established by running the line north on which it is established, except as follows: Where it is impracticable to establish such section corner in the regular manner it may be established by running the east and west line *east* or *west*, as the case may be, *on a true line*, setting the quarter-section corner at 40 chains and the section corner at 80 chains.

9. Quarter-section corners, both upon north and south, and upon east and west lines, are to be established at a point *equidistant* from the corresponding section cor-

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ners, *except* upon the lines closing on the north and west boundaries of the township, and in those situations the quarter-section corners will always be established at precisely *forty chains* to the north or west (as the case may be) of the respective section corners from which those lines respectively *start*, by which procedure the excess or deficiency in the measurements will be thrown, according to law, on the extreme tier of quarter-sections.

PRESCRIBED LIMITS FOR CLOSINGS AND LENGTH OF LINES IN CERTAIN CASES.

1. Every north-and-south section line, except those terminating in the north boundary of the township, must be *eighty chains* in length.
2. The east-and-west *section lines*, except those terminating in the west boundary of the township, are to be within *eighty links* of the actual distance established on the south boundary line of the township for the width of said tier of sections, and must close within eighty links north or south of the section corner.
3. The north boundary and south boundary of any one section, except in the extreme western tier, are to be within *eighty links* of equal length.
4. The meanders within each fractional section, or between any two meander posts, or of an island in the interior of a section, must close within one chain and fifty links.
5. In running *random* township exteriors, if such random lines fall short or overrun in length, or intersect the eastern or western boundary, as the case may be, of the township, at more than *three chains* north or south of the true corner, the lines must be *retraced*, even if found necessary to remeasure the meridional boundaries of the township. One set of chainmen, only, is required in subdividing.

SUBDIVISION OF SECTIONS.

Under the provisions of the act of Congress approved February 11, 1805, the course to be pursued in the subdivision of sections is to run straight lines from the established quarter-section corners—United States surveys—to the opposite corresponding corners, and the point of intersection of the lines so run will be the corner common to the several quarter-sections, or, in other words, the legal center of the section.

In the subdivision of fractional quarter-sections where no opposite corresponding sections have been or can be fixed, the subdivision lines should be ascertained by running from the established corners due north, south, east, or west lines, as the case may be, to the water-course, Indian boundary line, or other external boundary of such fractional section.

The law presupposes the section lines surveyed and marked in the field by the United States deputy surveyors to be due north and south or east and west lines, but in actual experience this is not always the case; hence, in order to carry out the spirit of the law, it will be necessary, in running the subdivisional lines through fractional sections, to adopt mean courses where the section lines are not due lines, or to run the subdivision line parallel to the section line when there is no opposite section line.

Upon the lines closing on the north and west boundaries of a township, the quarter-section corners are established by the United States deputy surveyors at precisely forty chains to the north or west of the last interior section corners, and the excess or deficiency in the measurement is thrown on the outer tier of lots, as per act of Congress approved May 10, 1800.

In the subdivision of quarter-sections the quarter-quarter corners are to be placed at points equidistant between the section and quarter-section corners and between the quarter corners and the common center of the section, *except* on the last half mile of the lines closing on the north or west boundaries of a township, where they should be placed at twenty chains, proportionate measurement, to the north or west of the quarter-section corner.

The subdivisional lines of fractional quarter-sections should be run from points on the section lines intermediate between the section and quarter-section corners due north, south, east, or west, to the lake, water-course, or reservation which renders such tracts fractional.

When there are double sets of section corners on township and range lines the quarter corners for the sections south of the township lines and east of the range lines are not established in the field by the United States surveyors, but in subdividing such sections said quarter corners should be so placed as to suit the *calculations of the areas of the quarter-sections adjoining the township boundaries* as expressed upon the official plat, adopting proportionate measurements where the present measurements of the north or west boundaries of the sections differ from the original measurements.

RE-ESTABLISHMENT OF LOST CORNERS.

The original corners, when they can be found, must stand as the true corners they were intended to represent, even though not exactly where strict professional care

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might have placed them in the first instance. (See circular March 13, 1882, given in full at the end of this chapter.)

* * * * * * *

As has been observed. no existing original corner can be disturbed, and it will be plain that any excess or deficiency in measurements between existing corners cannot in any degree affect the distances beyond said existing corners, but must be added or subtracted proportionately to or from the intervals embraced between the corners which are still standing.

RETRACING TOWNSHIP LINES.

If, in subdividing a township, it is found that the exterior boundaries have been improperly run, measured, or marked, or the corners established thereon have been obliterated, the deputy will resurvey so much of said exterior boundaries as may be necessary, and establish new corners upon the same wherever necessary. Where no subdivisions have been made on either side of a township boundary, it will be corrected, if necessary, in point of alignment as well as measurement, by establishing the section corners at lawful distances from the south or east boundaries of the township (as the case may be), and upon a right line extending between the township corners; and in such case, the old corners on said township boundaries will be destroyed.

Where subdivisional lines have been closed upon a township boundary in advance of the preliminary survey of the same, its alignment will not be changed. If it is found necessary to establish new corners on such boundary they will receive only the marks referring to the sections in the township being subdivided, and the marks on the old corners on such boundary, which refer to such sections, will be obliterated.

In all cases such necessary corrections will be made as will place the section corners at the aforesaid lawful distances from the south or east boundary, in order that a legal subdivision of the township may be made, and where new corners are thus necessarily established, the distance, be it one hundred links or more, and direction between new and old corners must be carefully noted.

New corners on township boundaries must be established by a survey of such lines, and *in no case* will such corners be established from *data* acquired in running lines closing on such boundaries. One set of chainmen only is required in retracing township lines.

If, in the subdivision of part of a township, the lands to be surveyed cannot be reached by lines extending from the south boundary of the township, a line corresponding to the south boundary of the same shall be extended from some section corner on the east boundary of the township to the west boundary thereof, in order that it may constitute the south boundary of the surveyable area; from which subdivisional meridian lines will be projected northward, and the surveys carried forward in the same manner as for the subdivision of a full township, in order that regular and fractional areas shall occupy their true and legal positions.

Fragmentary portions of surveyable lands lying south of the provisional base last described may be included in the survey by extending lines *south* from the same in harmony with the general system.

When the proper point for the establishment of a section corner is inaccessible, and a witness monument can be erected upon each of the two lines which approach the same at distances not exceeding twenty chains therefrom, the quarter-sections depending thereon will be disposed of in the same manner as if the corner had been regularly established.

The witness monument must be marked as conspicuously as a section corner, and bearing trees used wherever possible.

The deputy will be required to furnish good evidence that the section corner is actually inaccessible.

When township or subdivision lines intersect the boundaries of confirmed private land claims, the latter must be retraced so far as may be necessary to establish the corners to the fractional sections at their proper places, and such corners must be established, in all respects, like meander corners, except that instead of the letters "M. C." the letters used to designate such private land claim must be marked on corners. In retracing the boundary of such claim the deputy must set stakes thereon, at each forty chains, where the ground is level, and on broken ground, at every spur, ridge, or other prominent point, and also at each angle formed by a change in the direction of such boundary.

FIELD NOTES.

The deputy surveyor will provide himself with proper blank books for his field notes, or same will be furnished to him by the surveyor-general, and in such books he must make a faithful, distinct, and minute record of everything officially done and observed by himself and his assistants, pursuant to instructions, in relation to run-

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ning, measuring, and marking lines, establishing corners, &c., and present, as far as possible, a full and complete topographical description of the country surveyed.

From the *data* thus recorded at the time when the work is done on the ground, the deputy must prepare *true* field notes of the surveys executed by him, in the manner hereinafter prescribed, and return same to the surveyor-general, together with the required sketches, at the earliest practicable date after the completion of his work in the field.

The field notes of the survey of base, meridian, standard, exterior, and subdivision lines are each to be written in separate books.

The first, or title, page of the field-note book is to describe the subject-matter of the same, the locus of the survey, by whom surveyed, date of contract, and the dates of commencement and completion of the work. The second page is to contain the names and duties of the assistants, and the index is to be placed on same or following page. Whenever a new assistant is employed, or the duties of any one of them changed, such facts are to be stated in an appropriate entry immediately preceding the notes taken under such changed arrangements.

The exhibition of every mile of surveying, whether on township or subdivisional lines, and of meanders in each section, must be *complete in itself*, and be separated by a black line drawn across the paper.

The variation of the *needle* must always occupy a *separate line* preceding the notes of measurements on line.

The description of the surface, soil, minerals, timber, undergrowth, &c., on *each mile* of line, is to follow the notes of survey of such line, and not be mixed up with them.

The date of each day's work must follow immediately after the notes thereof.

No abbreviations of words are allowable, except of such words as are *constantly* occurring, such as "*sec.*" for "*section*"; "*in. diam.*" for "*inches diameter*"; "*chs.*" for "*chains*"; "*lks.*" for "*links*"; "*dist.*" for "*distant*"; "*¼ sec. cor.*" for "*quarter-section corner*"; "*va.*" for "*variation*," &c.; for 14 inches long, 12 inches wide, and 3 inches thick, in describing a corner stone, use 14 × 12 × 3, being particular to always observe the same order of length, width, and thickness. Proper names must never be abbreviated, however often their recurrence.

When the lines of survey cross hills or ravines, the height or depth of same, in feet, must be noted as nearly as practicable.

The corners established in previous surveys, from which the lines start, or upon which they close, must be fully described in the field notes. A full description of such corners will in all cases be furnished the deputy from the surveyor-general's office at the date authority is given for commencing work.

In all cases where a corner is re-established the field notes must describe fully the manner in which it is done.

Field notes of the survey of base, standard, and meridian lines must describe all corners established thereon, how established, the crossings of streams, ravines, hills, and mountains; character of soil, timber, minerals, &c.; and after the description of each township corner established in running such lines, the deputy will note particularly in the "general description" the townships on each side of the lines run.

Field notes of the survey of exterior boundaries of townships must describe the corners and topography, as above required, and the "general description" at the end of such notes must describe the townships as fully as may be, and also state whether or not they should be subdivided. The topography on the *true line* of exterior boundaries must be given, and not that on the random line.

Field notes of the subdivisional survey of townships must describe the corners and topography, as above required, and the "general description" at the end of such notes must state minutely the character of the land, soil, timber, &c., found in such townships.

A blank line must be left at the bottom of each page of the field notes, and the notes must be written in a plain, legible hand, and in clear and precise language, so that the figures, letters, words, and meaning will always be unmistakable, and erasures and interlineations avoided, as far as possible.

With the notes of the survey of principal lines forming a tract of 24 miles square the deputy will submit a plat of the lines run, on a scale of one-half inch to the mile, and with the notes of survey of the exterior lines of townships, a plat of the lines run, on the scale of two inches to the mile, on which are to be noted all the objects of topography on line necessary to illustrate the notes, viz, the distance on line at the crossings of streams, so far as such can be noted on the paper, and the direction of each by an arrow head pointing down stream; also, the intersection of line by prairies, marshes, swamps, ravines, ponds, lakes, hills, mountains, and all other matters indicated by the notes, to the fullest extent practicable.

With the instructions for making subdivisional surveys of townships into sections, the deputy will be furnished by the surveyor-general with a diagram of the *exterior* lines previously established of the townships to be subdivided (on the above-named scale), upon which are carefully to be laid down the measurements of each of the lines

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on such boundaries whereon he is to close, and the magnetic variation of each mile And on such diagram the deputy who subdivides will make appropriate sketches of the various objects of topography as they occur on his lines, so as to exhibit not only the points on line at which the same occur, but also the direction and position of each between the lines, or within each section, as far as practicable, so that every object of topography may be properly completed or connected in the showing.

SUMMARY OF OBJECTS AND DATA REQUIRED TO BE NOTED.

1. The precise length of every line run, noting all necessary offsets therefrom, with the reason and mode thereof.

2. The kind and diameter of all "*bearing trees*," with the course and distance of the same from their respective corners; and the precise relative position of WITNESS CORNERS to the *true corners*.

3. The kind of materials of which corners are constructed.

4. *Trees on line.* The name, diameter, and distance on line to all trees which it intersects.

5. Intersections by line of *land objects.* The distance at which the line first intersects and then leaves every *settler's claim and improvement;* prairie, river, creek, or other "bottom"; or swamp, marsh, grove, and wind fall, with the course of the same at both points of intersection; also the distances at which you begin to ascend, arrive at the top, begin to descend, and reach the foot of all remarkable hills and ridges, with their courses, and *estimated* height, in feet, above the level land of the surrounding country, or above the bottom lands, ravines, or waters near which they are situated.

6. Intersections by line of *water objects.* All rivers, creeks, and smaller streams of water which the line crosses; the distances on line at the points of intersection, and their *widths on line.* In cases of *navigable* streams, their width will be ascertained between the *meander corners*, as set forth under the proper head.

7. The land's *surface*—whether level, rolling, broken, or hilly.

8. The *soil*—whether first, second, third, or fourth rate.

9. *Timber*—the several kinds of timber and undergrowth, in the order in which they predominate.

10. *Bottom lands*—to be described as wet or dry, and if subject to inundation, state to what depth.

11. *Springs of water*—whether fresh, saline, or mineral, with the course of the stream flowing from them.

12. *Lakes* and *ponds*—describing their banks and giving their height, and also depth of water, and whether it be pure or stagnant.

13. *Improvements.* Towns and villages; houses or cabins; fields, or other improvements; sugar-tree groves, sugar camps, mill seats, forges, and factories.

14. *Coal* banks or beds; *peat* or turf grounds; *minerals* and ores; with particular description of the same as to quality and extent, and all *diggings* therefor; also *salt* springs and licks. All reliable information you can obtain respecting these objects, whether they be on your immediate line or not, is to appear on the general description to be given at the end of the notes.

15. *Roads* and *trails*, with their directions, whence and whither.

16. Rapids, cataracts, cascades, or falls of water, with the estimated height of their fall in feet.

17. Precipices, caves, sink holes, ravines, stone quarries, ledges of rocks, with the kind of stone they afford.

18. *Natural curiosities*, interesting fossils, petrifications, organic remains, &c.; also all ancient works of art, such as mounds, fortifications, embankments, ditches, or objects of like nature.

19. The *variation* of the needle must be noted at all points or places on the lines where there is found any material *change* of variation, and the position of such points must be perfectly identified in the notes.

20. Besides the ordinary notes taken on line (and which must always be written down on the spot, leaving nothing to be supplied by memory), the deputy will subjoin, at the conclusion of his book, such further description or information touching any matter or thing connected with the township (or other survey) which he may be able to afford, and may deem useful or necessary to be known—with a *general description* of the township in the *aggregate*, as respects the face of the country, its soil and geological features, timber, minerals, waters, &c.

Following the "general description" of the township is to be "A list of the names of the individuals employed to assist in running, measuring, and marking the lines and corners described in the foregoing field notes of township No. ——— of the BASE LINE of range No. ——— of the ——— MERIDIAN, showing the respective capacities in which they acted."

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AFFIDAVITS TO FIELD NOTES.

The following are the forms of official oaths to be taken by deputy surveyors and their assistants. The original oaths are to be affixed to the *true* field notes returned to the surveyor-general by the deputy surveyor; the preliminary oaths being placed immediately after the index of the first book, and the final oaths at the end of the last book or field notes of the surveys to which they refer:

Preliminary oaths of assistants.

I, ——— ———, do solmenly swear that I will well and truly perform the duties of compassman, according to instructions given me, and to the best of my skill and ability, in the survey of the ——— ———.

———, *Compassman.*

Subscribed and sworn to before me this —— day of ———, 18—.

———,
———.

We, ——— ——— and ——— ———, do solemnly swear that we will well and faithfully execute the duties of chain carriers; that we will level the chain upon even and uneven ground and plumb the tally pins, either by sticking or dropping the same; that we will report the true distance to all notable objects, and the true length of all lines that we assist in measuring, to the best of our skill and ability, and in accordance with instructions given us, in the survey of the ——— ———.

———, *Chainman.*
———, *Chainman.*
———, *Chainman.*
———, *Chainman.*

Subscribed and sworn to before me this —— day of ———, 18—.

———,
———.

We, ——— ——— and ——— ———, do solemnly swear that we will well and truly perform the duties of axemen, in the establishment of corners and other duties, according to instructions given us, and to the best of our skill and ability, in the survey of ——— ———.

———, *Axeman.*
———, *Axeman.*

Subscribed and sworn to before me this —— day of ———, 18—.

———,
———.

Final oaths for surveys.

List of names.

A list of the names of the individuals employed by ——— ———, United States deputy surveyor, to assist in running, measuring, and marking the lines and corners described in the foregoing field notes of the survey of ——— ———, showing the respective capacities in which they acted.

———, *Compassman.*
———, *Chainman.*
———, *Chainman.*
———, *Chainman.*
———, *Chainman.*
———, *Axeman.*
———, *Axeman.*
———, *Flagman.*

Final oaths of assistants.

We hereby certify that we assisted ——— ———, United States deputy surveyor, in surveying all those parts or portions of the ——— of the ——— base and ——— meridian, ——— of ———, as are represented in the foregoing field notes as having been surveyed by him and under his direction; and that said survey has been in all

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respects, to the best of our knowledge and belief, well and faithfully surveyed and the corner monuments established according to the instructions furnished by the United States surveyor-general for ———.

——— ———, *Compassman,*
——— ———, *Chainman.*
——— ———, *Chainman.*
——— ———, *Chainman.*
——— ———, *Chainman.*
——— ———, *Axeman.*
——— ———, *Axeman.*
——— ———, *Flagman.*

Subscribed and sworn to before me this —— day of ———, 18—.

——— ———,
———.

Final oath of United States Deputy Surveyor.

I, ——— ———, United States deputy surveyor, do solemnly swear that in pursuance of instructions received from ——— ———, United States surveyor-general for ———, bearing date of the —— day of ———, 18—, I have well, faithfully, and truly, in my own proper person, and in strict conformity with the instructions furnished by the United States surveyor-general for ———, the surveying manual, and the laws of the United States, surveyed all those parts or portions of ——— ——— of the ——— base and ——— meridian in the ——— of ———, as are represented in the foregoing field notes as having been surveyed by me and under my directions; and I do further solemnly swear that all the corners of said survey have been established and perpetuated in strict accordance with the surveying manual, printed instructions, the special written instructions of the United States surveyor-general for ———, and in the specific manner described in the field notes, and that the foregoing are the *true* field notes of such survey; and, should any fraud be detected I will suffer the penalty of perjury, under the provision of an act of Congress, approved August 8, 1846.

——— ———,
United States Deputy Surveyor.

Subscribed and sworn to before me this —— day of ———, 18—.

——— ———,
———.

The final oath of the deputy surveyor must, in all cases, be taken before some officer duly authorized to administer oaths. It is preferable that all oaths—both preliminary and final—of assistants should also be taken before such officer. In cases, however, where great delay or inconvenience would result from a strict compliance with this rule, the deputy surveyor is authorized to administer the necessary oaths to his assistants, but in each case where this is done he must submit a full written report to the proper surveyor-general of the circumstances of such case.

To enable the deputy surveyor to fully understand and appreciate the responsibility under which he is acting, his attention is invited to the provisions of the second section of the act of Congress, approved August 8, 1846, entitled "An act to equalize the compensation of the surveyors-general of the public lands of the United States, and for other purposes," and which is as follows:

"SEC. 2. That the surveyors-general of the public lands of the United States, in addition to the oath now authorized by law to be administered to deputies on their appointment to office, shall require each of their deputies, on the return of his surveys, to take and subscribe an oath or affirmation that those surveys have been faithfully and correctly executed according to law and the instructions of the surveyor-general; and on satisfactory evidence being presented to any court of competent jurisdiction that such surveys, or any part thereof, had not been thus executed, the deputy making such false oath or affirmation shall be deemed guilty of perjury, and shall suffer all the pains and penalties attached to that offense; and the district attorney of the United States for the time being, in whose district any such false, erroneous, or fraudulent surveys shall have been executed, shall, upon the application of the proper surveyor-general, immediately institute suit upon the bond of such deputy; and the institution of such suit shall act as a lien upon any property owned or held by such deputy, or his sureties, at the time such suit was instituted.

SPECIMEN FIELD NOTES AND PLATS.

Diagram A illustrates the method of laying off tracts of land 24 miles square, as nearly as practicable, by the survey of principal lines, and the survey of exteriors or

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township lines within such tracts, north of the base line and east of the principal meridian. The same general principles will apply equally to the survey of such tracts differently located with reference to the initial point. The topography noted on said diagram is on those portions of the lines of surveys for which specimen field notes are given.

Diagram B illustrates the method of laying off a township into sections and quarter-sections. In the subdivision of townships lying *south* of and *contiguous* to the base line, or to any standard parallel, the lines between the northern tier of sections will be run north as *true* lines; quarter-section corners will be established at 40 chains, closing section corners will be established at the points of intersection of such lines with the base or standard lines (as the case may be), and the *course* and *distance* from such corners to the nearest corner upon the line closed upon are to be accurately ascertained and set down in the field notes.

Diagram C illustrates the mode of establishing stone, post, and mound corners for townships, sections, and quarter-sections.

Specimen field notes Nos. 1, 2, 3, 4, and 5 illustrate, respectively, the mode and order of surveying standard lines, meridian lines, exteriors or township lines, resurveying exteriors or township lines, and subdividing a township into sections and quarter-sections. The attention of the deputy is particularly directed to these specimens, as indicating not only the method in which his work is to be conducted, but also the order, manner, language, &c., in which his field notes are required to be returned to the surveyor-general's office; and such specimens are to be deemed part of these instructions, and any *departure* from their details, without special authority, in cases where the circumstances are analogous in practice, *will be regarded as a violation of his contract and oath.*

The subdivisions of fractional sections into 40-acre lots (as near as may be) are to be so laid down on the official township plat in dotted black lines as to admit of giving to each a specific designation, if possible, according to its relative position in the fractional section, as per examples afforded by Diagram B, as well as by a number, in all cases where the lot cannot properly be designated as a quarter-quarter. Those fractional subdivision lots which are not susceptible of being described according to relative local position, are to be numbered in regular series; those bordering on the north boundary of a township to be numbered progressively from east to west, and those bordering on the west boundary of a township to be numbered progressively from north to south, in each section. As section 6 borders on both the north and west boundaries of the township, the fractional lots in same will be numbered as follows: Commencing with No. 1 in the northeast, thence progressively west to No. 4 in the northwest, and south to No. 7 in the southwest corner of the section.

In numbering fractional lots, other than those above specified (wherever practicable and as a general rule), the series should commence with No. 1 in the northeastern or the most easterly fractional lot, and continue from east to west, and west to east, alternately, to the end of the series, as shown in Diagram B; but such general rule is departed from under circumstances given as examples in said diagram.

Interior lots are to be, as nearly as possible, 20 chains long by 20 chains wide; and the excess or deficiency of measurement is always to be thrown on the lots bordering on the northern and western boundaries of the township, or those made fractional by meander lines.

The official township plat to be returned to the General Land Office is to show on its face, on the right-hand margin, the meanders of navigable streams, islands, and lakes. Such details are wanted in the adjustment of the surveying accounts, but may be omitted in the copy of the township plat to be furnished to the district land office by the surveyor-general. A suitable margin for *binding* is to be preserved on the left-hand side of each plat. Each plat is to be certified, with table annexed, according to the forms subjoined to "Diagram B," and is to show the areas of public land, of private surveys, and of water, with the aggregate area as shown on the diagram.

Each township plat is to be prepared in *triplicate:* one for the General Land Office, one for the United States district land office, and the third to be retained as the record in the office of the surveyor-general.

The plat for the local land office must not be forwarded until notice is received by the surveyor-general from the Commissioner of the General Land Office that the survey represented on said plat has been approved.

The plats must be prepared as nearly as possible in accordance with the specimen plat designated as "Diagram B." The use of all fluids, except a preparation of India ink of good quality, must be avoided by the draughtsman in delineations relating to the public surveys. All lines, figures, &c., must be sharply defined. All lettering on the plats must be clear and sharp in outline and design, and ornamentation of any kind is prohibited. These requirements are necessary in order that everything shown upon original plats may be fairly reproduced in making photolithographic copies of the same.

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All towns, settlements, permanent buildings, private claims, reservations, water, courses, ditches, lakes, islands, mountains, buttes, cañons, roads, railroads, telegraph lines, canals, &c., will be shown upon the plats and designated by proper names where such are known.

The mean magnetic declinations determined at the date of the survey of the exterior and subdivisional lines will be entered upon each plat in the manner shown in Diagram B. This will be ascertained by taking the mean of the greatest and least magnetic declination found at the dates of surveys, excluding such changes as are clearly attributable to local attraction.

All plats are to be drawn to a uniform scale of 40 chains to 1 inch, United States standard.

Surveyors-general will require that the specimen plat shall be closely followed in order that uniformity of appearance and expression of drawings representing the public-land surveys may be attained.

The true field books, each bearing the *written approval* of the surveyor-general, are to be substantially bound into volumes of suitable size, and retained in the surveyor-general's office, and certified *transcripts* of such field books (to be of *foolscap* size) are to be prepared and forwarded, from time to time, to the General Land Office.

All transcripts of surveys must be written in a bold, legible hand, with durable black ink, and such transcripts of any series of surveys included in one account forwarded to the General Land Office must be firmly fastened together at the surveyor-general's office prior to transmittal.

With the copy of each township plat furnished to a district land office, the surveyor-general is required by law to furnish *descriptive notes* as to the character and quality of the soil and timber found on and in the vicinity of each surveyed line, and giving a description of each corner.

Printed blank forms for such notes will be furnished by the General Land Office. The forms provide eighteen spaces for *meander corners*, which, in most cases, will be sufficient,; but when the number shall exceed eighteen, the residue will have to be inserted on the face of the township plat, to be furnished to the register of the district land office, or on a supplemental blank form.

There is shown a series of meander corners on Diagram B, viz, from No. 1 to No. 12 on the river and island, and No. 1 to No. 5 on Lin's Lake.

THE MAGNETIC DECLINATION OR VARIATION OF THE NEEDLE.

The magnetic declination at any place is the angle which the compass needle, when it is correctly constructed and freely suspended, makes with the true meridian. The true meridian is fixed, but the declination varies because the direction in which the needle points is in a continuous state of change. Therefore, whenever a measure of the declination of the needle is taken, the exact time (year, day of month, and hour of the observations) should be recorded, as well as the geographical position of the place, or its latitude and longitude expressed to the nearest minutes of arc.

The declination is called "West" when the north end of the needle points to the west of the true meridian, and it is called "East" when the north end of the needle points east of the true meridian. In order to give an idea of the amount of the declination at present observable within the limits of the United States we instance the following places at or near which it reaches extreme value, which are given to the nearest whole degree:

At Eastport, Me., the declination is 18° west.
At the mouth of the Rio Grande, Texas, 8° east.
At San Diego, Cal., 14° east.
At Sitka, Alaska, 28° east.
At Fort Yukon, Alaska, 36° east.

The accuracy with which the declination may be determined depends chiefly upon the instrumental means, but also, and in a great measure, upon the care taken in the use of the instruments and the selection of the proper methods and times for observing.

The instruments ordinarily at the disposal of the surveyor are sufficiently described, but for a description and illustration of more refined ones, as used by scientists, we refer to the instructions for magnetical observations published as Appendix No. 16, Coast Survey Report for 1875.

Omitting any detailed notice of the irregular variations to which the magnetic needle is subject, it becomes important for the purposes of the surveyor to refer particularly to the changes which have a special bearing upon his observations. These are the *daily variation* and the *secular variation*.

The daily variation.—It has been found that at about the time of sunrise the north end of the needle has a slow motion towards the east which soon ceases. The needle is then said to be at its eastern elongation; its north end then begins a retrograde motion towards the west, and at about one o'clock in the afternoon reaches the point

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at which it is said to be at its western elongation, after which it again turns back towards the east.

The times at which the needle reaches its eastern and western elongations vary with the seasons of the year (with the sun's declination), happening a little earlier in summer than in winter.

The angular range between the eastern and western elongations varies also with the seasons of the year.

The average position of the needle for the day is called the *mean magnetic meridian.*

At about six o'clock in the evening (and for about an hour before and after), throughout the year, the position of the needle coincides very nearly with the mean magnetic meridian, and this, therefore, is the time most favorable for making observations to obtain at once the mean declination.

For reducing the direction of the needle observed at other hours to the mean magnetic meridian the following table is furnished. It gives to the nearest minute the variations of the needle from its average position during the day, for each hour in the day for the four seasons of the year.

Table for reducing the observed declination to the mean declination of the day.

	The needle points east of the mean magnetic meridian.					The needle points west of the mean magnetic meridian.							
	A. M.	A. M.	A. M.	A. M.	A. M.	A. M.	Noon.	P. M.	P. M.	P. M.	P. M.	P. M.	P. U.
Hour	*h.* 6	*h.* 7	*h.* 8	*h.* 9	*h.* 10	*h.* 11	Noon.	*h.* 1	*h.* 2	*h.* 3	*h.* 4	*h.* 5	*h.* 6
	′	′	′	′	′	′	′	′	′	′	′	′	′
Spring	3	4	4	3	1	1	4	5	5	4	3	2	1
Summer	4	5	5	4	1	2	4	6	5	4	3	2	1
Autumn	2	3	3	2	0	2	3	4	3	2	1	1	0
Winter	1	1	2	2	1	0	2	3	3	2	1	1	0

The secular variation of the magnetic declination is a subject of the greatest importance to surveyors. It manifests itself by a gradual change in one direction, which at first increases slowly, then more rapidly, diminishing again afterward until the needle becomes stationary and subsequently returns by similar changes to its former position, the whole period extending over nearly two and a half centuries. Thus it will be seen by a table given below that at Philadelphia the declination was $8\frac{3}{4}°$ west in 1700, whence it diminished until in 1800 it reached a minimum 2°.1 (2° 6′), and will increase again to 6°.8 in 1880. At present all along the Atlantic and Gulf coasts the effect of the secular variation is to *increase* west declinations or to *decrease* east declinations by from 2′ to 5′, but on the Pacific coast the effect is opposite in direction, viz, *increasing* east declinations by from 1′ to 3′.

In Alaska, however, we have indications of a decrease of east declinations.

The following table of computed declinations at various places, taken from the Coast Survey Report for 1874, exhibits the effect of the secular variation for a number of places, and will be found especially useful where old lines have to be retraced.

The table should not be extended in time either way without the support of additional observations.

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Table of decimal values of the magnetic declination.

[From the Coast Survey Report of 1874, Appendix No. 8, with improvements.]

This table has been constructed to facilitate the reduction of observed declinations from one epoch to another; it will be found specially useful when old lines run by compass have to be retraced, and for the construction of isogonic charts for a given epoch. A + sign indicates west; a — sign, east declination.

Year (Jan. 1).	Halifax, Nova Scotia.	Quebec, Canada.	York Factory, Hudson Bay.	Portland, Me.	Burlington, Vt.	Rutland, Vt.	Portsmouth, N. H.	Newburyport, Mass.	Salem, Mass.	Boston, Mass.	Cambridge, Mass.	Nantucket, Mass.	Providence, R. I.	Hartford, Conn.	New Haven, Conn.	Albany, N. Y.	Oxford, N. Y.	Buffalo, N. Y.	Erie, Pa.	Cleveland, Ohio.	Detroit, Mich.
	°	°	°	°	°	°	°	°	°	°	°	°	°	°	°	°	°	°	°	°	°
1640	.....	+15.9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
50	.....	16.4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
60	.....	16.5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
70	.....	16.4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
80	.....	15.9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
90	.....	+15.2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1700	.....	.....	.....	.....	.....	.....	.....	.....	.....	+10.0	+ 9.8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
10	.....	.....	.....	.....	.....	.....	.....	.....	.....	9.3	9.2	.....	+10.4	.....	.....	.....	.....	.....	.....	.....	.....
20	.....	.....	+18.6	.....	.....	.....	.....	.....	.....	8.7	8.7	.....	9.5	.....	.....	.....	.....	.....	.....	.....	.....
30	.....	.....	19.2	.....	.....	.....	.....	.....	.....	8.1	8.3	.....	8.9	.....	.....	.....	.....	.....	.....	.....	.....
40	.....	.....	18.8	.....	.....	.....	.....	.....	.....	7.6	7.9	.....	8.4	.....	.....	.....	.....	.....	.....	.....	.....
50	+12.5	.....	17.2	.....	.....	.....	.....	.....	.....	7.2	7.5	.....	7.7	.....	.....	.....	.....	.....	.....	.....	.....
60	13.0	.....	14.8	+ 8.1	.....	.....	.....	.....	.....	6.8	7.2	.....	6.9	.....	+6.1	.....	.....	.....	.....	.....	.....
70	13.7	.....	11.6	8.1	.....	.....	+ 7.8	+ 7.0	.....	6.7	7.0	+ 6.5	6.3	.....	5.5	.....	.....	.....	.....	.....	.....
80	14.4	.....	7.9	8.2	.....	+ 7.0	7.7	7.0	+ 6.4	6.6	6.9	6.5	6.12	+5.4	5.1	.....	.....	.....	+0.46	.....	.....
90	15.1	.....	4.0	8.5	+ 7.7	6.5	7.8	7.2	6.2	6.7	6.9	6.7	6.24	5.2	4.8	.....	+3.01	+0.14	−0.03	−2.2	.....
1800	15.9	.....	+ 0.1	8.9	7.52	6.2	8.0	7.4	6.2	7.0	7.1	7.0	6.37	5.16	4.7	.....	2.96	−0.01	−0.35	−2.0	−3.18
10	16.7	+11.2	− 3.3	9.4	7.39	6.14	8.4	7.8	6.5	7.4	7.5	7.4	6.45	5.24	4.8	+5.4	3.10	+0.05	−0.49	−1.8	−3.11
20	17.4	12.3	− 6.1	10.0	7.58	6.39	8.8	8.4	7.0	7.9	8.0	7.84	6.73	5.46	5.0	5.79	3.40	0.30	−0.43	−1.5	−2.90
30	18.1	13.4	− 8.1	10.6	8.17	6.90	9.35	9.0	7.8	8.43	8.64	8.38	7.43	5.80	5.43	6.32	3.87	0.74	−0.17	−1.05	−2.55
40	18.7	14.4	− 9.0	11.23	8.94	7.64	9.94	9.6	8.7	9.05	9.33	8.95	8.31	6.24	5.99	6.97	4.46	1.33	+0.25	−0.60	−2.09
50	19.3	15.3	− 8.8	11.82	9.62	8.53	10.55	10.23	9.8	9.69	10.03	9.53	9.09	6.77	6.67	7.70	5.14	2.05	+0.83	−0.14	−1.56
60	19.8	16.0	− 7.5	12.35	10.21	9.53	11.15	10.83	10.9	10.32	10.67	10.06	9.65	7.36	7.41	8.47	5.89	2.85	+1.50	+0.31	−0.99
70	20.1	+16.4	− 5.3	12.80	10.97	10.54	11.7	11.4	11.9	10.90	11.21	10.54	10.21	7.99	8.18	9.2	6.65	3.68	+2.23	+0.72	−0.41
80	+20.3	.....	.....	+13.13	+11.97	+11.49	+12.2	+11.8	+12.8	+11.41	+11.63	+10.93	+10.94	+8.62	+8.9	+9.9	+7.38	+4.49	+2.96	+1.07	+0.13

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Table of decimal values of the magnetic declination—Continued.

Year (Jan. 1).	New York, N. Y.	Hatboroug, Pa.	Philadelphia, Pa.	Washington, D. C.	Cape Henry, Va.	Charleston, S. C.	Savannah, Ga.	Key West, Fla.	Havana, Cuba.	Kingston, Jamaica.	New Orleans, La.	Vera Cruz, Mexico.	Mexico, Mexico.	Acapulco, Mexico.	Panama, New Granada.	San Blas, Mexico.	San Diego, Cal.	Monterey, Cal.	San Francisco, Cal.	Cape Disappointment, Wash.	Sitka, Alaska.	Unalaska Island.
	°	°	°	°	°	°	°	°	°	°	°	°	°	°	°	°	°	°	°	°	°	°
1640	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
60	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
70	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
80	+8.8	+8.5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
90	8.8	8.3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1700	8.5	7.9	+8.7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
10	8.0	7.5	8.3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
20	7.6	7.0	7.8	.....	+4.44	.....	.....	.....	−4.2	.....	−3.4	−1.67	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
30	7.2	6.3	7.0	.....	+3.95	.....	.....	.....	−4.5	−6.2	3.7	−2.62	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
40	6.6	5.6	6.2	.....	+3.37	−3.1	.....	.....	−4.8	−6.4	4.1	.....	.....	−2.9	.....	.....	.....	.....	.....	.....	.....	.....
50	5.9	4.7	5.3	.....	.....	4.1	.....	.....	.....	.....	4.7	.....	.....	3.8	.....	.....	.....	.....	.....	.....	.....	.....
60	5.2	3.8	4.4	.....	.....	4.6	.....	.....	.....	.....	5.3	−5.75	−4.7	4.7	.....	.....	.....	.....	.....	.....	.....	.....
70	4.6	2.9	3.6	.....	.....	4.9	.....	.....	.....	.....	5.9	6.74	5.5	5.6	−7.87	.....	.....	.....	.....	.....	.....	.....
80	4.4	2.2	2.9	.....	.....	5.1	.....	.....	.....	.....	6.5	7.63	6.4	6.4	7.88	.....	.....	.....	.....	.....	.....	.....
90	4.29	1.8	2.4	−0.07	.....	5.1	.....	.....	.....	−6.3	7.0	8.37	7.1	7.2	7.84	−7.41	−11.0	−11.4	−12.8	−18.0	.....	−18.92
1800	4.28	1.8	2.1	+0.02	+0.22	4.9	.....	.....	−6.2	−6.0	7.5	8.95	7.7	7.8	7.74	7.88	11.1	12.0	13.4	18.1	−26.16	19.23
10	4.30	2.03	2.1	+0.23	+0.09	4.5	−4.9	.....	−6.26	−5.7	7.9	9.32	8.3	8.3	7.60	8.28	11.3	12.6	13.9	18.4	27.05	19.50
20	4.47	2.53	2.28	+0.55	+0.13	4.04	4.8	−6.9	−6.22	−5.4	8.1	9.48	8.6	8.68	7.42	8.61	11.6	13.3	14.42	18.7	27.85	19.70
30	4.91	3.17	2.71	+0.96	+0.34	3.44	4.5	−6.52	−6.12	−5.0	8.2	9.42	8.8	8.88	7.20	8.84	11.9	13.9	14.92	19.2	28.49	19.82
40	5.59	3.86	3.33	+1.45	+0.70	2.78	4.14	−6.03	−5.94	−4.6	8.14	9.14	8.9	8.91	6.95	8.97	12.20	14.44	15.38	19.72	28.92	19.86
50	6.34	4.57	4.11	+1.95	+1.19	2.12	3.65	−5.47	−5.71	−4.2	7.94	8.66	8.76	8.79	6.67	9.00	12.54	14.95	15.78	20.29	29.11	19.81
60	6.96	5.29	4.99	+2.47	+1.77	1.52	3.08	−4.86	−5.44	−3.8	7.61	7.98	8.48	8.50	6.38	−8.91	12.88	15.42	16.11	20.88	29.05	19.68
70	7.43	6.0	5.89	+2.97	+2.40	1.00	2.48	−5.24	−5.1	−3.4	7.15	−7.15	8.04	8.06	6.08	.....	13.20	15.79	16.36	21.46	28.74	19.48
80	+7.84	+6.8	+6.76	+3.41	+3.05	−0.62	−1.89	−3.65	.....	.....	−6.62	.....	−7.46	−7.5	−5.79	.....	−13.50	−16.08	−16.52	−22.00	−28.20	−19.21

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It will be observed that the amount of change is by no means the same even in places not far remote from each other, as New York and Philadelphia.

In grouping together a table of the present rate of change much allowance must therefore be made for possible local peculiarities that have not been ascertained.

The following statement of the present (1878) annual change in the magnetic declination, due to the secular variation, may serve to give a general idea of the *approximate* amount of change along our immediate sea-coast. For the interior States the information is very scanty, and therefore less trustworthy, or altogether wanting.

The annual change is expressed in minutes of arc, a + sign indicating increase of westerly or decrease of easterly declination.

Locality.	Annual change.
Maine, coast of	+2
Maine, interior	+3
New Hampshire	+3½
Vermont	+5½
Massachusetts, eastern part	+2¾
Massachusetts, western part	+3 to 4
Rhode Island and Connecticut	+3¼
New York, Long Island	+3
New York, northern and western part	+4½
New Jersey	+3
Pennsylvania	+3¾
Ohio	+2½
Tennessee, eastern part	+2½
Tennessee, western part	+2
Missouri	+2
Delaware, Maryland, and Virginia	+3
West Virginia	+3½
North Carolina, South Carolina, and Georgia	+3½
Florida, northern part	+3½
Florida, southern part	+3
Alabama and Mississippi, Gulf coast of	+3
Louisiana, eastern part	+2½
Louisiana, western coast	+2
Texas, coast of	+1
Texas, southwestern part	0 (probably.)
New Mexico and Southwestern Arizona	0 (probably.)
California, coast of	−1½
Oregon, coast of	−2 to 2½
Washington Territory, coast of	−2½ to 3

The negative sign indicates an increase of easterly direction.

METHOD OF ASCERTAINING THE TRUE MERIDIAN AND THEREBY THE MAGNETIC DECLINATION OR VARIATION OF THE COMPASS.

The following chapter, on the subject of the declination of the magnetic needle, is extracted from the revised edition of the work on surveying by Dr. Charles Davies, a graduate of the Military Academy at West Point. The work itself will be a valuable acquisition to the deputy surveyor, and his attention is particularly invited to the following chapter, which sets forth the usual easy modes by which the true meridian and magnetic declination may be approximately ascertained; his attention is also called to more complete statements on the subject given in the work "A treatise on land-surveying, &c.," by Dr. W. M. Gillespie, professor of engineering, Union College, in chapter treating of the declination of the magnetic needle. For more refined methods he may consult Coast Survey Report for 1875, Appendix No. 16.

METHOD OF ASCERTAINING THE TRUE MERIDIAN.

The best practical method of determining the true meridian of a place is by observing the north star. If this star were precisely at the point in which the axis of the earth, prolonged, pierces the heavens, then the intersection of the vertical plane passing through it and the place, with the surface of the earth, would be the true meridian. But the star being at a distance from the pole equal to 1° 30′ nearly, it performs a revolution about the pole in a circle, the polar distance of which is 1° 30; the time of revolution is 23 hours and 56 minutes.

To the eye of an observer this star is continually in motion, and is due north but twice in 23 hours and 56 minutes; and is then said to be on the meridian. Now, when it departs from the meridian, it apparently moves east or west for 5 hours and 59 minutes, and then returns to the meridian again.

When at its greatest distance from the meridian, east or west, it is said to be at its *eastern* or *western* elongation.

The following tables show the times of its eastern and western elongations:

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Time of elongation of Polaris (a Ursæ Min.), April 1, 1883, *to April* 1, 1884, *computed for north latitude* 38°, *and which will serve for all latitudes from* 26° *to* 50° *north, and for all dates from April,* 1878, *to April,* 1888, *with an error of less than five minutes.*

[The times are reckoned from noon (astronomical time).]

EASTERN ELONGATIONS.

Day.	April.	May.	June.	July.	August.	September.
	h. m.	h. m.	h. m.	h. m.	h. m.	h. m.
1	18 37	16 39	14 37	12 39	10 37	8 36
7	18 14	16 16	14 14	12 16	10 14	8 11
13	17 50	15 52	13 50	11 52	9 50	7 48
19	17 26	15 28	13 26	11 29	9 57	7 25
25	17 03	15 05	13 03	11 05	9 03	7 01

WESTERN ELONGATIONS.

Day.	October.	November.	December.	January.	February.	March.
	h. m.	h. m.	h. m.	h. m.	h. m.	h. m.
1	18 27	16 25	14 28	12 26	10 24	8 30
7	18 04	16 02	14 04	12 02	10 00	8 06
13	17 40	15 38	13 40	11 39	9 37	7 43
19	77 17	15 15	13 17	11 15	9 13	7 19
25	16 53	14 51	12 53	10 51	8 49	6 55

The eastern elongations are put down from the beginning of April to the end of September, and the western from the beginning of October to the end of March. The time is computed from noon. The western elongations in the first case, and the eastern in the second, occurring in the-day time, cannot be used. Some of those put down are also invisible, occurring in the evening before it is dark, or after daylight in the morning.

In such case, if it be necessary to determine the meridian at that particular season of the year, let 5 hours 59 minutes be added to or substracted from the time of greatest eastern or western elongation, and the observation be made at night when the star is on the meridian.

The following table exhibits the angle which the meridian plane makes with the vertical plane passing through the pole-star when at its greatest eastern or western elongation; such angle is called the *azimuth.*

The mean angle only is put down, being calculated for the first of July of each year.

Azimuth of Polaris (a Ursæ Min.) at elongation, 1878 *to* 1888.

[Latitude 26° to 50° north.]

	26°	28°	30°	32°	34°	36°	38°	40°	42°	44°	46°	48°	50°
	° ′	° ′	° ′	° ′	° ′	° ′	° ′	° ′	° ′	° ′	° ′	° ′	° ′
1878	1 29½	1 31¼	1 33	1 35	1 37¼	1 39½	1 42¼	1 45¼	1 48½	1 52	1 56	2 00½	2 05¼
1879	29¼	30¾	32¾	34½	36¾	39¼	41¾	44¾	48	51½	55½	2 00	04¾
1880	29	30½	32¼	34¼	36½	38¾	41½	44¼	47½	51	55	1 59½	04½
1881	28½	30¼	32	33¾	36	38½	41	44	47	50¾	54½	59	03¾
1882	28¼	29¾	31½	33½	35¾	38	40½	43½	46¾	50½	54¼	58½	03¼
1883	28	29½	31¼	33	35¼	37½	40¼	43	46¼	49¾	53¾	58	02¾
1884	27½	29	30¾	32¾	35	37¼	39¾	42¾	45¾	49¼	53¼	57½	02¼
1885	27¼	28¾	30½	32¼	34½	36¾	39½	42¼	45½	49	52¾	57	02
1886	26¾	28¼	30	32	34	36½	39	41¾	45	48½	52¼	56½	01½
1887	26½	28	29¾	31½	33¾	36	38½	41½	44½	48	51¾	56¼	01
1888	26	27¾	29¼	31¼	33¼	35¾	38¼	41	44	47½	51½	55¾	00½

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TO FIND THE TRUE MERIDIAN WITH THE THEODOLITE.

Take a board, of about one foot square, paste white paper upon it, and perforate it through the center; the diameter of the hole being somewhat larger than the diameter of the telescope of the theodolite. Let this board be so fixed to a vertical staff as to slide up and down freely; and let a small piece of board, about three inches square, be nailed to the lower edge of it, for the purpose of holding a candle.

About twenty-five minutes before the time of the greatest eastern or western elongation of the pole-star, as shown by the tables of elongations, let the theodolite be placed at a convenient point and leveled. Let the board be placed about one foot in front of the theodolite, a lamp or candle placed on the shelf at its lower edge; and let the board be slipped up or down until the pole-star can be seen through the hole. The light reflected from the paper will show the cross hairs in the telescope of the theodolite.

Then, let the vertical spider's line be brought exactly upon the pole-star, and if it is an eastern elongation that is to be observed, and the star has not yet reached the most easterly point, it will move from the line toward the east, and the reverse when the elongation is west.

At the time the star attains its greatest elongation, it will appear to coincide with the vertical spider's line for some time, and then leave it, in the direction contrary to its former motion.

As the star moves toward the point of greatest elongation, the telescope must be continually directed to it by means of the tangent screw of the vernier plate; and when the star has attained it greatest elongation, great care should be taken that the instrument be not afterward moved.

Now, if it be not convenient to leave the instrument in its place until daylight, let a staff, with a candle or small lamp upon its upper extremity, be arranged at thirty or forty yards from the theodolite, and in the same vertical plane with the axis of the telescope. This is easily effected, by revolving the vertical limb about its horizontal axis without moving the vernier plate, and aligning the staff to coincide with the vertical hair. Then mark the point directly under the theodolite; the line passing through this point and the staff, makes an angle with the true meridian equal to the azimuth of the pole-star.

From the table of azimuths, take the azimuth corresponding to the year and nearest latitude. If the observed elongation was east, the true meridian lies on the west of the line which has been found, and makes with it an angle equal to the azimuth. If the elongation was west, the true meridian lies on the east of the line; and, in either case, laying off the azimuth angle with the theodolite, gives the true meridian.

TO FIND THE TRUE MERIDIAN WITH THE COMPASS.

1. Drive two posts firmly into the ground, in a line nearly east and west; the uppermost ends, after the posts are driven, being about three feet above the surface, and the posts about four feet apart; then lay a plank, or piece of timber three or four inches in width, and smooth on the upper side, upon the posts, and let it be pinned or nailed, to hold it firmly.

2. Prepare a piece of board four or five inches square, and smooth on the under side. Let one of the compass sights be placed at right angles to the upper surface of the board, and let a nail be driven through the board, so that it can be tacked to the timber resting on the posts.

3. At about twelve feet from the stakes, and in the direction of the pole star, let a plumb be suspended from the top of an inclined stake or pole. The top of the pole should be of such a height that the pole star will appear about six inches below it; and the plumb should be swung in a vessel of water to prevent it from vibrating.

This being done, about twenty minutes before the time of elongation place the board to which the compass sight is fastened on the horizontal plank, and slide it east or west until the aperture of the compass sight, the plumb line, and the star are brought into the same range. Then if the star depart from the plumb line move the compass sight east or west along the timber, as the case may be, until the star shall attain its greatest elongation, when it will continue behind the plumb line for several minutes, and will then recede from it in the direction contrary to its motion before it became stationary. Let the compass sight be now fastened to the horizontal plank. During this observation it will be necessary to have the plumb line lighted; this may be done by an assistant holding a candle near it.

Let now a staff, with a candle or lamp upon it, be placed at a distance of thirty or forty yards from the plumb line, and in the same direction with it and the compass sight. The line so determined makes, with the true meridian, an angle equal to the azimuth of the pole star; and from this line the variation of the needle is readily determined, even without tracing the true meridian on the ground.

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Place the compass upon this line, turn the sights in the direction of it, and note the angle shown by the needle. Now, if the elongation at the time of observation was west, and the north end of the needle is on the west side of the line, the azimuth, plus the angle shown by the needle, is the true variation. But should the north end of the needle be found on the east side of the line, the elongation being west, the difference between the azimuth and the angle would show the variation, and the reverse when the elongation is east.

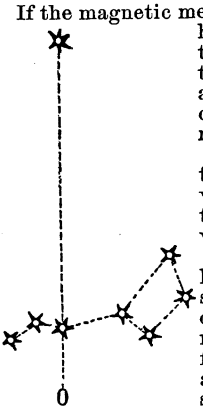
1. Elongation west, azimuth	2° 04′
North end of the needle on the west, angle	4° 06′
Variation	6° 10′ west.
2. Elongation west, azimuth	1° 59′
North end of the needle on the east, angle	4° 50′
Variation	2° 51′ east.
3. Elongation east, azimuth	2° 05′
North end of the needle on the west, angle	8° 30′
Variation	6° 25′ west.
4. Elongation east, azimuth	1° 57′
North end of the needle on the east, angle	8° 40′
Variation	10° 37′ east.

The variation at West Point in September, 1835, was 6° 32′ west.

The variation of the needle should always be noted on every survey made with the compass, and then if the land be surveyed at a future time the old lines can always be rerun.

It has been found by observation that heat and cold sensibly affect the magnetic needle, and that the same needle will at the same place indicate different lines at different hours of the day.

If the magnetic meridian be observed early in the morning, and again at different hours of the day, it will be found that the needle will continue to recede from the meridian as the day advances, until about the time of the highest temperature, when it will begin to return, and at evening will make the same line as in the morning. This change is called the *diurnal variation*, and varies, during the summer season, from one-fourth to one-fifth of a degree.



A very near approximation to a true meridian, and consequently to the variation, may be had, by remembering that the pole star very nearly reaches the true meridian when it is in the same vertical plane with the star Alioth in the tail of the Great Bear, which lies nearest the four stars forming the quadrilateral.

The vertical position can be ascertained by means of a plumb line. To see the spider's lines in the field of the telescope at the same time with the star, a faint light should be placed near the object glass. When the plumb line, the star Alioth, and the north star fall on the vertical spider's line, the horizontal limb is firmly clamped and the telescope brought down to the horizon; a light, seen through a small aperture in a board, and held at some distance by an assistant, is then moved according to signals, until it is covered by the intersection of the spider's lines. A picket driven into the ground, under the light, serves to mark the meridian line for reference by day, when the angle formed by it and the magnetic meridian may be measured.

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Table showing the difference of latitude and departure in running 80 chains at any course from 1 to 60 minutes.

Minutes.	Links.	Minutes.	Links.	Minutes.	Links.
1	2⅓	21	49	41	95⅔
2	4⅔	22	51⅓	42	98
3	7	23	53⅔	43	100⅓
4	9⅓	24	56	44	102⅔
5	11⅔	25	58⅓	45	105
6	14	26	60⅔	46	107⅓
7	16⅓	27	63	47	109⅔
8	18⅔	28	65⅓	48	112
9	21	29	67⅔	49	114⅓
10	23⅓	30	70	50	116⅔
11	25⅔	31	72⅓	51	119
12	28	32	74⅔	52	121⅓
13	30⅓	33	77	53	123⅔
14	32⅔	34	79⅓	54	126
15	35	35	81⅔	55	128⅓
16	37⅓	36	84	56	130⅔
17	39⅔	37	86⅓	57	133
18	42	38	88⅔	58	135⅓
19	44⅓	39	91	59	137⅔
20	46⅔	40	93⅓	60	140

TABLE OF AZIMUTHS.

Latitude.	1 mile.			2 miles.			3 miles.			4 miles.			5 miles.			6 miles.		
°	°	′	″	°	′	″	°	′	″	°	′	″	°	′	″	°	′	″
30	89	59	30.0	89	58	59.9	89	58	29.9	89	57	59.9	89	57	29,9	89	56	59.8
31	89	59	28.8	89	58	57.5	89	58	26.3	89	57	55.0	89	57	23.8	89	56	52.5
32	89	59	27.5	89	58	55.0	89	58	22.5	89	57	50.0	89	57	17.5	89	56	45.0
33	89	59	26.2	89	58	52.5	89	58	18.7	89	57	44.9	89	57	11.2	89	56	37.4
34	89	59	24.9	89	58	49.9	89	58	14.8	89	57	39.7	89	57	04.6	89	56	29.6
35	89	59	23.6	89	58	47.2	89	58	10.8	89	57	34.4	89	56	58.0	89	56	21.6
36	89	59	22.2	89	58	44.4	89	58	06.8	89	57	28.9	89	56	51.1	89	56	13.4
37	89	59	20.8	89	58	41.6	89	58	02.5	89	57	23.3	89	56	44.1	89	56	05.0
38	89	59	19.4	89	58	38.8	89	57	58.2	89	57	17.5	89	56	36.9	89	55	56.3
39	89	59	17.9	89	58	35.8	89	57	53.7	89	57	11.6	89	56	29.6	89	55	47.5
40	89	59	16.4	89	58	32.8	89	57	49.2	89	57	05.5	89	56	21.9	89	55	38.3
41	89	59	14.8	89	58	29.6	89	57	44.4	89	56	59.3	89	56	14.1	89	55	28.9
42	89	59	13.2	89	58	26.4	89	57	39.6	89	56	52.8	89	56	06.0	89	55	19.2
43	89	59	11.5	89	58	23.1	89	57	34.6	89	56	46.2	89	55	57.7	89	55	09.2
44	89	59	09.8	89	58	19.6	89	57	29.5	89	56	39.3	89	55	49.1	89	54	58.9
45	89	59	08.0	89	58	16.1	89	57	24.1	89	56	32.1	89	55	40.2	89	54	48.2
46	89	59	06.2	89	58	12.4	89	57	18.6	89	56	24.8	89	55	31.0	89	54	37.2
47	89	59	04.3	89	58	08.6	89	57	12.9	89	56	17.1	89	55	21.4	89	54	25.7
48	89	59	02.3	89	58	04.6	89	57	06.9	89	56	09.2	89	55	11.5	89	54	13.8
49	89	59	00.2	89	58	00.5	89	57	00.7	89	56	00.9	89	55	01.2	89	54	01.4
50	89	58	58.1	89	57	56.2	89	56	54.3	89	55	52.6	89	54	50.5	89	53	48.5

Latitude.	7 miles.			8 miles.			9 miles.			10 miles.			11 miles.			12 miles.		
°	°	′	″	°	′	″	°	′	″	°	′	″	°	′	″	°	′	″
30	89	56	29.8	89	55	59.8	89	55	29.8	89	54	59.7	89	54	29.7	89	53	59.7
31	89	56	21.3	89	55	50.0	89	55	18.8	89	54	47.6	89	54	16.3	89	53	45.1
32	89	56	12.5	89	55	40.0	89	55	07.6	89	54	35.1	89	54	02.6	89	53	30.1
33	89	56	03.6	89	55	29.9	89	54	56.1	89	54	22.3	89	53	48.5	89	53	14.8
34	89	55	54.5	89	55	19.4	89	54	44.4	89	54	09.3	89	53	34.2	89	52	59.1
35	89	55	45.2	89	55	08.8	89	54	32.3	89	53	55.9	89	53	19.5	89	52	43.1
36	89	55	35.6	89	54	57.8	89	54	20.0	89	53	42.3	89	53	04.5	89	52	26.7
37	89	55	25.8	89	54	46.6	89	54	07.4	89	53	28.2	89	52	49.1	89	52	09.9
38	89	55	15.7	89	54	35.1	89	53	54.5	89	53	13.9	89	52	33.2	89	51	52.6
39	89	55	05.4	89	54	23.3	89	53	41.2	89	52	59.1	89	52	17.0	80	51	34.9
40	89	54	54.7	89	54	11.1	89	53	27.5	89	52	43.8	89	52	00.2	89	51	16.6
41	89	54	43.7	89	53	58.5	89	53	13.4	89	52	28.2	89	51	43.0	89	50	57.8
42	89	54	32.4	89	53	45.6	89	52	58.8	89	52	12.0	89	51	25.2	89	50	38.4
43	89	54	20.8	89	53	32.3	89	52	43.8	89	51	55.4	89	51	06.9	89	50	18.5
44	89	54	08.7	89	53	18.5	89	52	28.4	89	51	38.2	89	50	48.0	89	49	57.8
45	89	53	56.3	89	53	04.3	89	52	12.3	89	51	20.4	89	50	28.4	89	49	36.4
46	89	53	43.4	89	52	49.5	89	51	55.7	89	51	01.9	89	50	08.1	89	49	14.3
47	89	53	30.0	89	52	34.3	89	51	38.6	89	50	42.9	89	49	47.2	89	48	51.4
48	89	53	16.1	89	52	18.4	89	51	20.7	89	50	23.0	89	49	25.3	89	48	27.6
49	89	53	01.7	89	52	01.9	89	51	01.2	89	50	02.4	89	49	02.6	89	48	02.8
50	89	52	46.6	89	51	44.7	89	50	42.8	89	49	40.9	89	48	39.0	89	47	37.1

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TABLE OF OFFSETS FROM TANGENT TO PARALLEL.

Latitude.	1 mile.	2 miles.	3 miles.	4 miles.	5 miles.	6 miles.
°	*Feet.*	*Feet.*	*Feet.*	*Feet.*	*Feet.*	*Feet.*
30	0.39	1.54	3.47	6.17	9.64	13.88
31	0.40	1.60	3.61	6.42	10.03	14.44
32	0.42	1.67	3.76	6.67	10.42	15.02
33	0.43	1.73	3.90	6.93	10.82	15.60
34	0.45	1.80	4.05	7.20	11.25	16.20
35	0.47	1.87	4.20	7.47	11.68	16.81
36	0.48	1.94	4.36	7.75	12.11	17.41
37	0.50	2.01	4.52	8.04	12.57	18.09
38	0.52	2.08	4.69	8.33	13.02	18.75
39	0.54	2.16	4.86	8.63	13.49	19.43
40	0.56	2.24	5.03	8.95	13.98	20.11
41	0.58	2.32	5.21	9.27	14.48	20.85
42	0.60	2.40	5.40	9.59	14.99	21.59
43	0.62	2.48	5.59	9.93	15.52	22.35
44	0.64	2.57	5.79	10.29	16.07	23.14
45	0.67	2.66	5.99	10.65	16.64	23.96
46	0.69	2.76	6.20	11.02	17.21	24.80
47	0.71	2.85	6.42	11.41	17.83	25.68
48	0.74	2.95	6.65	11.82	18.47	26.59
49	0.76	3.06	6.88	12.24	19.12	27.54
50	0.79	3.17	7.12	12.68	19.80	28.52

Latitude.	7 miles.	8 miles.	9 miles.	10 miles.	11 miles.	12 miles.
°	*Feet.*	*Feet.*	*Feet.*	*Feet.*	*Feet.*	*Feet.*
30	18.89	24.67	31.23	38.55	46.65	55.52
31	19.66	25.68	32.49	40.12	48.54	57.77
32	20.44	26.69	33.78	41.71	50.47	60.06
33	21.23	27.74	35.10	43.34	52.44	62.41
34	22.05	28.80	36.45	45.00	54.45	64.80
35	22.89	29.89	37.83	46.71	56.62	67.26
36	23.74	31.01	39.25	48.45	58.63	69.77
37	24.62	32.16	40.70	50.24	60.79	72.35
38	25.52	33.33	42.19	52.08	63.02	75.00
39	26.44	34.54	43.71	53.97	65.30	77.71
40	27.40	35.78	45.29	55.91	67.65	80.51
41	28.37	37.06	46.90	57.91	70.07	83.39
42	29.38	38.38	48.57	59.97	72.56	86.35
43	30.42	39.74	50.29	62.09	75.13	89.41
44	31.50	41.14	52.07	64.28	77.78	92.57
45	32.61	42.59	53.91	66.55	80.53	94.84
46	33.76	44.10	55.81	68.90	83.37	99.22
47	34.95	45.65	57.78	71.34	86.32	102.72
48	36.19	47.27	59.83	73.86	89.37	106.36
49	37.48	48.95	61.96	76.49	92.55	110.15
50	38.82	50.70	64.17	79.22	95.86	114.08

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SPECIMEN FIELD NOTES.

No. 1.

TITLE PAGE.

FIELD NOTES

OF THE SURVEY OF THE

THIRD STANDARD PARALLEL NORTH

THROUGH

Range No. 21 East

OF THE

PRINCIPAL BASE AND MERIDIAN,

IN THE

TERRITORY OF MONTANA,

AS SURVEYED BY

JAMES M. PAGE,
U. S. DEPUTY SURVEYOR,

UNDER HIS CONTRACT No. 97,
DATED JULY 23, 1880.

Survey commenced August 23, 1880.
Survey completed August 24, 1800.

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[Second Page.]

NAMES AND DUTIES OF ASSISTANTS.

——— ——— .....Compassman.
NEWTON ORR .....Chainman.
BARCLAY JONES.....Chainman.
PETER SMITH .....Chainman.
JOHN PARKER.....Chainman.
WILLIAM MAULDIN.....Axeman.
HENRY NEWTON.....Axeman.
CLAYTON PAGE.....Flagman.

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PRELIMINARY OATHS OF ASSISTANTS.

We, Newton Orr, Barclay Jones, Peter Smith, and John Parker, do solemnly swear that we will well and faithfully execute the duties of chain carriers; that we will level the chain upon even and uneven ground, and plumb the tally pins, either by sticking or dropping the same; that we will report the true distance to all notable objects, and the true lengths of all lines that we assist in measuring, to the best of our skill and ability, and in accordance with instructions given us, in the survey of the third standard parallel north through range No. 21 east of the principal base and meridian in the Territory of Montana.

NEWTON ORR, *Chainman.*
BARCLAY JONES, *Chainman.*
PETER SMITH, *Chainman.*
JOHN PARKER, *Chainman.*

Subscribed and sworn to before me this 2d day of August, 1880.
[SEAL.] WILLIAM MARTIN,
Notary Public.

We, William Mauldin and Henry Newton, do solemnly swear that we will well and truly perform the duties of axemen, in the establishment of corners and other duties, according to instructions given us, and to the best of our skill and ability, in the survey of the third standard parallel north, through range No. 21 east of the principal base and meridian in the Territory of Montana.

WILLIAM MAULDIN, *Axeman.*
HENRY NEWTON, *Axeman.*

Subscribed and sworn to before me this 2d day of August, 1880.
[SEAL.] WILLIAM MARTIN,
Notary Public.

THIRD STANDARD PARALLEL NORTH, THROUGH RANGE 21 EAST.

On the night of August 22, 1880, I took an observation on the star Polaris, in accordance with instructions contained in the Manual of Surveys, and drove pickets on the line thus established.

Survey commenced August 23, 1880, with a Burt's improved solar compass.

Before commencing this survey I test my compass on the line established last night, and find it correct.

I begin at the standard cor. to townships 13 north, ranges 20 and 21 east, which is a post, 4 inches square, marked—

S. C., T. 13 N., on N.;
R. 21 E., S. 31, on E., and
R. 20 E., S. 36, on W. faces, with 6 notches on N., E., & W. faces, and pits N., E., and W. of post, 6 ft. dist., and mound of earth around post. Thence I run

Chains.	
	East, on S. boundary sec. 31. Va. 20¼° E.
	Ascend
18.00	A point about 200 ft. above township cor., top of ridge.
40.00	Set a sandstone 18 × 8 × 5 ins., 12 ins. in the ground, for standard ¼ sec. cor. marked S. C. ¼ on N. face, dug pits 18 × 18 × 12 ins. E. & W. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base alongside; thence over high, rolling prairie.
57.00	Enter pine timber.

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Third standard parallel north, through range No. 21 *east*—Continued.

Chains.	
80.00	Set a sandstone, 24 × 10 × 7 ins., 18 ins. in the ground for standard cor. to secs. 31 and 32, marked S. C., with 5 notches on E. and 1 notch on W. edges; from which A pine, 12 ins. diam., bears N. 77° E., 41 lks. dist., marked T. 13 N., R. 21 E., S. 32 B. T.; A pine, 18 ins. diam., bears N. 50° W., 20 lks. dist., marked T. 13 N., R. 21 E., S. 31 B. T.; A pine, 7 ins. diam., bears S. 30° W., 119 lks. dist., marked T. 12 N., R. 21 E. S. 5 B. T. Land high, mountainous, hilly, and rolling. Soil sandy, gravel, and rocky; 4th rate. Timber, pine, 23 chs.; mostly dead and fallen.
	East, on S. boundary sec. 32. Through timber. Va. 20¼° E.
3.75	Ravine, course S., about 30 ft. deep.
21.85	Ravine, course S. 20° E., about 20 ft. deep.
40.00	Set a sandstone, 18 × 14 × 5 ins., 12 ins. in the ground, for standard ¼ sec. cor., marked S. C., ¼ on N. face, and raised a mound of stone alongside. Pits impracticable.
59.00	Top of ridge, about 100 ft. high.
68.90	Ravine, course S., about 40 ft. deep.
80.00	Set a post, 4½ ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for standard cor. to secs. 32 and 33, marked— S. C., T. 13 N., R. 21 E., on N.; S. 33, on E., and S. 32, on W. faces, with 4 notches on E. and 2 notches on W. faces, and raised a mound of stone 2 ft. high, 4½ ft. base, around post. Land, high and mountainous. Soil, sandy, gravelly, and rocky—4th rate. Timber, pine, and fur, 80 chs.; mostly dead and fallen; some thick undergrowth same.
	East, on S. boundary sec. 33. Through timber. Va. 20¼° E.
3.50	Old Indian trail, course N. 45° W.
6.00	Leave scattering and enter heavy timber.
13.50	Leave heavy timber, enter high, open prairie.
21.40	Old Indian trail, course S. 70° W.
30.00	Ascend.
40.00	Set a sandstone, 14 × 10 × 5 ins., 10 ins. in the ground, for standard ¼ sec. cor., marked S C. ¼ on N. face, and raised a mound of stone 1½ ft. high, 3½ ft. base, alongside. Pits impracticable.
45.10	Old Indian trail, course N. 70° W.
53.00	Top of ridge, about 300 ft. high, course N. 30° E.
69.00	Leave prairie, enter timber.
80.00	Set a sandstone, 20 × 15 × 3 ins., 15 ins. in the ground, for standard cor. to secs. 33 and 34, marked S. C., with 3 notches on E. and W. edges; from which A pine, 8 ins. diam., bears N. 89¼° E. 88 lks. dist., marked T. 13 N., R. 21 E., S. 34 B. T.; A pine, 7 ins. diam., bears N. 74° W., 6 lks. dist.; marked T. 13 N., R. 21 E., S. 33, B. T.; A pine, 9 ins. diam., bears S. 4¾° W., 62 lks. dist.; marked T. 12 N., R. 21 E., S. 3, B. T. Land, high and mountainous. Soil, sandy and rocky; 4th rate. Timber, pine and fir, 24.50 chs., with some thick undergrowth same.

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Third standard parallel north, through range No. 21 east—Continued.

Chains.	
	East, on S. boundary sec. 34.
	Through timber.
	Va. 20¼° E.
9.40	Enter aspen thicket.
13.80	Ravine, about 12 ft. deep, and leave thicket. Ascend.
23.84	A pine, 12 ins. diam.
40.00	Set a sandstone, 16 × 12 × 5 ins., 11 ins. in the ground, for standard ¼ sec. cor.; marked S. C. ¼ on N. face; from which
	A pine, 11 ins. diam., bears N. 54¾° E., 39 lks. dist.; marked S. C. ¼ S. B. T.;
	A pine, 10 ins. diam., bears S. 56° W., 17 lks. dist.; marked S. C. ¼ S. B. T.
53.55	A pine, 6 ins. diam.
80.00	Top of mountain. Set a post, 4½ ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for standard cor. to secs. 34 and 35; marked—
	S. C., T. 13 N., R. 21 E., on N.;
	S. 35, on E., and
	S. 34, on W. faces, with 2 notches on E. and 4 notches on W. faces; from which
	A pine, 12 ins. diam., bears N. 45° E., 15 lks. dist.; marked T. 13 N., R. 21 E., S. 35 B. T.;
	A pine, 15 ins. diam., bears S. 48° W., 54 lks. dist.; marked T. 12 N., R. 21 E., S. 2 B. T.
	No other trees within limits, and raised a mound of stone around post.
	Land, high, mountainous, and rolling.
	Soil, sandy and rocky; 4th rate.
	Timber, pine and fir—some good quality—thick undergrowth of same and aspen; 80 chs.
	August 23, 1880.

	East, on S. boundary sec. 35.
	Va. 20¼° E.
	Descend through timber.
37.50	A point about 300 ft. below last sec. cor. on top of mountain; ravine, course N. 35° E. and ascend.
40.00	Set a sandstone 14 × 12 × 5 ins., 10 ins. in the ground, for standard ¼ sec. cor.; marked S. C. ¼ on N. face; from which
	A pine, 12 ins. diam., bears N. 79° E., 140 lks. dist., marked S. C. ¼ S. B. T.
	No other tree within limits, and raised a mound of stone alongside.
47.00	Top of ridge, about 150 ft. above ravine, and descend over broken, rolling ground.
80.00	Set a sandstone, 24 × 18 × 5 ins., 18 ins. in the ground, for standard cor. to secs. 35 and 36, marked S. C. on N., with 1 notch on E. and 5 notches on W. edges, and raised a mound of stone 2 ft. high, 4½ ft. base alongside. Pits impracticable.
	Land, high and broken.
	Soil, sandy and gravelly; 4th rate.
	Timber, pine and fir, mostly dead and fallen. Some thick undergrowth same; 80 chs.

	East on S. boundary sec. 36.
	Va. 20¼° E.
	Ascend, through timber.
7.50	Top of ridge, course N. 20° E., about 100 ft. high, and descend.
	A pine, 10 ins. diam.
22.00	Set a sandstone 16 × 10 × 6 ins. 11 ins. in the ground, for standard ¼ sec.
40.00	cor. marked S. C. ¼ on N. face; from which
	A pine, 12 ins. diam., bears N. 58° W., 12 lks. dist., marked S. C. ¼ S. B. T.;
	A pine, 11 ins. diam., bears S. 33° E., 36 lks. dist., marked S. C. ¼ S. B. T.

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Third standard parallel north, through range No. 21 east—Continued.

Chains.	
47.42	A pine, 12 ins. diam.
72.38	A pine, 10 ins. diam.
79.40	A point about 450 ft. below top of ridge. Small ravine, course N. 65° E. and ascend.
80.00	Set a post, 4½ ft. long, 4 ins. square, with marked stone, 12 ins. in the ground for standard cor. to Tps. 13 N., Rs. 21 and 22 E., marked— S. C., T. 13 N., on N.; R. 22 E., S. 31, on E., and R. 21 E., S. 36, on W. faces; with 6 notches on N., E., and W. faces; and raised a mound of stone 2 ft. high, 4½ ft. base, around post.
	Land, high, mountainous, and rolling.
	Soil, sandy and rocky; 4th rate.
	Timber, pine; thick undergrowth same; 80 chs.
	August 24, 1880.

GENERAL DESCRIPTION.

This line runs over the east slope of the Little Snowy Mountains. The townships on each side are rough and broken, but contain large groves of pine and fir timber of fair quality, and some springs and small streams of pure clear water.

JAMES M. PAGE,
United States Deputy Surveyor.

FINAL OATHS FOR SURVEYORS.

LIST OF NAMES.

A list of the names of the individuals employed by James M. Page, U. S. deputy surveyor, to assist in running, measuring, and marking the lines and corners described in the foregoing field notes of the survey of the third standard parallel north, through range No. 21 east of the principal base and meridian, in the Territory of Montana, showing the respective capacities in which they acted.

——— ———	Compassman.
NEWTON ORR	Chainman.
BARCLAY JONES	Chainman.
PETER SMITH	Chainman.
JOHN PARKER	Chainman.
WILLIAM MAULDIN	Axeman.
HENRY NEWTON	Axeman.
CLAYTON PAGE	Flagman.

FINAL OATHS OF ASSISTANTS.

We hereby certify that we assisted James M. Page, United States deputy surveyor, in surveying all those parts or portions of the third standard parallel north through range No. 21 east, of the principal base and meridian in the Territory of Montana, as are represented in the foregoing field notes as having been surveyed by him and under his direction; and that said survey has been in all respects, to the best of our knowledge and belief, well and faithfully surveyed, and the corner monuments established according to the instructions furnished by the United States surveyor-general for Montana.

——— ———, *Compassman.*
NEWTON ORR, *Chainman.*
BARCLAY JONES, *Chainman.*
PETER SMITH, *Chainman.*
JOHN PARKER, *Chainman.*
WILLIAM MAULDIN, *Axeman.*
HENRY NEWTON, *Axeman.*
CLAYTON PAGE, *Flagman.*

Subscribed and sworn to before me this 1st day of September, 1880.
[SEAL.] WILLIAM MARTIN, *Notary Public.*

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FINAL OATH OF UNITED STATES DEPUTY SURVEYOR.

I, James M. Page, United States deputy surveyor, do solemnly swear that in pursuance of instructions received from Roswell H. Mason, United States surveyor-general for Montana, bearing date the tenth day of August, 1880, I have well, faithfully, and truly, in my own proper person, and in strict conformity with the instructions furnished by the United States surveyor-general for Montana, the Surveying Manual, and the laws of the United States, surveyed all those parts or portions of the third standard parallel north through range No. 21 east of the principal base and meridian in the Territory of Montana, as are represented in the foregoing field notes as having been surveyed by me and under my direction; and I do further solemnly swear that all the corners of said surveys have been established and perpetuated in strict accordance with the Surveying Manual, printed instructions, the special instructions of the United States surveyor-general for Montana, and in the specific manner described in the field notes, and that the foregoing are the *true* field notes of such survey; and should any fraud be detected I will suffer the penalty of perjury under the provisions of an act of Congress approved August 8, 1846.

JAMES M. PAGE,
United States Deputy Surveyor.

Subscribed and sworn to before me this 1st day of September, 1880.
[SEAL.] WILLIAM MARTIN, *Notary Public.*

SPECIMEN FIELD NOTES.—No. 2.

This specimen shows only the body of the field notes of the survey of the sixth auxiliary meridian, east through township No. 16 north of the base and principal meridian, in the Territory of Montana. The oaths and other portions omitted would be of like nature to those shown in Specimen Field Notes No. 1.

SIXTH AUXILIARY MERIDIAN EAST THROUGH TOWNSHIP NO. 16 NORTH.

On the night of September 2, 1880, I took an observation on the star Polaris, in accordance with instructions contained in the Manual of Surveys, and drove pickets on the line thus established.

Survey commenced September 3, 1880, with a Burt's improved solar compass.

Chains.	
	Before commencing this survey I test my compass on the line established last night, and find it correct.
	I begin at the cor. to Tps. 15 and 16 N., Rs. 24 and 25 E., which is a post, 4 ins. square, marked—
	T. 16 N., S. 31, on N. E.;
	R. 25 E., S. 6, on S. E.;
	T. 15 N., S. 1, on S. W., and
	R. 24 E., S. 36, on N. W. faces, with 6 notches on each edge, and pits N., S., E., and W. of post, 6 ft. dist., and mound of earth around post. Thence I run
	North, bet. secs. 31 and 36.
	Va. 20¼° E.
10.00	Dry channel, 10 lks. wide, course E.
40.00	Set a sandstone 18 × 10 × 3 ins. 12 ins. in the ground for ¼ sec. cor. marked ¼ on W. face; dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
42.60	Stream 6 lks. wide, course N. 70° W.
55.50	Enter timber.
56.45	Ravine about 30 ft. deep, course S. 60° W., and ascend.
60.70	Top of ridge about 50 ft. above ravine, and descend.
72.40	Foot of ridge about 50 ft. below top. Course E. and W.
80.00	Set a sandstone 18 × 11 × 3 ins. 12 ins. in the ground for cor. to secs. 25, 30, 31, and 36, marked with 5 notches on N. and 1 notch on S. edges; from which
	A pine, 6 ins. diam., bears N. 62° E., 41 lks. dist., marked T. 16 N., R. 25 E., S. 30 B. T.;
	A pine, 18 ins. diam., bears S. 41¼° E., 93 lks. dist. marked T. 16 N., R. 25 E., S. 30 B. T.;

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Sixth auxiliary meridian east, through township No. 16 north—Continued.

Chains.	
	A pine, 12 ins. diam., bears S. 83¾° W., 109 lks. dist., marked T. 16 N., R. 24 E., S. 36 B. T.;
	A pine, 11 ins. diam., bears N. 47° W., 45 lks. dist., marked T. 16 N., R. 24 E., S. 25 B. T.
	Land, rolling.
	Soil, sandy and clay—2d and 3d rate.
	Timber, pine; large and good quality, with some thick undergrowth same; 24.50 chs.
	North, bet. secs. 25 and 30. Va. 20¼° E.
	Through timber.
2.75	Descend.
7.00	Leave timber.
18.90	Point about 40 ft. below last cor.; deep cut channel; stream 12 lks. wide; course N. 75° W.
40.00	Set a standstone 15 × 11 × 6 ins. 10 ins. in the ground for ¼ sec. cor., marked ¼ on W. face; dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised mound of earth 1½ ft. high, 3½ ft. base, alongside.
45.00	Enter bottom.
80.00	Set a post 4½ ft. long, 4 ins. square, with marked stone 12 ins. in the ground for cor. to secs. 19, 24, 25, and 30, marked— T. 16 N., S. 19, on N. E.; R. 25 E., S. 30, on S. E.; R. 24 E., S. 25, on S. W., and S. 24, on N. W. faces, with 4 notches on N. and 2 notches on S. edges; dug pits 18 × 18 × 12 ins. in each sec. 5½ ft. dist., and raised mound of earth 2 ft. high, 4½ ft. base, around post.
	Land, rolling and level.
	Soil, south 45 chs., clay and sandy—2d rate; north 35 chs.—1st rate.
	Timber, pine, of good quality; 7 chs.
	North, bet. secs. 19 and 24. Va. 20¼° E.
35.40	Dry channel, 20 lks. wide, course E.
40.00	Set a sandstone 16 × 8 × 4 ins. 11 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face; dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
42.45	Ford's Creek, 25 lks. wide, course E. and enter willow brush.
47.30	Bend in Ford's Creek, course N. 25° W., to avoid which and save two crossings, I offset W. 2.00 chs., thence N. on offset line 7.40 chs.; thence E. 2.00 chs. to line.
54.70	On line on N. side of bend, coures of creek at this point N. 45° E. and leave willow brush.
61.45	Dry channel, 25 lks. wide, course S. 70° E.
80.00	Set a sandstone 18 × 10 × 4 ins. 12 ins. in the ground, for cor. to secs. 13, 18, 19, and 24, marked with 3 notches on the N. and S. edges; dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base, alongside.
	Land, nearly level bottom.
	Soil, sandy loam and clay—1st and 2d rate.
	No timber. Thick willow and box-elder brush along Ford's Creek.
	North bet. secs. 13 and 18. Va. 20¼° E.
	Leave bottom, and ascend gradually
33.00	A point about 40 ft. above bottom, top of low bluff.
38.00	Ravine, about 15 ft. deep, course E. and ascend gradually over rolling ground.
40.00	Set a sandstone 14 × 10 × 4 ins. 10 ins. in the ground for ¼ sec. cor., marked ¼ on W. face; dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised mound of earth 1½ ft. high, 3½ ft. base, alongside.
60.60	Top of low ridge, about 60 ft. high, and descend.

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Sixth auxiliary meridian east, through township No. 16 *north*—Continued.

Chains.	
80.00	Set a post, 4½ ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for cor. to secs. 7, 12, 13, and 18, marked— T. 16 N., S. 7, on N. E.; R. 25 E., S. 18, on S. E.; R. 24 E., S. 13, on S. W., and S. 12, on N. W. faces, with 2 notches on N. and 4 notches on S. edges; dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth, 2 ft. high, 4½ ft. base, around post. Land rolling. Soil, sandy and clay loam—2d rate. No timber. *September* 3, 1880.
	North, bet. secs. 7 and 12. Var. 20¼° E. Ascend gradually.
3.40	A point about 20 ft. above last cor. top of low ridge, and descend.
39.50	Stream 3 lks. wide, course E., and ascend over rolling ground.
40.00	Set a sandstone 18 × 6 × 5 ins. 12 ins. in the ground, for ¼ sec. cor. marked ¼ on W. face; dug pits 18 × 18 × 12 ins. N. and S. of stone, and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
71.00	Descend steep bluff.
71.85	A point about 40 ft. below top of bluff. Stream 10 lks. wide, course E., and enter bottom land.
77.00	Leave bottom land and ascend bluff, course S. 70° E.
80.00	A point about 40 ft. above bottom, and set a sandstone 30 × 8 × 4 ins. 23 ins. in the ground for cor. to secs. 1, 6, 7, and 12, marked with one notch on N. and 5 notches on S. edges; dug pits 18 × 18 × 12 ins. in each sec. 5½ ft. dist., and raised a mound of earth 2 ft. high. 4½ ft. base, alongside. Land, rolling. Soil, sandy and clay—2d rate. No timber.
	North, bet. secs. 1 and 6. Va. 20¼° E.
18.60	Stream, 4 lks. wide, course E.
40.00	Set a sandstone 30 × 9 × 4 ins. 23 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face; dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
61.00	Stream, 8 lks. wide, course S. 40° E.
78.42	Intersect the fourth standard parallel north at a point 6.95 chs. E. of the standard cor. to secs. 35 and 36, T. 17 N., R. 24 E., at which point I set a post 4½ ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, marked— C. C., T. 16 N., on S.; R. 25 E., S. 6, on E., and R. 24 E., S. 1, on W. faces, with 6 notches on S., E., and W. faces; dug pits 24 × 18 × 12 ins. lengthwise on each line, S., E., and W. of post, 6 ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base, around post. Land, level. Soil, sandy loam—1st and 2d rate. No timber. *September* 4, 1880.

31.50 chs. of this line runs through timber.

GENERAL DESCRIPTION.

Townships 16 N., Rs. 24 and 25 E., are generally rolling table lands, producing an abundant growth of grass, and there is a large amount of good bottom land along Ford's Creek and its tributaries. About 2 miles east of the closing cor. is a lake some 2 miles wide, by 2½ miles long, lying in Tps. 16 and 17 N., R. 25 E.

JAMES M. PAGE,
U. S. Deputy Surveyor.

SEPTEMBER 4, 1880.

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SPECIMEN FIELD NOTES.—No. 3.

These specimen field notes show only the body of the field notes of the survey of the west and north boundaries of T. 13 N., R. 24 E., of the base and principal meridian in the Territory of Montana, it being assumed that the south and east boundaries of said township have been previously established by running the third standard parallel north, and the sixth auxiliary meridian east. The oaths and other portions omitted would be of like nature to those shown in Specimen Field Notes No. 1, it being remembered that only *one* set of chainmen is required in the survey of township lines.

EXTERIOR BOUNDARIES T. 13 N., R. 24 E.

Survey commenced September 21, 1880, with a Burt's improved solar compass.

Chains.	
	I begin at the standard cor. to Tps. 13 N., Rs. 23 and 24 E., which is a post 4 ins. square, marked—
	S. C., T. 13 N., on N.;
	R. 24 E., S. 31, on E., and
	R. 23 E., S. 36, on W. faces, with 6 notches on N., E., and W. faces, and pits N. E., and W. of post 6 feet dist., and mound of earth around post. Thence I run
	North between secs. 31 and 36.
	Va. 20¼° E.
	Descend over rough, broken ground.
1.50	Ravine about 20 ft. deep, course N. 80° E., and ascend.
15.00	Top of hill, about 50 feet above ravine, and descend.
30.00	Head of ravine, course N. 30° E.
35.60	Descend abruptly.
40.00	A point about 150 ft. below top of hill—foot of broken bluff, course E. and W., and set a sandstone 16 × 16 × 6 ins., 11 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face, and raised a mound of stone alongside. Pits impracticable.
42.00	Stream, 4 lks. wide, course E., and ascend.
47.00	Top of ridge about 80 ft. above stream, and descend.
55.35	Ravine, about 30 ft. deep, course N. 45° E.
61.95	A point about 150 ft. below top of ridge. Spring branch, 4 lks. wide, course S. 70° E., ascend.
74.50	A point about 150 ft. above stream, and enter timber.
80.00	Set a sandstone 24×15×8 ins. 18 ins. in the ground for cor. to secs. 25, 30, 31, and 36, marked with 5 notches on N. and 1 notch on S. edges; from which
	A pine, 5 ins. diam., bears N. 22½° E., 30 lks. dist., marked T. 13 N., R. 24 E., S. 30 B. T.
	A pine, 12 ins. diam., bears S. 27¼° E., 87 lks. dist., marked T. 13 N., R. 24 E., S. 31 B. T.
	A pine, 10 ins. diam., bears S. 1° W., 40 lks. dist., marked T. 13 N., R. 23 E., S. 36 B. T.
	A pine, 17 ins. diam., bears N. 42° W., 65 lks. dist., marked T. 13 N., R. 23 E., S. 25 B. T.
	Land, mountainous, rough, and broken.
	Soil, sandy and stony—4th rate.
	Timber, pine, 5.50 chs., and cottonwood along streams.
	North, bet. secs. 25 and 30.
	Va. 20¼° E.
	Descend through timber.
8.85	Ravine, about 10 ft. deep, course N. 70° E.
19.00	A point about 175 ft. below cor., ravine, about 60 ft. deep, course S. 80° E. and ascend.
21.00	Leave timber.
24.00	A point about 100 feet above ravine, top of hill, and descend gradually over rolling ground.
40.00	Set a sandstone 16×13×3 ins. 11 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face and raised a mound of stone alongside.
75.50	Spring branch, 2 lks. wide, course E. and ascend.
80.00	A point about 40 ft. above stream, and set a post 4 ft. long, 4 ins. square, with marked stone 12 ins. in the ground for cor. to secs. 19, 24, 25, and 30, marked—
	T. 13 N., S. 19, on N. E.;
	R. 24 E., S. 30, on S. E.;
	R. 23 E., S. 25, on S. W., and
	S. 24 on N. W. faces, with 4 notches on N. and 2 notches on S. edges, and raised a mound of stone, 2 ft. high, 4½ ft. base, around post.

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Exteriors T. 13 N., R. 24 E.—Continued.

Chains.	
	Land, hilly, rough, and broken. Soil, sandy and rocky—4th rate. Timber, pine, 21.00 chs., and undergrowth same.
	North, bet secs. 19 and 24. Va. 20¼° E. Descend gradually.
4.20	A point about 40 ft. below cor. Spring branch 3 lks. wide, course S. 70° E.
18.50	A point about 50 ft. above stream, top of ridge, course E. and W., and descend over rolling ground.
40.00	Set a sandstone 14 × 14 × 4 ins. 10 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face, and raised a mound of stone alongside. Pits impracticable.
48.85	Stream, 4 lks. wide, course E.
64.95	Stream, 4 lks. wide, course S. 70° E.
80.00	Set a sandstone 24 × 18 × 6 ins. 18 ins. in the ground, for cor. to secs. 13, 18, 19, and 24, marked with 3 notches on N. and S. edges; dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth alongside. Land, broken and rolling. Soil, rocky and sandy loam—2d and 3d rate. Some scattering pine along streams, with yellow and rose brush.
	North, bet. secs. 13 and 18. Va. 20¼° E. Over rolling ground.
40.00	Set a sandstone 18×14×3 ins. 12 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face; dug pits 18×18×12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
80.00	Set a post, 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for cor. to secs. 7, 12, 13, and 18, marked— T. 13 N., S. 7, on N. E.; R. 24 E., S. 18, on S. E.; R. 23 E., S. 13, on S. W., and S. 12, on N. W. faces, with 2 notches on N. and 4 notches on S. edges; dug pits 18×18×12 ins. in each sec., 5½ ft. dist., and raised a mound of earth, 2 ft. high, 4½ base, around post. Land, rolling. Soil, sandy loam—2d rate. No timber. *September* 21, 1880.
	North, bet. secs. 7 and 12. Va. 20¼° E.
40.00	Set a sandstone, 16×12×3 ins. 11 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face; dug pits 18×18×12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
54.00	Stream, 7 lks. wide, course N. 40° E.
80.00	Set a post, 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for cor. to secs. 1, 6, 7, and 12, marked— T. 13 N,, S. 6, on N. E.; R. 24 E., S. 7, on S. E.; R. 23 E., S. 12, on S. W., and S. 1, on N. W. faces, with 1 notch on N. and 5 notches on S. edges; dug pits 18×18×12 ins. in each sec., 5½ ft. dist., and raised a mound of earth, 2 ft. high, 4½ ft. base, around post. Land, rolling. Soil, sandy loam—2d rate. No timber; willow brush along stream.

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Exteriors T. 13 N., R. 24 E.—Continued.

Chains.	
	North, bet. secs. 1 and 6. Va. 20¼° E.
34.00	Stream, 6 lks. wide, course E.
40.00	Set a sandstone 22 × 8 × 3 ins. 16 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face; dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, alongside.
80.00	Set a post, 4½ ft. long, 4 ins. square, with marked stone, 12 ins. in the ground for cor. to Tps. 13 and 14 N., Rs. 23 and 24 E., marked— T. 14 N., S. 31, on N. E.; R. 24 E., S. 6, on S. E.; T. 13 N., S. 1, on S. W., and R. 23 E., S. 36, on N. W. faces, with 6 notches on each edge; dug pits 24 × 18 × 12 ins. lengthwise on each line, N., S., E., and W. of post, 6 ft. dist., and raised a mound of earth, 2 ft. high, 4½ ft. base, around post. Land, rolling. Soil, sandy loam—2d rate. No timber.
	From the cor. to Tps. 13 and 14 N., Rs. 23 and 24 E., I run east on a random line, between said townships, the variation of my compass being 20¼° E. I set temporary half-mile and mile corners at each 40 and 80 chains, and find the township line to be 5 miles 77 chs. and 95 lks. long, and the falling to be 45 lks. N. of the cor. to Tps. 13 and 14 N., Rs. 24 and 25 E. The correction for the *true* line will therefore be 7½ lks. south, and 2.05 chs. west per mile, and its course will be N. 79° 57′ W.
	From the cor. to Tps. 13 and 14 N., Rs. 24 and 25 E., which is a post, 4 ins. square, marked— T. 14 N., S. 31, on N. E.; R. 25 E., S. 6, on S E.; T. 13 N., S. 1, on S. W., and R. 24 E., S. 36, on N. W. faces, with 6 notches on each edge and pits N., S. E., and W. of post, 6 ft. dist., and mound of earth around post. I run
	N. 79° 57′ W. on a true line bet. secs. 1 and 36. Va. 20° E. Over very nearly level ground.
9.28	Stream, 10 lks. wide, course S. 70° E.
15.40	Same stream, course, N. 50° E.
40.00	Set a red sandstone, 18 × 10 × 6 ins., 12 ins. in the ground, for ¼ sec. cor., marked ¼ on N. face; dug pits 18 × 18 × 12 ins. E. and W. of stone, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, alongside.
80.00	Set a sandstone, 18 × 14 × 6 ins., 12 ins. in the ground, for cor. to secs. 1, 2, 35, and 36, marked with 1 notch on E. and 5 notches on W. edges; dug pits 18 × 18 × 12 ins. N., S., E., and W. of stone, 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base, alongside. Land, level. Soil, rich loam—1st class. No timber.
	N. 79° 57′ W. on a true line bet. secs. 2 and 35. Va. 20¼° E. Over nearly level ground.
40.00	Set a sandstone, 16 × 10 × 5 ins., 11 ins. in the ground, for ¼ sec. cor., marked ¼ on N. face; dug pits 18 × 18 × 12 ins. E. and W. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
45.70	S. fork of Spring Creek, 15 lks. wide, course N. 40° E.

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Exteriors T. 13 *N.*, *R.* 24 *E.*—Continued.

Chains.	
80.00	Set a post, 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for cor. to secs. 2, 3, 34 and 35, marked— T. 14 N., S. 35, on N. E.; R. 24 E., S. 2, on S. E.; T. 13 N., S. 3, on S. W., and S. 34, on N. W. faces, with 2 notches on E. and 4 notches on W. edges; dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base, alongside.
	Land, level. Soil, rich loam—1st rate. No timber. *September* 22, 1880.
	N. 79° 57′ W. on a true line, bet. secs. 3 and 34. Va. 20¼° E.
	Ascend gradually.
18.60	Enter pine timber, in open grove.
40.00	Set a sandstone 18 × 8 × 6 ins. 12 ins. in the ground, for ¼ sec. cor., marked ¼ on N. face; from which A pine, 12 ins. diam., bears N. 23° W., 89 lks. dist., marked ¼ S. B. T. No other tree in limits, and raised a mound of stone alongside.
52.50	Spring branch, 3 lks. wide, course S. 50° E.
80.00	A point about 150 ft. above last sec. cor. and set a sandstone 18 × 8 × 6 ins. 12 ins. in the ground, for cor. to secs. 3, 4, 33, and 34, marked with 3 notches on E. and W. edges; from which A pine, 36 ins. diam., bears N. 45° E., 82 lks. dist. marked T. 14 N., R. 24 E., S. 34 B. T.; A pine, 14 ins. diam., bears S. 24° W., 110 lks. dist., marked T. 13 N., R. 24 E., S. 4 B. T. No other trees within limits, and raised a mound of stone alongside.
	Land, slightly undulating. Soil, sandy loam—2d rate. Timber, pine of fine quality; 61.40 chs.
	N. 79° 57′ W. on a true line, bet. secs. 4 and 33. Va. 20½° E.
11.60	Spring branch, 6 lks. wide, course N. 20° E.
17.50	Leave timber.
40.00	Set a sandstone 20 × 10 × 4 ins. 15 ins. in the ground for ¼ sec. cor., marked ¼ on N. face, and raised a mound of stone, covered with earth, 2 ft. high, 4½ ft. base, alongside.
76.30	Spring branch, 2 lks. wide, course S. 50° E.
80.00	Set a post 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for cor. to secs. 4, 5, 32, and 33, marked— T. 14 N., S. 33, on N. E.; R. 24 E., S. 4, on S. E.; T. 13 N., S. 5, on S. W., and S. 32, on N. W. faces, with 4 notches on E. and 2 notches on W. edges; dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base, around post.
	Land, nearly level. Soil, sandy loam—2d rate. Timber, pine; 17.50 chs.
	N. 79° 57′ W. on a true line, bet. secs. 5 and 32. Va. 20¼° E.
36.10	Spring branch, 2 lks. wide, course S. 50° E.
40.00	Set a post, 3 ft. long, 3 ins. square, with marked stone, 12 ins. in the ground, for ¼ sec. cor., marked ¼ S. on N. face; dug pits 18 × 18 × 12 ins. E. and W. of post, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, around post.

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Exteriors T. 13 N., R. 24 E.—Continued.

Chains.	
80.00	Set a sandstone 18 × 12 × 6 ins. 12 ins. in the ground, for cor. to secs. 5, 6, 31, and 32, marked with 5 notches on E. and 1 notch on W. edges; dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base, alongside. Land, level. Soil, sandy loam—2d rate. No timber.
	N. 79° 57′ W. on a true line, bet. secs. 6 and 31. Va. 20¼° E.
40.00	Set a sandstone 22 × 10 × 3 ins. 16 ins. in the ground, for ¼ sec. cor., marked ¼ on N. side; dug pits 18 × 18 × 12 ins. E. and W. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
77.95	The cor. to Tps. 13 and 14 N., Rs. 23 and 24 E. Land, level. Soil, sandy loam—2d rate. No timber.

September 23, 1880.

2 miles 19 chs. and 90 lks. of these lines run over mountainous land, or through timber.

GENERAL DESCRIPTION.

The northwestern portion of this township is rough, hilly, and broken. The remainder consists of rolling land, with much rich bottom land along Spring Creek and its numerous tributaries. On the hilly and rolling land are large groves of pine timber. There is one settler near the center of the township. The township should be subdivided.

JAMES M PAGE,
U. S. Deputy Surveyor.

SPECIMEN FIELD NOTES.—No. 4.

Resurvey of a portion of the exterior boundaries of T. 25 N., R. 2 W., Willamette meridian, Oregon.

In subdividing this township I commenced by running north on a blank line, on the east boundary of sec. 36, va. 17° 55′ E., and at 40 chs. I found the ¼ sec. cor. to be N. 80° E. 16 lks. dist., and at 80 chs. the sec. cor. to be E. 30 lks. dist. I therefore continued the true line north, found that no portion of this east boundary was in alignment, and that many of the corners were nearly obliterated, but that the cor. to Tps. 25 and 26 N., Rs. 1 and 2 W., was due north of the starting cor. As T. 25 N., R. 1 W., had not been subdivided, and, consequently, no subdivision lines had been closed on either side of this east boundary, I resurveyed the same as follows:

Finding the standard cor. to Tps. 25 N., Rs. 1 and 2 W., was a post greatly decayed, and with the marks nearly obliterated, I destroyed all traces of old cor. and re-established it as follows:

Set a post, 4½ ft. long, 4 ins. square, 24 ins. in the ground, for standard cor. to Tps. 25 N., Rs. 1 and 2 W., marked—

S. C., T. 25 N., on N.;
R. 1 W., S. 31, on E., and
R. 2 W., S. 36, on W. faces, with 6 notches on N., E., and W. faces; from which
A black oak, 20 ins. diam., bears N. 37° E., 27 lks. dist., marked T. 25 N., R. 1 W., S. 31 B. T.;
A burr oak, 24 ins. diam., bears N. 43° W., 35 lks. dist., marked T. 25 N., R. 2 W., S. 36 B. T.;
A maple, 18 ins. diam., bears S. 27° W., 39 lks. dist., marked T. 24 N., R. 2 W., S. 1 B. T.

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Exteriors T. 25 N., R. 2 W.—Continued.

Chains.	
	Thence I run
	North, bet. secs. 31 and 36.
	Va. 17° 55′ E.
	Through timber.
1.00	Brook, 5 lks. wide, course N. W.
18.00	Foot of hill, course N. W. and S. E.
20.00	Top of hill, about 50 ft. high.
40.00	Set a sandstone 20 × 8 × 3 ins. 15 ins., in the ground, for ¼ sec. cor., marked ¼ on W. side; dug pits 18 × 8 × 12 ins. N. and S. of stone 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, alongside.
	From this point the old ¼ sec. cor., which is a decayed stake, with marks almost obliterated, bears N. 80° E., 16 lks. dist. I destroyed this stake, and also the marks on the stump of a beech tree, described as a bearing tree, in the field notes of original survey. No traces could be found of poplar tree described as bearing tree in said field notes.
55.00	Descend.
57.00	Foot of hill, about 40 ft high, and enter rich level land.
72.60	A brook, 10 lks. wide, course N. 40° E.
80.00	Set a post, 4 ft. long, 4 ins. square, 2 ft. in the ground, for cor. to secs. 25, 30, 31, and 36, marked—
	T. 25 N., S. 30, on N. E.;
	R. 1 W., S. 31, on S. E.;
	R. 2 W., S. 36, on S. W., and
	S. 25, on N. W. faces, with 5 notches on N. and 1 notch on S. edges; from which
	A birch, 24 ins. diam., bears N. 30° E., 18 lks. dist., marked T. 25 N., R. 1 W., S. 30 B. T.;
	A white oak, 16 ins. diam., bears S. 25° E., 60 lks. dist., marked T. 25 N., R. 1 W., S. 31 B. T.;
	A white oak, 14 ins. diam., bears S. 80° W., 93 lks. dist., marked T. 25 N., R. 2 W., S. 36 B. T.;
	A poplar, 15 ins. diam., bears N. 60° W., 82 lks. dist., marked T. 25 N., R. 2 W., S. 25 B. T.
	From this cor. the old sec. cor., a decayed post, bears E., 30 lks. dist. I destroyed this post, and also the marks on old bearing trees.
	Land, rolling and level.
	Soil, N. and S. parts, rich loam—1st rate; middle part, sandy—2d rate.
	Timber, beech, poplar, white oak, and birch.
	North, bet. secs. 25 and 30.
	Va. 17° 55′ E.
	Through timber.
4.20	A maple, 16 ins. diam.
6.10	Foot of rising ground, slopes E. and N. W.
40.00	An elm, 18 ins. diam., which I mark ¼ S., on W. face, for ¼ sec. cor., from which
	A poplar, 30 ins. diam., bears N. 30° E., 100 lks. dist., marked ¼ S. B. T.
	A beech, 13 ins. diam., bears S. 24° W., 30 lks. dist., marked ¼ S. B. T.
	From this point a post, the old ¼ sec. cor., bears N. 75° E., 100 lks. dist. I destroyed this post, and also marks on the old bearing trees, a beech and poplar.
74.00	A white oak, 16 ins. diam.
80.00	Set a post, 4 ft. long, 4 ins. square, 24 ins. in the ground, for cor. to secs. 19, 24, 25, and 30, marked—
	T. 25 N., S. 19, on N. E.;
	R. 1 W., S. 30, on S. E.;
	R. 2 W., S. 25, on S. W., and
	S. 24, on N. W. faces, with 4 notches on N. and 2 notches on S. edges; from which
	A beech, 18 ins. diam., bears N. 30° E., 74 lks. dist., marked T. 25 N., R. 1 W., S. 19 B. T.
	A poplar, 26 ins. diam., bears S. 40° E., 28 lks. dist., marked T. 25 N., R. 1 W., S. 30 B. T.

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Exteriors T. 25 N., R. 2 W.—Continued.

Chains.	
	A burr oak, 16 ins. diam., bears S. 80° W., 36 lks. dist., marked T. 25 N., R. 2 W., S. 25 B. T.;
	A white oak, 16 ins. diam., bears N. 45° W., 36 lks. dist., marked T. 25 N., R. 2 W., S. 24 B. T.
	From this point the old sec. cor., a post, bears N. 50° E., 40 lks. dist. I destroyed this post, and also the marks on old bearing trees.
	Land, rolling.
	Soil, rich loam—1st rate.
	Timber, beach, walnut, elm, and white oak.
	North, bet. secs. 19 and 24.
	Va. 17° 55′ E.
	Through timber, gradually descending.
22.10	A white walnut, 24 ins. diam.
40.00	Set a post, 3 ft. long, 3 ins. square, 2 ft. in the ground, for ¼ sec. cor., marked ¼ S. on W. face; from which
	An ash, 10 ins. diam., bears S. 40° E., 60 lks. dist., marked ¼ S. B. T.;
	An ash, 12 ins. diam., bears N. 6° W., 13 lks. dist., marked ¼ S. B. T.
	From this point the old ¼ sec. cor., a post, bears S. 10 E., 45 lks. dist. I destroyed this post, and also the marks on old bearing trees.
44.00	Foot of slope, about 80 ft. below last sec. cor. Road from Williamsburg to Astoria, course E. and W.
50.00	Elk Creek, 130 lks. wide, shallow at this point, and gentle current, general course W.
56.40	Brook, 10 lks. wide, course S. W.
65.20	Leave creek bottom, and enter upland, course E. and W.
72.00	A hickory, 14 ins. diam.
80.00	Set a granite bowlder, 20 × 12 × 4 ins., 15 ins. in the ground, for cor. to secs. 13, 18, 19, and 24, marked with 3 notches on N. and S. edges, and raised a mound of stone alongside.
	From this point, the old sec. cor., a limestone, bears N. 20° E., 16 lks. dist. I destroyed marks on this stone. Found stumps of trees, which had probably been established as bearing trees at date of original survey, but could not distinguish any marks on same.
	Land, rolling and level.
	Soil, rich loam—1st rate. Bottom is not subject to inundation.
	Timber, walnut, beech, maple, ash, and hickory.
	North, bet. secs. 13 and 18.
	Va. 17° 55′ E.
	Through timber.
12.30	A white oak, 16 ins. diam.
21.00	Foot of high, broken ridge, about 200 ft. above creek bottom, course E. and N. W.
30.40	Top of ridge, about 75 ft. high, descends abruptly.
40.00	Set a limestone, 16 × 10 × 4 ins., 11 ins. in the ground, for ¼ sec. cor., marked ¼ on W. side, from which
	A cherry, 8 ins. diam., bears N. 30° W., 16 lks. dist., marked ¼ S. B. T.
	A cherry, 10 ins. diam., bears S. 60° W., 80 lks. dist., marked ¼ S. B. T.
	I could find no traces of old ¼ sec. cor., but found an old cherry tree marked for bearing tree, and obliterated marks on same.
44.00	A burr oak, 30 ins. diam.
59.00	Foot of descent, about 300 ft. below top of ridge, and ascend.
80.00	Set a post, 4 ft. long, 4 ins. square, 24 ins. in the ground, for cor. to secs. 7, 12, 13, and 18, marked—
	T 25 N., S. 7, on N. E.;
	R. 1 W., S. 18, on S. E.;
	R. 2 W., S. 13, on S. W., and
	S. 12, on N. W. faces, with 2 notches on N. and 4 notches on S. faces; from which
	A hickory, 18 ins. diam., bears N. 40° E., 14 lks. dist., marked T. 25 N., R. 1 W., S. 7 B. T.;
	A maple, 12 ins. diam., bears S. 42° E., 23 lks. dist., marked T. 25 N., R. 1 W., S. 18 B. T.;

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Exteriors T. 25 N., R. 2 W.—Continued.

Chains.	
	A beech, 16 ins. diam., bears S. 36° W., 16 lks. dist., marked T. 25 N., R. 2 W. S. 13 B. T.;
	A hickory, 20 ins. diam., bears N. 39° W., 38 lks. dist., marked T. 25 N., R. 1 W. S. 12 B. T.
	The old sec. cor., a post, was lying on the ground near this cor. I destroyed this post. The bearing trees are those described in the field notes of original survey, and were all newly marked.
	Land (except S. 21.00 chs.), high, broken, and mountainous.
	Soil, sandy and rocky—3d and 4th rate.
	Timber, beech, hickory, maple, and black-jack.
	North, bet. secs. 7 and 12.
	Va. 17° 55′ E.
	Through timber.
13.10	A black oak, 16 ins. diam.
40.00	Set a limestone 20 × 8 × 2 ins., 15 ins. in the ground, for ¼ sec. cor., marked ¼ on W. side, from which
	An elm, 14 ins. diam., bears S. 40° W., 16 lks. dist., marked ¼ S. B. T.;
	An elm, 11 ins. diam., bears N. 23° W., 42 lks. dist., marked ¼ S. B. T.
	From this point, the old ¼ sec. cor., a post, bears N. 75° W., 60 lks. dist. I destroyed this post, and also the marks on old bearing trees.
68.00	A point about 100 ft. above last sec. cor., and foot of mountain, course E. N. W.
80.00	A granite rock in place 2 × 6 × 10 ft. above ground, which I marked for cor. to secs. 1, 6, 7, and 12, with a cross (×) at exact cor. point, and 1 notch N. and 5 notches S. of cross.
	This rock is on the top of the mountain about 300 ft. above foot. Fire has destroyed all traces of old sec. cor. and bearing trees.
	Land, mountainous and broken.
	Soil, stony and rocky—4th rate.
	Timber, hickory, oak, beech, and ash.
	The fire above referred to was confined to a space of about 30 acres on the the summit of the mountain.
	North, bet. secs 1 and 6.
	Va. 17° 55′ E.
	Descend abruptly.
6.00	A black oak, 16 ins. diam., and enter timber.
9.00	A point about 250 feet below summit; foot of mountain.
20.13	An ash, 12 ins. diam.
34.06	An ash, 20 ins. diam.
39.00	Edge of ravine, about 40 ft. deep.
40.00	Bottom of ravine, and set a limestone 18 × 7 × 4 ins., 12 ins. in the ground, for ¼ sec. cor., marked ¼ on W. side, from which
	A poplar, 16 ins. diam., bears N. 40° E., 34 lks. dist., marked ¼ S. B. T.;
	A poplar, 14 ins. diam., bears S. 13° W., 22 lks. dist., marked ¼ S. B. T.
	From this point the old ¼ sec. cor., a post bears S. 80° W., 10 lks. dist. I destroyed this post, and after a careful examination of all the trees within limits, was unable to distinguish any marks made for bearing trees.
44.10	Leave timber, and enter open prairie, course E. and N. W.
79.75	At this point I found the old township cor., a charred stake with remains of trench and mound. As Tps. 26 N., Rs. 1 and 2 W., had both been subdivided, I could not change the location of this cor. and therefore re-established it, as follows:
	Set a post, 4½ ft. long, 4 ins. square, 24 ins. in the ground, for cor. to Tps. 25 and 26 N., Rs. 1 and 2 W., marked—
	T. 26 N. S. 31 on N. E.;
	R. 1 W. S. 6 on S. E.;
	T. 25 N. S. 1 on S. W.; and
	R. 2 W. S. 36 on N. W. faces, with 6 notches on each edge; from which
	A cherry, 6 ins. diam., bears N. 40° E., 14 lks. dist., marked T. 26 N., R. 1 W. S. 31 B. T.;

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Exteriors T. 25 N., R. 2 W.—Continued.

Chains.	
	A white oak, 5 ins. diam., bears S. 30° E., 24 lks. dist., marked T. 25 N., R. 1 W., S. 6 B. T.;
	A hickory, 8 ins. diam., bears S. 50° W., 30 lks. dist., marked T. 25 N., R. 2 W., S. 1 B. T.;
	A chestnut, 6 ins. diam. bears N. 28° W., 13 lks. dist., marked T. 26 N., R. 2 W., S. 36 B. T.
	Land, broken, rolling, and level.
	Soil, rocky and sandy loam—2d and 4th rate.
	Timber, oak, ash, poplar, chestnut, and hickory.
	In subdividing this township, and running the random line west bet. secs. 7 and 18, I was unable to find the cor. to secs. 7, 12, 13, and 18. I found the ¼ sec. cor. bet. secs. 13 and 18, which is
	A post, 3 ins. square, firmly set in the ground, and marked ¼ S. on W. side; from which
	A white oak, 27 ins. diam., bears N. 27° W., 27 lks. dist., marked ¼ S. B. T.;
	A white oak, 30 ins. diam., bears N. 28° E., 92 lks. dist., marked ¼ S. B. T.
	From this ¼ sec. cor. I run north bet. secs. 13 and 18.
	Va. 18° E.
6.50	Road from Williamsburg, course E. and W.
38.00	Fence, course E. and W., leave timber, and enter plowed ground.
40.00	At this point I again made careful search for the sec. cor., which is described as a post, with bearing trees, but was unable to find any traces of it, and therefore re-established cor. as follows:
	Set a post 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for cor. to secs. 7, 12, 13, and 18, marked—
	T. 25 N. S. 7 on N. E.;
	R. 2 W. S. 18 on S. E.;
	R. 3 W. S. 13 on S. W. and
	S. 12 on N. W. faces, with two notches on N. and 4 notches on S. edges; dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base, around post.
	Land, level.
	Soil, rich loam—1st rate.
	Timber, oak.

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SPECIMEN FIELD NOTES.

No. 5.

TITLE PAGE.

FIELD NOTES

OF THE SURVEY OF THE

SUBDIVISION AND MEANDER LINES

OF

TOWNSHIP NO. 6 NORTH, RANGE NO. 34 EAST,

OF THE

PRINCIPAL BASE AND MERIDIAN

OF

MONTANA TERRITORY,

AS SURVEYED BY

WALTER W. de LACY,

U. S. DEPUTY SURVEYOR,

UNDER HIS CONTRACT,

NO. 87,

DATED JULY 3, 1880.

Survey commenced August 6th, 1880.
Survey completed August 16th, 1880.

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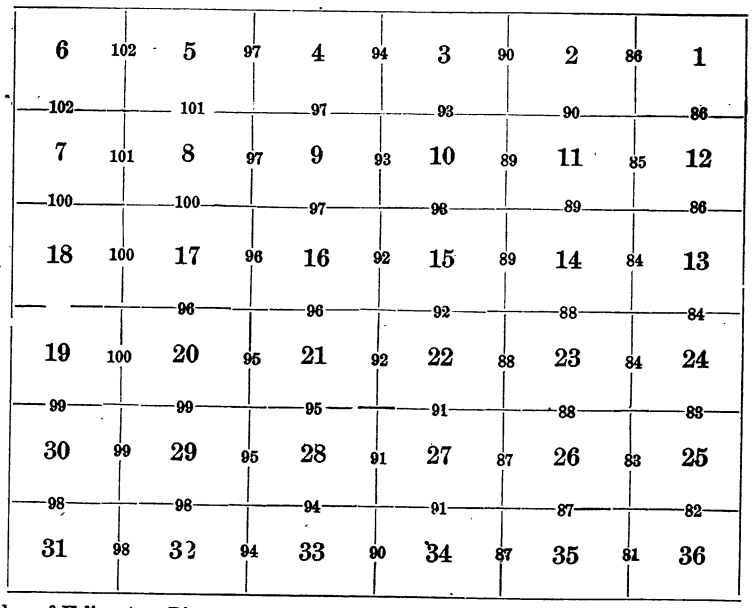
[Second page.]

NAMES AND DUTIES OF ASSISTANTS.

——— ———.....Compassman.
WILLIAM MORAN.....Chainman.
PETER COOPER.....Chainman.
ARTHUR F. FOWLER.....Axeman.
FRANKLIN J. SAGE.....Axeman.
JOHN PARKER.....Flagman.

INDEX.

Township 25 north. R. 2 west.



Meanders of Yellowstone River.....Pages 102 to 106
Meanders of Lin's Lake.....Pages 106 to 107

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PRELIMINARY OATHS OF ASSISTANTS.

We, William Moran and Peter Cooper, do solemnly swear that we will well and faithfully execute the duties of chain carriers; that we will level the chain over even and uneven ground, and plumb the tally pins either by sticking or dropping the same; that we will report the true distance to all notable objects, and the true lengths of all lines that we assist in measuring, to the best of our skill and ability, and in accordance with instructions given us in the survey of the subdivision and meander lines of Township No. 6 north, of Range No. 34 east, of the principal base and meridian in the Territory of Montana.

WILLIAM MORAN, *Chainman.*
PETER COOPER, *Chainman.*

Subscribed and sworn to before me this second day of August, 1880.

JOHN JENKINS,
[SEAL.] *Notary Public.*

We, Arthur F. Fowler and Franklin J. Sage, do solemnly swear that we will well and truly perform the duties of axemen in the establishment of corners and other duties, according to instructions given us, and to the best of our skill and ability, in the survey of the subdivision and meander lines of Township No. 6 north, of Range No. 34 east, of the principal base and meridian in the Territory of Montana.

ARTHUR F. FOWLER, *Axeman.*
FRANKLIN J. SAGE, *Axeman.*

Subscribed and sworn to before me this second day of August, 1880.
[SEAL.] JOHN JENKINS,
Notary Public

T. 6 N., R. 34 E.

Chains.	
	Preliminary to commencing this survey, I ran west on a blank line on the south boundary of Sec. 36, and at 39.97 chs. found the ¼ sec. cor. and at 80.01 chs. found the sec. cor. As the east boundary of Sec. 31 crosses the Yellowstone River it was not re-run. My compass will therefore run the same line as the exterior boundaries, and the chaining practically agrees.
	Survey commenced August 6, 1879, with a Burt's improved solar compass.
	I commenced at the cor. to Secs. 1, 2, 35, and 36, on the south boundary, which is a sandstone 30×8×2½ ins. firmly set in the ground, with one notch on E. and 5 notches on W. edges, and pits 18×18×12 ins. in each sec. 5½ ft. dist. with mound of earth 2 ft. high, 4½ ft. base alongside. Thence I run North bet. Secs. 35 and 36.
	Va. 18° 30′ E.
20.00	Enter scattering timber. Alexander's house bears N. 31° W.
31.00	Leave scattering timber.
40.00	Set a post 3 ft. long, 3 ins. square, with marked stone, 12 ins. in the ground, for ¼ sec. cor., marked ¼ S. on W. side, dug pits 18 × 18 × 12 ins. N. and S. of post, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, around post.
	Alexander's house bears S. 53¾° W.
52.70	Enter brush.
53.82	Right bank of the Yellowstone River. Set a post 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for meander cor. to fractional secs. 35 and 36, marked M. C., and T. 6 N. on S., R. 34 E. S. 36 on E., and S. 35 on W., faces, dug pit 3 ft. square, 12 ins. deep, 8 lks. S. of post, and raised mound of earth 2 ft. high, 4½ ft. base, around post.
	There being an island on line on N. side of channel, I send a flag across, and set it on line bet. secs. 35 and 36, on bar S. of island. I then go across to flag and run a base line W. 11.14 chs., to a point from which meander cor. on right bank bears S. 37° 50′ E., which gives for distance across the river to edge of bar 14.34 chs. I then run north from flag 66 lks. to south bank of island, making the whole distance 53.82 + 14.34 + 0.66 chs., or

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
68.82	To south bank of island, which point I established by setting a post 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for meander cor. to fractional secs. 35 and 36 on S. bank of island, marked M. C., and T. 6 N. on N., R. 34 E. S. 36 on E., and S. 35 on W., faces, dug pit 3 ft. square, 12 ins. deep, 8 lks. N. of post, and raised a mound of earth 2 ft. high, 4½ ft. base, around post.
	Thence continue on line across island, enter brush.
72.50	Leave brush, enter timber.
80.00	Set a post 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for cor. to secs. 25, 26, 35, and 36, marked T. 6 N. S. 25 on N. E., R. 34 E. S. 36 on S. E., S. 35 on S. W., and S. 26 on N. W., faces, with 1 notch on S. and E. edges, from which A cottonwood, 12 ins. diam., bears N. 12¾° E., 180 lks. dist., marked T. 6 N., R. 34 E., S. 25 B. T. A cottonwood, 18 ins. diam., bears S. 82° E., 154 lks. dist., marked T. 6 N., R. 34 E., S. 36 B. T. A cottonwood, 10 ins. diam., bears S. 29½° W., 56 lks., dist., marked T. 6 N., R. 34 E., S. 35 B. T. A cottonwood, 10 ins. diam., bears N. 46½° W., 119 lks. dist., marked T. 6 N., R. 34 E., S. 26 B. T. Land, level. Soil, rich loam—1st rate. Timber, cottonwood and willow undergrowth same, 12.30 chains.
	East, on a random line, bet. secs. 25 and 36. Va. 18° 20′ E. This line is wholly on the island.
1.33	A cottonwood, 20 ins. diam.
21.50	Leave timber.
31.00	Enter timber and brush.
35.00	Leave timber and brush.
40.00	Set temporary ¼ sec. cor.
47.50	Enter timber.
53.00	Leave timber.
61.00	Enter brush.
66.00	Leave brush, enter scattering timber.
79.54	Intersect the east boundary of the township at 58 lks. N. of the cor. to secs. 25, 30, 31, and 36, which is a post 4 ft. long, 4 ins. square, firmly set in the ground, marked T. 6 N. S. 30 on N. E., R. 35 E. S. 31 on S. E., R. 34 E. S. 36 on S. W., and S. 25 on N. W., faces, with 5 notches on N. and 1 notch on S. edges, from which A cottonwood, 20 ins. diam., bears N. 30½° E., 166 lks. dist., marked T. 6 N., R. 35 E., S. 30 B. T. A cottonwood, 24 ins. diam., bears S. 39° E., 67 lks. dist., marked T. 6 N., R. 35 E., S. 31 B. T. A cottonwood, 14 ins. diam., bears S. 89½° W., 170 lks. dist., marked T. 6 N., R. 34 E., S. 36 B. T. A cottonwood, 16 ins. diam., bears N. 23° W., 40 lks. dist., marked T. 6 N., R. 34 E., S. 25 B. T.
	Thence I run N. 89° 35′ W. on a true line, bet. secs. 25 and 36, with same va.
39.77	Set a post 3 ft. long, 3 ins. square, with marked stone, 12 ins. in the ground for ¼ sec. cor., marked ¼ S. on N. face, dug pits 18 × 18 × 12 ins. E. and W. of post, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, around post.
79.54	The cor. to secs. 25, 26, 35 and 36. Land, level

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
	Soil, alluvial—1st rate. Timber, cottonwood and willow, undergrowth same, 36.50 chs. *August* 6, 1880.
	As the line bet. secs. 26 and 35 is fractional, I run West, on a true line, bet. secs. 26 and 35. Va. 18° 20′ E.
3.50	Leave timber.
4.83	West bank of island on river. Set a sandstone, 12 × 12 × 5 ins., 8 ins. in the ground, for meander cor. to fractional secs. 26 and 35, marked M. C., from which a double cottonwood, 16 ins. diam., bears N. 78° E., 157 lks. dist., marked T. 6 N., R. 34 E., S. 26 M. C. B. T. A cottonwood, 18 ins. diam., bears S. 29½° W., 140 lks. dist., marked T. 6 N., R. 34 E., S. 35 M. C. B. T. NOTE.—The remainder of this line was run east from cor. to secs. 26, 27, 34, and 35.
	I now return to the cor. to secs. 25, 26, 35, and 36, whence I run North bet. secs. 25 and 26. Va. 18° 20′ E. Through timber and brush.
3.64	North bank of island on river. Set a post 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for meander cor. to fractional secs. 25 and 26, marked M. C., and T. 6 N. on N., R. 34 E. S. 25 on E., and S. 26 on W., faces; from which A cottonwood, 8 ins. diam., bears S. 52¼° E., 58 lks. dist., marked T. 6 N., R. 34 E., S. 25 M. C. B. T. A cottonwood, 10 ins. diam., bears S. 31° W., 103 lks. dist., marked T. 6 N., R. 34 E., S. 26 M. C. B. T.
	From this meander cor. on island I run north on bar 3.60 chs. to water's edge and send flag across to left bank of river, and set it on line bet. secs. 25 and 26. I then run a base line east on bar 3.00 chs. to a point whence flag bears N. 55¼° W., which gives for distance across 2.08 chs. by calculation. The whole distance from cor. to secs. 25, 26, 35, and 36 will therefore be 3.64 + 3.60 + 2.08 chs., making
9.32	To flag on left bank. This point I establish by setting a sandstone, 22 × 10 × 5 ins., 16 ins. in the ground, for meander cor. to fractional secs. 25 and 26, marked M. C., and raised a mound of stone alongside. Thence I run north on line, over level bottom.
40.00	Set a sandstone, 16 × 14 × 4 ins. 11 ins. in the ground, for ¼ sec. cor. marked ¼ on W. face, dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base alongside.
60.30	Telegraph line, course S. 55° E.
78.20	Road to Miles City.
80.00	Set a sandstone, 36 × 8 × 5 ins., 25 ins. in the ground, for cor. to secs. 23, 24, 25, and 26, marked with 2 notches on S. and 1 notch on E. edges; dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base, alongside. Land, level. Soil, alluvial bottom—1st rate. Timber, cottonwood on island, 3.64 chs.
	East, on a random line, bet. secs. 24 and 25. Va. 18° 30′ E.
22.80	Short creek, spring water, 3 lks. wide, course S. E. Spring bears N. 20° W., about 5.00 chs. dist.
37.60	Stage station (Fletcher's) bears S. 41¼° E.
40.00	Set temporary ¼ sec. cor.
44.20	Fletcher's stage station bears S. 24° E.

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
79.90	Intersect east boundary of township 68 lks. N. of cor. to secs. 19, 24, 25, and 30, which is a post, 4 ins. square, marked T. 6 N. S. 19 on N. E., R. 35 E. S. 30 on S. E., R. 34 E. S. 25 on S. W., and S. 24 on N. W. faces, with 4 notches on N. and 2 notches on S. edges, and pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and mound of earth 2 ft. high, 4½ ft. base, around post.
	Thence I run
	N. 89° 31′ W., on a true line, bet. secs. 24 and 25, with same va.
39.95	Set a sandstone, 22 × 10 × 3 ins., 16 ins. in the ground, for ¼ sec. cor., marked ¼ on N. face, and raised a mound of stone alongside.
79.90	The cor. to secs. 23, 24, 25, and 26.
	Land, level.
	Soil, alluvial bottom; 1st rate.
	No timber.
	North, bet. secs. 23 and 24. Va. 18° 30′ E.
	Over nearly level ground.
21.00	Enter alkali flat.
40.00	Set a post 3 ft. long, 3 ins. square, with marked stone, 12 ins. in the ground, for ¼ sec. cor., marked ¼ S. on W. face; dug pits 18 × 18 × 12 ins. N. and S. of post, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, around post.
73.71	Alkali creek, dry, course E.
75.00	Leave alkali flat.
80.00	Set a sandstone 16 × 10 × 4 ins., 11 ins. in the ground, for cor. to secs. 13, 14, 23, and 24, marked with 3 notches on S. and 1 notch on E. edges; dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base, alongside.
	Land, gently rolling and level.
	Soil, partly alluvial and alkali; 1st and 3d rate.
	A few scattering cottonwoods on creek.
	East, on a random line, bet. secs. 13 and 24. Va. 18° 30′ E.
	Over sage brush plain.
38.50	Left bank of Alkali Creek, dry, course N. E., thence in creek.
40.00	Set temporary ¼ sec. cor.
42.00	Leave creek, course S. E., thence over level ground.
79.80	Intersect east boundary of township 60 lks. north of cor. to secs. 13, 18, 19, and 24, which is a sandstone 20 × 8 × 4 ins., 15 ins. in the ground, marked with 3 notches on N. and S. edges, and mound of stone alongside.
	Thence I run
	N. 89° 34′ W., on a true line, bet. secs. 13 and 24, with same va.
39.90	The corner point being in creek, at a point 30 lks. N. on N. bank of creek, I set a post 3 ft. long, 3 ins. square, with marked stone, 12 ins. in the ground, for witness cor. to ¼ sec. cor., marked W. C. ¼ S. on N. face, dug pits 18 × 18 × 12 ins. E. and W, of post, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, around post.
79.80	The cor. to secs. 13, 14, 23, and 24.
	Land, level.
	Soil, alkali, and sandy loam—2d rate.
	A few scattering cottonwoods on creek.
	August 7, 1880.
	North, bet. secs. 13 and 14. Va. 18° 45′ E.
34.00	Leave bottom and ascend.
36.00	Top of bench about 50 ft. high, course N. E., thence over gently rolling ground.

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
40.00	Deposited a marked stone, 12 ins. in the ground, for ¼ sec. cor., dug pits 18 × 18 × 12 ins. N. and S. cor., 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, over it. In N. pit drove stake 2 ft. long, 2 ins. square, 12 ins. in the ground, marked ¼ S. on W. face.
	Foot of bluff, about 150 ft. high, course E., and ascend.
68.00	Top of bluff, enter pine timber, and thence descend along rocky slope, sloping westerly to
72.70	
80.00	A point about 100 ft. below top of bluff. This point falling on a flat rock in place I mark a cross (×) at exact cor. point, for cor. to secs. 11, 12, 13, and 14, with 4 notches S. and 1 notch E., and raised a mound of stone alongside. Pits impracticable.
	From corner point A pine, 10 ins. diam., bears N. 15° E., 27 lks. dist., marked T. 6 N., R. 34 E., S. 12 B. T. A pine, 10 ins. diam., bears S. 42° E., 46 lks. dist., marked T. 6 N., R. 34 E., S. 13 B. T. A pine, 6 ins. diam., bears S. 5° W., 86 lks. dist., marked T. 6 N., R. 34 E., S. 14 B. T. A pine, 9 ins. diam., bears N. 15° W., 90 lks. dist., marked T. 6 N., R. 34 E., S. 11 B. T.
	Land, 34 chs. bottom, remainder broken.
	Soil, alluvial and rocky—1st and 4th rate.
	Timber, pine, 7.30 chains.

	East, on a random line, bet. secs. 12 and 13. Va. 18° 30′ E.
	Ascend.
5.00	Top of ridge, about 125 ft. high, course S. Leave timber, thence over rolling ground to
14.00	Commence descending.
23.00	Couleé, 100 ft. deep, course S. E., thence ascend.
28.00	E. side of couleé, thence over rolling ground.
40.00	Set temporary ¼ sec. cor.
41.70	Couleé, about 30 ft. deep, course S. W.
80.00	Intersect E. boundary of township, 70 lks. N. of cor., to secs. 7, 12, 13, and 18, which is a post, 4 ins. square, marked T. 6 N. S. 7 on N. E., R. 35 E. S. 18 on S. E., R. 34 E. S. 13 on S. W., and S. 12 on N. W. faces, with 2 notches on N. and 4 notches on S. edges, and mound of stone, 2 ft. high, 4½ ft. base, around post.
	Thence I run N. 89° 30′ W., on a true line, bet. secs. 12 and 13, with same va.
40.00	Set a post, 3 ft. long, 3 ins. square, with marked stone, 12 ins. in the ground, for ¼ sec. cor., marked ¼ S. on N. face, and raised a mound of stone alongside.
80.00	The cor. to secs. 11, 12, 13, and 14.
	Land, rolling and broken.
	Soil, stony—4th rate.
	Timber, pine—5 chs.

	North, bet. secs. 11 and 12. Va. 18° 30′ E.
	Ascend along west side of hill, through timber.
8.00	Top of table land, about 30 ft. above la stcor., and leave timber, thence over rolling ground.
40.00	Deposited a marked stone 12 ins. in the ground, for ¼ sec. cor., dug pits 18 × 18 × 12 ins. N. and S. of cor., 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, over it. In N. pit drove stake 2 ft. long, 2 ins. square, 12 ins. in the ground, marked ¼ S. on W. face.
61.10	Stream, 6 lks. wide, course E.

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
80.00	Set a sandstone 20 × 6 × 4 ins., 15 ins. in the ground, for cor. to secs. 1, 2, 11, and 12, marked with 5 notches on S. and 1 notch on E. edges, dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth, 2 ft. high, 4½ ft. base, alongside.
	Land, rolling.
	Soil, sandy—3d rate.
	Timber, pine, 8 chs.
	East, on a random line, bet. secs. 1 and 12.
	Va. 18° 30′ E.
5.00	Commence descending.
9.00	Enter pine timber.
21.60	Couleé, about 100 ft. deep, course N. W.
30.00	Couleé, about 15 ft. deep, course N. E.
38.00	Couleé, about 18 ft. deep, course N. E.
40.00	Set temporary ¼ sec. cor.
49.00	Couleé, about 12 ft. deep, course N. E., ascend about 75 ft. to
65.00	Top of ridge, course N. E.
67.00	Descend
69.00	Foot of ridge, about 100 ft. below top, and leave timber.
80.10	Intersect E. boundary of township at 42 lks. N. of cor. to secs. 1, 6, 7, and 12, which is a sandstone 20 × 4 × 3 ins., 15 ins. in the ground, marked with 1 notch on N. and 5 notches on S. edges, and mound of stone alongside.
	Thence I run
	N. 89° 42′ W., on a true line, bet. secs. 1 and 12, with same va.
40.05	Set a sandstone 18 × 14 × 3 ins. 12 ins. in the ground, for ¼ sec. cor., marked ¼ on N. face; from which
	A pine, 8 ins. diam., bears S. 31° E., 95 lks. dist., marked ¼ S. B. T.
	A pine, 12 ins. diam., bears N. 25° W., 25 lks. dist., marked ¼ S. B. T.
80.10	The cor. to secs. 1, 2, 11, and 12.
	Land, rolling and broken.
	Soil, sandy and rocky—3d and 4th rate.
	Timber, pine, of excellent quality—60 chs.
	North, on a random line, bet. secs. 1 and 2.
	Va. 18° 30′ E.
	Over rolling ground.
40.00	In couleé, about 20 ft. deep, course S. E.
	Set temporary ¼ sec. cor.
49.00	Couleé, about 15 ft. deep, course S. E.
60.00	Couleé, about 20 ft. deep, course S. E.
79.77	Intersect north boundary of township at 45 lks. west of cor. to secs. 1, 2, 35, and 36, which is a sandstone 20 × 8 × 4 ins., firmly set in the ground, with pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and mound of earth 2 ft. high, 4½ ft. base, alongside.
	Thence I run
	S. 0° 19′ W., on a true line, bet. secs. 1 & 2, with same va.
39.77	A pine, 7 ins. diam., which I marked ¼ S. on W. face, for ¼ sec. cor., dug pits, 18 × 18 × 12 ins., N. and S. of tree, 5½ ft. dist., and raised a mound of earth around tree.
79.77	The cor. to secs. 1, 2, 11, and 12.
	Land, rolling.
	Soil, sandy and alkali—3d rate.
	Timber, scattering pines in couleés.
	August 10, 1880.
	From the cor. to secs. 2, 3, 34, and 35, on the south boundary of the township, which is a post, 4 ins. square, marked
	T. 6 N. S. 35 on N. E.,
	R. 34 E. S. 2 on S. E.,

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
	T. 5 N. S. 3 on S. W., and S. 34 on N. W., faces, with 2 notches on E. and 4 notches on W. edges, and mound of stone, 2 ft. high, 4½ ft. base, around post; I run North, bet. secs. 34 and 35. Va. 18° 30′ E. Over level bottom.
40.00	Set a sandstone, 24 × 14 × 3 ins., 18 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face, dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
80.00	Set a post 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for cor. to secs. 26, 27, 34, and 35, marked T. 6 N. S. 26 on N. E., R. 34 E. S. 35 on S. E., S. 34 on S. W., and S. 27 on N. W. faces, with 1 notch on S. and 2 notches on E. edges, dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth, 2 ft. high, 4½ ft. base, alongside. Land, level. Soil, alluvial bottom—1st rate. No timber.
	As a portion of the line bet. secs. 26 and 35 has been run west from the cor. to secs. 25, 26, 35, and 36, I run East, on a true line, bet. secs. 26 and 35. Va. 18° 30′ E. Over level bottom.
40.00	Deposited a marked stone, 12 ins. in the ground, for ¼ sec. cor., dug pits 18 × 18 × 12 ins. E. and W. of cor., 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, over it. In E. pit drove a stake 2 ft. long, 2 ins. square, 12 ins. in the ground, marked ¼ S. on N. face.
69.30	Left bank of Yellowstone River. Set a sandstone 20 × 10 × 6 ins., 15 ins. in the ground, for meander cor. to fractional secs. 26 and 35, marked M. C., and raised a mound of stone alongside. In order to get the distance across the river I run north 20 lks. to a point west of meander cor on island on this line. I then run a base line south 3.00 chs. to a point whence meander cor. on island bears N. 65° E., which gives for distance, by calculation, 6.43 chs. The length of the line bet. secs. 26 and 35 is as follows:

East of arm of river, on island	4.83 chs.
Across river	6.43 "
West of river, on main land	60.30 "
Total	80.56 "

Chains.	
	Land, level. Soil, alluvial bottom—1st rate. Timber, cottonwood, 3.50 chs. on island.
	I now return to the cor. to secs. 26, 27, 34, and 35, and run North, bet. secs. 26 and 27. Va. 18° 30′ E. Over gently rolling ground.
26.30	Telegraph line; course N. E.
40.00	Set a post 3 ft. long, 3 ins. square, with marked stone, 12 ins. in the ground, for ¼ sec. cor., marked ¼ S. on W. face; dug pits 18 × 18 × 12 ins. N. and S. of post, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, around post.
48.70	Spring branch 1 lk. wide, course S. 80° E.
	From this point a spring of pure, cold water, about 2 ft. diam., bears N. 70° W., 2.36 chs. dist.
57.40	Road to Miles City, course N. E.

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
80.00	Set a post 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for cor. to secs. 22, 23, 26, and 27, marked— T. 6 N. S. 23 on N. E., R. 34 E. S. 26 on S. E., S. 27 on S. W., and S. 22 on N. W. faces, with 2 notches on S. and E. edges; dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base, around post. Land, gently rolling. Soil, sandy—2d rate. No timber.
	East, on a random line, bet. secs. 23 and 26. Va. 18° 30′ E. Over gently rolling ground.
27.00	Road to Miles City, course N. E.
40.00	Set temporary ¼ sec. cor.
78.40	Road to Miles City, course S. 50° E.
80.00	Intersect N. and S. line 37 lks. S. of cor. to secs. 23, 24, 25, and 26. Thence I run S. 89° 44′ W., on a true line bet. secs. 23 and 26, with same va.
40.00	Set a sandstone 14 × 10 × 6 ins., 9 ins. in the ground, for ¼ sec. cor., marked ¼ on N. side, dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
80.00	The cor. to secs. 22, 23, 26, and 27. Land, gently rolling. Soil, sandy—2d rate. No timber.
	North, bet. secs. 22 and 23. Va. 18° 45′ E. Over rolling ground.
40.00	Deposited a marked stone 12 ins. in the ground, for ¼ sec. cor., dug pits 18 × 18 × 12 ins. N. and S. of cor., 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, over it. In N. pit drove stake 2 ft. long, 2 ins. square, 12 ins. in the ground, marked ¼ S. on W. face. Thence ascend to
56.00	Top of table land, about 40 ft. above ¼ sec. cor.
64.30	Old Military Road, course S. E.
80.00	Set a sandstone 20 × 14 × 3 ins., 15 ins. in the ground, for cor to secs. 14, 15, 22, and 23, marked with 3 notches on S. and 2 notches on E. edges, dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base, alongside. Land, rolling and table. Soil, sandy—2d rate. No timber.
	East, on a random line, bet. secs. 14 and 23. Va. 18° 35′ E. Over nearly level table land.
9.20	Old military road, course S.
40.00	Set temporary ¼ sec. cor.
61.00	Descend from table land to
70.50	Alkali creek, dry, course S. E., about 30 ft. below top of table land.
79.84	Intersect N. and S. line 14 lks. S. of cor. to secs. 13, 14, 23, and 24. Thence I run S. 89° 54′ W., on a true line, bet. secs. 14 and 23, with same va.
39.92	Set a sandstone, 18 × 12 × 4 ins., 12 ins. in the ground, for ¼ sec. cor., marked ¼ on N. face, and raised a mound of stone alongside.
79.84	The cor. to secs. 14, 15, 22, and 23. Land, table. Soil, sandy—2d and 3d rate. No timber.

August 9, 1880.

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Subdivisions T. 6 N., R. 34 E.—Continued.

Chains.	
	North, bet. secs. 14 and 15. Va. 18° 35′ E.
11.00	Enter pine timber and ascend to
22.00	Top of small hill, about 30 ft. high, and nearly conical in shape. Descend to
31.00	Foot of hill, and leave timber.
34.00	Old military road, four wagon tracks, course N. W.
40.00	Set a sandstone, 15 × 15 × 3 ins., 10 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face, dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
41.80	Commence ascending.
43.90	Top of table land, about 50 ft. above last ¼ sec. cor. Thence over nearly level land to
80.00	Set a post, 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for cor. to secs. 10, 11, 14, & 15, marked— T. 6 N. S. 11 on N. E., R. 34 E. S. 14 on S. E. S. 15 on S. W., and S. 10 on N. W. faces, with 4 notches on S. and 2 notches on E. edges, dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth, 2 ft. high, 4½ ft. base, around post.
	Land, rolling and table.
	Soil, sandy and gravelly—3d rate.
	Timber, pine—20.00 chs.
	East, on a random line, bet. secs. 11 and 14. Va. 18° 30′ E.
	Gradually ascending.
40.00	Set temporary ¼ sec. cor.
66.00	Point about 60 ft. above last sec. cor., foot of nearly perpendicular bluff, course N. and S., and enter scattering pine timber.
68.20	Top of bluff, about 75 ft. high.
80.06	Intersect N. & S. line, 50 lks. N. of cor. to secs. 11, 12, 13, and 14. Thence I run
	N. 89° 39′ W., on a true line, bet. secs. 11 and 14, with same va.
40.03	Deposited a marked stone, 12 ins. in the ground, for ¼ sec. cor., dug pits 18 × 18 × 12 ins. E. and W. of cor., 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, over it. In E. pit drove stake 2 ft. long, 2 ins. square, 12 ins. in the ground, marked ¼ S. on N. face.
80.06	The cor. to secs. 10, 11, 14, and 15.
	Land, table and broken.
	Soil, gravelly—3d rate.
	Timber, scattering pine.
	North, bet. secs. 10 and 11. Va. 18° 30′ E.
	Over table land.
26.00	Foot of spur of high mountain, ascend abruptly over broken ground.
34.00	Head of ravine, course S. 70° E.
40.00	Set a sandstone 20 × 8 × 4 ins., 15 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face, and raised a mound of stone alongside.
42.00	Foot of sharp ridge, course E. and W.
43.25	Top of ridge, about 40 ft. high, and about 500 ft. above last sec. cor. Descend abruptly.
44.00	Foot, about 30 ft. below top, and ascend over broken ground.
51.10	Enter heavy pine timber.
80.00	A point about 900 ft. above last sec. cor. Set a sandstone 24 × 6 × 4 ins., 18 ins. in the ground, for cor. to secs. 2, 3, 10, and 11, marked with 5 notches on S. and 2 notches on E. edges, from which A pine, 15 ins. diam., bears N. 67° E. 30 lks. dist., marked T. 6 N., R. 34 E., S. 2 B T. A pine, 27 ins. diam., bears S. 23° E. 67 lks. dist., marked T. 6 N., R. 34 E., S. 11 B. T. A pine, 12 ins. diam., bears S. 47° W. 110 lks. dist., marked T. 6 N., R. 34 E., S. 10 B. T.

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
	A pine, 16 ins. diam., bears N. 50° W., 82 lks. dist., marked T. 6 N., R. 34 E., S. 3 B. T.
	Land, mountainous and broken.
	Soil, rocky—4th rate.
	Timber, pine—28.90 chs.
	54.00 chs. of line runs over mountainous land.
	East, on a random line, bet. secs. 2 and 11.
	Va. 18° 30′ E.
	Over rough, broken ground, through timber.
12.00	Descend into deep ravine, course S. 20° E.
18.30	Bottom of ravine, about 100 ft. deep, and ascend.
21.10	Across ravine.
24.35	Descend abruptly.
40.00	Set temporary ¼ sec. cor.
61.10	Stream 4 lks. wide, course S. E., and leave timber.
72.08	Foot of spur, thence over rolling ground.
80.00	Intersected N. and S. line at 48 lks. S. of cor. to secs. 1, 2, 11 and 12. Thence I run
	S. 89° 39′ W., on a true line, bet. secs. 2 and 11, with same va.
40.00	Set a sandstone, 16 × 4 × 4 ins., 11 ins. in the ground, for ¼ sec. cor., marked ¼ on N. face, from which
	A pine, 18 ins. diam., bears N. 17° E′., 48 lks. dist., marked ¼ S. B. T.
	A pine, 14 ins. diam., bears N. 40 W., 63 lks. dist., marked ¼ S. B. T.
80.00	The cor. to secs. 2, 3, 10, and 11.
	Land, mountainous and broken.
	Soil, rocky—4th rate.
	Timber, pine—61.10 chs.
	72.08 chs. of line runs over mountainous land.
	North, on a random line, bet. secs. 2 and 3.
	Va. 18° 30′ E.
	Ascend abruptly, through heavy pine timber.
40.00	Set temporary ¼ sec. cor.
75.30	Top of spur, about 850 ft. above last sec. cor. Leave timber and enter open ground.
80.10	Intersect N. boundary of township 50 lks. W. of cor. to secs. 2, 3, 34, and 35, which
	A post, 4 ins. square, marked
	T. 7 N. S. 35 on N. E.,
	R. 34 E. S. 2 on S. E.,
	T. 6 N. S. 3 on S. W., and
	S. 34 on N. W. faces, with 6 notches on E. and 4 notches on W. edges, and mound of stone around post.
	Thence I run
	S. 0° 21′ W., on a true line, bet. secs. 2 and 3, with same va.
40.10	A pine, 16 ins. diam., which I mark ¼ S. on W. face, for ¼ sec. cor., from which
	A pine, 14 ins. diam., bears S. 40° E., 78 lks. dist., marked ¼ S. B. T.
	A pine, 20 ins. diam., bears N. 70° W., 24 lks. dist., marked ¼ S. B. T.
80.10	The cor. to secs. 2, 3, 10, and 11.
	Land, mountainous and broken.
	Soil, rocky—4th rate.
	Timber, pine—75.30 chs.
	Whole line runs over mountainous land.
	August 11, 1880.
	From the cor. to secs. 3, 4, 33, and 34 on the S. boundary of the township, which is a sandstone, 23 × 4 × 3 ins., with 3 notches on E. and W. edges, and mound of stone alongside,
	I run
	North, bet. secs. 33 and 34.
	Va. 18° 30′ E.
	Over bottom land.

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
40.00	Set a post 3 ft. long, 3 ins. square, with marked stone, 12 ins. in the ground, for ¼ sec. cor., marked ¼ S. on W. face; dug pits 18×18×12 ins. N. and S. of post, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, around post.
45.10	Stream, 8 lks. wide, course E., joins another stream about 20 chs. E. of line.
76.20	Stream, 8 lks. wide, course S. E., joins first stream.
80.00	Set a post 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for cor. to secs. 27, 28, 33, and 34, marked T. 6 N. S. 27 on N. E., R. 34 E. S. 34 on S. E., S. 33 on S. W., and S. 28 on N. W. faces, with 1 notch on S. and 3 notches on E. edges; dug pits 18×18×12 ins. in each sec., 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base, around post.
	Land level.
	Soil, rich black loam—1st rate.
	No timber.
	East, on a random line, bet. secs. 27 and 34. Va. 18° 30′ E.
	Over bottom land.
40.00	Set temporary ¼ sec. cor.
79.87	Intersect N. and S. line, 27 lks. S. of cor. to secs. 26, 27, 34, and 35.
	Thence I run
	S. 89° 48′ W., on a true line, bet. secs. 27 and 34, with same va.
39.94	Deposited a marked stone 12 ins. in the ground for ¼ sec. cor., dug pits 18×18×12 ins. E. and W. of cor., and raised mound of earth 1½ ft. high, 3½ ft. base, over it. In E. pit drove stake 2 ft. long, 2 ins. square, 12 ins. in the ground, marked ¼ S. on N. face.
79.87	The cor. to secs. 27, 28, 33, and 34.
	Land level.
	Soil, rich black loam—1st rate.
	No timber.
	North, bet. secs. 27 and 28. Va. 18° 30′ E.
	Over bottom land.
1.00	Creek, 7 lks. wide, course S. W.
3.80	Same creek, course S. E.
20.00	Telegraph line, course E.
27.10	Road to Miles City, course N. E.
40.00	Set a sandstone 17×6×3 ins. 11 ins. in the ground, for ¼ sec. cor., marked ¼ on W. side, dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
80.00	Set a sandstone 22×6×4 ins., 15 ins. in the ground, for cor. to secs. 21, 22, 27 and 28, marked with 2 notches on S. and 3 notches on E. edges; dug pits 18 × 18 × 12 in each sec., 5½ feet dist., and raised a mound of earth 2 ft. high, 4½ ft. base, alongside.
	Land, level.
	Soil, rich black loam—1st rate.
	No timber.
	East, on a random line, bet. secs. 22 and 27. Va. 18° 30′ E.
	Over level land.
40.00	Set temporary ¼ sec. cor.
58.00	Small couleé, about 2 ft. deep, course S. E., thence over gently rolling land.
79.80	Intersect N. and S. line, 23 lks. N. of cor. to secs. 22, 23, 26 and 27.
	Thence I run
	N. 89° 50′ W., on a true line, bet. secs. 22 and 27, with same va.

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
39.90	Set a sandstone 16 × 5 × 4 ins. 11 ins. in the ground, for ¼ sec. cor., marked ¼ on N. side, dug pits 18×18×12 ins. E. and W. of stone, 5½ ft. dist., and raised mound of earth 1½ ft. high, 3½ ft. base, alongside.
79.80	The cor. to secs. 21, 22, 27 and 28.
	Land, level and rolling.
	Soil, black loam and sandy, 1st and 2d rate.
	No timber. *August* 9, 1880.
	North, bet. secs. 21 and 22.
	Va. 18° 30′ E.
	Over gently rolling ground, descending.
15.00	Enter swamp.
40.00	Set a sandstone 20×14×3 ins., 15 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face, dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
62.00	Leave swamp, thence over gently rolling ground.
76.20	Old military road, course N. W.
80.00	Deposited a marked stone, 12 ins. in the ground, for cor. to secs. 15, 16, 21, and 22, dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth 2 ft. high, 4½ ft. base, over it. In S. E. pit drove stake 2 ft. long, 2 ins. square, 12 ins. in the ground, marked T. 6 N. S. 15 on N. E., R. 34 E. S. 22 on S. E., S. 21 on S. W., and S. 16 on N. W. faces, with 3 notches on S. and E. edges.
	Land, gently rolling, and swamp.
	Soil, sandy and wet loam—2d rate.
	No timber.
	NOTE.—Swamp can be drained into Yellowstone River.
	East, on a random line, bet. secs. 15 and 22.
	Va. 18° 30′ E.
	Over gently rolling ground.
40.00	Set temporary ¼ sec. cor.
66.25	Commence ascending to table land.
68.40	Top, about 40 feet high, thence over table land to
79.66	Intersect N. and S. line, 25 lks. N. of cor. to secs. 14, 15, 22, and 23. Thence I run
	N. 89° 49′ W., on a true line, bet. secs. 15 and 22, with same va.
39.83	Set a sandstone 16×14×5 ins., 11 ins. in the ground, for ¼ sec. cor., marked ¼ on N. face, and raised a mound of stone alongside.
79.66	The cor. to secs. 15, 16, 21, and 22.
	Land, rolling and table.
	Soil, sandy—2d rate.
	No timber. *August* 10, 1880.
	North, bet. secs. 15 and 16.
	Va. 18° 30′ E.
	Over gently rolling ground.
40.00	Set a sandstone 16 × 12 × 3 ins. 11 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face, dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside. Wells' house bears N. W. 6.00 chs. dist.
50.00	Easterly end of pond bears W. about 10 chs. dist.
80.00	Set a sandstone 20 × 6 × 4 ins. 15 ins. in the ground, for cor. to secs. 9, 10, 15, and 16, marked with 4 notches on S. and 3 notches on E. edges, dug pits 18 × 18×12 ins. in each sec., 5½ ft. dist., and raised a mound of earth 2 ft. high, 4¼ ft. base, alongside.
	Land, rolling.
	Soil, sandy—2d rate.
	No timber.

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Subdivisions, T. 6 N., R 34 E.—Continued.

Chains.	
	East, on a random line, bet. secs. 10 and 15. Va. 18° 30′ E. Over rolling ground.
40.00	Set temporary ¼ sec. cor.
54.10	Commence ascending to table land.
56.36	Top, about 50 ft. high, thence over nearly table land to
79.70	Intersect N. and S. line at 41 lks. N. of cor. to secs. 10, 11, 14, and 15. Thence I run N. 89° 42′ W. on a true line, bet. secs. 10 and 15, with same va.
39.85	Set a sandstone 20 × 10 × 16, 15 ins. in the ground, for ¼ sec. cor. marked ¼ on N. face, dug pits 18 × 18 × 12 ins. E. and W. of stone, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, alongside.
79.70	The cor. to secs. 9, 10, 15, and 16. Land, rolling and table. Soil, sandy and gravelly—2d and 3d rate. No timber.
	North, bet. secs. 9 and 10. Va. 18° 30′ E. Over rolling ground, ascending.
5.40	Enter timber, thence over broken ground.
20.90	Ravine, about 20 ft. deep, course S. W.
40.00	Set a sandstone 24 × 15 × 4 ins. 18 ins. in the ground, for ¼ sec. cor. marked ¼ on W. face; from which A pine, 12 ins. diam., bears S. 75° E., 90 lks. dist., marked ¼ S. B. T. A pine, 11 ins. diam., bears N. 55° W., 30 lks. dist., marked ¼ S. B. T.
80.00	A point about 100 ft. above last sec. cor. Set a post 4 ft. long, 4 ins. square, with marked stone, 24 ins. in the ground, for cor. to secs. 3, 4, 9, and 10, marked T. 6 N. S. 3 on N. E., R. 34 E. S. 10 on S. E., S. 9 on S. W., and S. 4 on N. W. faces, with 5 notches on S. and 3 notches on E. edges, from which A pine, 17 ins. diam., bears N. 23° E., 78 lks. dist., marked T. 6 N., R. 34 E., S. 3, B. T.; A pine, 14 ins. diam., bears S. 47° E., 43 lks. dist., marked T. 6 N., R. 34 E., S. 10, B. T.; A pine, 20 ins. diam., bears S. 10° W., 16 lks. dist., marked T. 6 N., R. 34 E., S. 9, B. T.; A pine, 10 ins. diam., bears N. 73° W., 82 lks. dist., marked T. 6 N., R. 34 E., S. 4, B. T. Land, rolling and broken. Soil, sandy and rocky—3d and 4th rate. Timber, pine; 74.60 chs.
	East, on a random line bet. secs. 3 and 10. Va. 18° 30′ E. Ascend steep west slope of spur of mountain, over broken ground, and through heavy pine timber.
13.20	Pine, 24 ins. diam.
17.62	Pine, 20 ins. diam.
40.00	Set temporary ¼ sec. cor.
67.03	Pine, 30 ins. diam.
79.80	A point about 700 ft. above last sec. cor. and intersect N. and S. line, 30 lks. N. of cor. to secs. 2, 3, 10, and 11. Thence I run N. 89° 47′ W. on a true line, betw. secs. 3 and 10, with same va.
39.90	A pine, 28 ins. diam., which I mark ¼ S. on N. face for ¼ sec. cor.; from which A pine, 16 ins. diam., bears S. 42° E., 30 lks. dist., marked ¼ S. B. T. A pine, 40 ins. diam., bears N. 23° E., 78 lks. dist., marked ¼ S. B. T.
79.80	The cor. to secs. 3, 4, 9, and 10. Land, mountainous. Soil, rocky—4th rate.

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
	Timber, pine; 79. 80 chs.
	Whole line runs over mountainous land.
	North, on a random line, bet. secs. 3 and 4.
	Va. 18° 30′ E.
	Alongside of west slope of spur of mountain, over broken ground, and through pine timber.
31. 10	At this point the needle suddenly changed, showing a va. of 27° 45′ E., and upon examination I found croppings of iron ore. In proceeding north on line, the needle gradually changed, until at
39. 80	It marked a va. of 18° 30′ E.
40. 00	Set temporary ¼ sec. cor.
41. 60	Leave timber.
80. 00	Intersect N. boundary of township, 47 lks. W. of cor., to secs. 3, 4, 33, and 34, which is a sandstone 20 × 8 × 6 ins., with mound of stone alongside. Thence I run
	S. 0° 20′ W. on a true line, bet. secs. 3 and 4, with same va.
40. 00	Set a sandstone 16 × 14 × 5 ins. 11 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face; from which
	A pine, 12 ins. diam., bears S. 45° E., 65 lks. dist., marked ¼ S. B. T.
	A pine, 12 ins. diam., bears S. 30° W., 120 lks. dist., marked ¼ S. B. T.
80. 00	The cor. to secs. 3, 4, 9, and 10.
	Land, broken.
	Soil, rocky—4th rate.
	Timber, pine; 41. 60 chs.
	Whole line runs over mountainous land.
	August 12, 1880.
	From the cor. to secs. 4, 5, 32, and 33, on the south boundary of the township, which is a post, 4 ins. square, marked
	T. 6 N. S. 33 on N. E.,
	R. 34 E. S. 4 on S. E.,
	T. 5 N. S. 5 on S. W., and
	S. 32 on N. W. faces, with 4 notches on E. and 2 notches on W. edges, and pits 18 × 18 × 12 ins. in each sec. 5½ ft. dist., and mound of earth, 2 ft. high, 4½ ft. base, around post.
	I run
	North, bet. secs. 32 and 33.
	Va. 18° 30′ E.
	Over level bottom.
40. 00	Set a sandstone, 18 × 18 × 3 ins., 12 ins. in the ground for ¼ sec. cor. marked ¼ on W. face, dug pits, 18 × 18 × 12 ins., N. and S. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
46. 00	Creek, 6 lks. wide, course S. E.
80. 00	Set a post 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for cor. to secs. 28, 29, 32, and 33, marked
	T. 6 N. S. 28 on N. E.,
	R. 34 E. S. 33 on S. E.,
	S. 32 on S. W., and
	S. 29 on N. W. faces, with 1 notch on S. and 4 notches on E. edges, dug pits, 18 × 18 × 12 ins., in each sec., 5½ ft. dist., and raised a mound of earth, 2 ft. high, 4 ft. base, around post.
	Land level.
	Soil, rich black loam—1st rate.
	No timber.
	East on a random line bet. secs. 28 and 33.
	Va. 18° 30′ E.
	Over level bottom.
38. 00	Creek, 8 lks. wide, course S. E.
40. 00	Set temporary ¼ sec. cor.
77. 80	Creek, 6 lks. wide, course S. W.

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
79.50	Intersect N. and S. line, 10 lks. S. of cor. to secs. 27, 28, 33, and 34.
	Thence I run
	S. 89° 56′ W., on a true line, bet. secs 28 and 33, with same va.
39.75	Set a sandstone, 20 × 8 × 5 ins., 15 ins. in the ground, for ¼ sec. cor., marked ¼ on N. face, dug pits 18 × 18 × 12 ins. E. and W. of stone, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, alongside.
79.50	The cor. to secs. 28, 29, 32, and 33.
	Land, level.
	Soil, rich black loam.
	No timber.
	North, bet. Secs. 28 and 29.
	Va. 18° 30′ E.
	Over level bottom.
16.30	Ascend about 10 ft., and thence over rolling ground.
40.00	Set a sandstone, 18 × 16 × 3 ins., 12 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face, dug pits 18 × 18 × 12 ins., N. and S. of stone 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, alongside.
44.00	Telegraph line, course E.
48.10	Road to Miles City, course E.
53.50	Creek, 4 lks. wide, course S. E. Its source, a spring of clear water, about 6 ft. diam., bears N. 80° W., 3.25 chs. dist.
80.00	Set a post, 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for cor. to secs. 20, 21, 28, and 29, marked T. 6 N., S. 21 on N. E. R. 34 E., S. 28 on S. E. S. 29 on S. W., and S. 20 on N. W. faces, with 2 notches on S. and 4 notches on E. edges, dug pits 18 × 18 × 12 ins., in each sec., 5½ ft. dist., and raised a mound of earth, 2 ft. high, 4½ ft. base, around post.
	Land, level and rolling.
	Soil, black loam and sandy—1st and 2d rate.
	No timber.
	East, on a random line, bet. secs. 21 and 28.
	Va. 18° 30′ E.
	Over rolling ground.
40.00	Set temporary ¼ sec. cor.
75.00	Descend about 20 ft. into bottom land.
79.40	Intersect N. and S. line at cor. to secs. 21, 22, 27 and 28.
	Thence I run
	West on a true line, bet. secs. 21 and 28, with same va.
39.70	Set a sandstone, 20 × 20 × 4 ins., 15 ins. in the ground, for ¼ sec. cor., marked ¼ on N. face; dug pits 18 × 18 × 12 ins., E. and W. of stone, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, alongside.
79.40	The cor. to secs. 20, 21, 28, and 29.
	Land, rolling and level.
	Soil, sandy and black loam —1st and 2d rate.
	No timber.
	North, bet. secs. 20 and 21.
	Va. 18° 30′ E.
	Over rolling ground.
40.00	Deposited a marked stone, 12 ins. in the ground, for ¼ sec. cor.; dug pits 18 × 18 × 12 ins., N. and S. of cor., 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, over it. In N. pit drove stake, 2 ft. long, 2 ins. square, 12 ins. in the ground, marked ¼ S. on W. face.
80.00	Set a sandstone, 18 × 15 × 3 ins., 12 ins. in the ground, for cor. to secs. 16, 17, 20, and 21, marked with 3 notches on S. and 4 notches on E. edges; dug pits 18 × 18 × 12 ins. in each sec., 5½ ft. dist., and raised a mound of earth, 2 ft. high, 4½ ft. base, alongside.

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
	Land rolling. Soil sandy—2d rate. No timber.
	East, on a random line bet. secs. 16 and 21. Va. 18° 30′ E. Over rolling ground.
40.00	Set temporary ¼ sec. cor.
77.92	Old military road, course N. W.
79.72	Intersected N. and S. line at cor. to secs. 15, 16, 21 and 22. Thence I run West, on true line, bet. secs. 16 and 21, with same va.
39.86	Set a post, 3 ft. long, 3 ins. square, with marked stone, 12 ins. in the ground, for ¼ sec. cor., marked ¼ S. on N. face; dug pits 18 × 18 × 12 ins., E. and W. of post, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, around post.
79.72	The cor. to secs. 16, 17, 20 and 21. Land, rolling. Soil, sandy—2d rate. No timber.
	From the cor. to secs. 16, 17, 20, and 21. I run West, on a true line bet. secs. 17 and 20. Va. 18° 30′ E. Knowing that it will strike the easterly shore of Lin's Lake in less than 80 chs. Over rolling ground, descending.
15.00	Telegraph line, course N., soon bends to N. W.
20.00	Road to Williamsburg, course N.
40.00	Set a sandstone, 19 × 11 × 4 ins., 14 ins. in the ground, for ¼ sec. cor., marked ¼ on N. face; dug pits 18 × 18 × 12 ins., E. and W. of stone, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, alongside.
43.24	East bank of Lin's Lake. Set a sandstone, 30 × 15 × 8 ins., 22 ins. in the ground, for meander cor. to fractional secs. 17 and 20, marked M. C., and raised a mound of stone, 2 ft. high, 4½ ft. base, alongside. Land rolling. Soil sandy—2d rate. No timber.
	North, bet. secs. 16 and 17. Va. 18° 30′ E. Over rolling ground.
40.00	Set a sandstone, 20 × 12 × 4 ins., 15 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face; dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, alongside. From cor. Wilkie's house bears N. 80° W.
44.60	A creek, 4 lks. wide, course S. W. Wilkie's house bears S. 60° W. Westerly end of pond, area about 50 acres, bears N. E. about 15.00 chs. dist.
80.00	Set a post 4 ft. long, 4 ins. square, with marked stone, 12 ins. in the ground, for cor. to secs. 8, 9, 16, and 17, marked— T. 6 N. S. 9 on N. E. R. 34 E. S. 16 on S. E. S. 17 on S. W., and S. 8 on N. W. faces, with 4 notches on S. and E. edges; dug pits 18 × 18 × 12 ins., in each sec., 5½ ft. dist., and raised a mound of earth, 2 ft. high, 4½ ft. base, alongside. Land, rolling. Soil, sandy—2d rate. No timber.

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
	East on a random line, bet. secs. 9 and 16.
	Va. 18° 30′ E.
	Over rolling ground.
40.00	Set temporary ¼ sec. cor. Northerly side of pond bears S. about 6.00 chs. dist.
79.90	Intersect N. and S. line, 20 lks. N. of cor. to secs. 9, 10, 15, and 16.
	Thence I run
	N. 89° 51′ W. on a true line, bet. secs. 9 and 16, with same va.
39.95	Set a post, 3 ft. long, 3 ins. square, with marked stone, 12 ins. in the ground, for ¼ sec. cor., marked ¼ S. on N. face; dug pits 18 × 18 × 12 ins. E. and W. of post 5½ ft. dist. and raised a mound of earth, 1½ ft. high, 3½ ft. base, around post.
79.90	The cor. to secs. 8, 9, 16, and 17.
	Land, rolling.
	Soil, sandy—2d rate.
	No timber. *August* 13, 1880.
	North, bet. secs. 8 and 9.
	Va. 18° 30′ E.
	Over rolling ground.
38.10	Edge of limestone quarry, about 30 ft. deep, to avoid which I run west on an offset line 1.00 ch., thence north 2.50 chs., thence east 1.00 ch. to
40.60	On line, on north side of quarry. Set a limestone 30 × 12 × 8 ins. 22 ins. in the ground, for witness cor. to ¼ sec. cor. marked W. C. ¼ on W. side, and raised a mound of stone 1½ ft. high, 3½ ft. base, alongside.
80.00	Set a limestone, 24 × 8 × 4 ins. 18 ins. in the ground, for cor. to secs 4, 5, 8, and 9, marked with 5 notches on S. and 4 notches on E. edges; dug pits 18 × 18 × 12 ins. in each sec. 5½ ft. dist., and raised a mound of earth, 2 ft. high, 4½ ft. base, alongside.
	Land, rolling.
	Soil, sandy and light—2d and 3d rate.
	No timber.
	East on a random line, bet. secs. 4 and 9.
	Va. 18° 40′ E.
	Over rolling ground.
40.00	Set temporary ¼ sec. cor. Porter's house bears N. 40° E.
48.10	Wood road, course N. 20° E. Porter's house bears N. 10° E.
79.84	Intersect N. and S. line, 25 lks. N. of cor., to secs. 3, 4, 9, and 10.
	Thence I run
	N. 89° 49′ W., on a true line; bet. secs. 4 and 9, with same va.
39.92	Set a limestone, 16 × 12 × 4 ins., 11 ins., in the ground, for ¼ sec. cor., marked ¼ on N. side, dug pits 18 × 18 × 12 ins. E. and W. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
79.84	The cor. to secs. 4, 5, 8, and 9.
	Land, rolling.
	Soil, sandy and light—2d and 3d rate.
	No timber.
	North on a random line, bet. secs. 4 and 5.
	Va. 18° 40′ E.
	Over rolling ground.
40.00	Set temporary ¼ sec. cor.
79.96	Intersect N. boundary of township 44 lks. W. of cor. to secs. 4, 5, 32, and 33, which is a post, 4 ins. square, marked T. 7 N. S. 33 on N. E., R. 34 E. S. 4 on S. E., T. 6 N. S. 5 on S. W., and S. 32 on N. W. faces, with 4 notches on E. and 2 notches on W. edges, and mound of stone, 2 ft. high, 4½ base, around post.
	Thence I run
	S. 0° 19′ W., on a true line, bet. secs. 4 and 5, with same va.

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
39.96	Set a sandstone, 18 × 10 × 6 ins., 12 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face, and raised a mound of stone, 1½ ft. high, 3½ ft. base, alongside.
79.96	The cor. to secs. 4, 5, 8, and 9.
	Land, rolling.
	Soil, sandy and light—2d and 3d rate.
	No timber. *August* 16, 1880.

From the cor. to secs. 5, 6, 31, and 32, on the south boundary of the township, which is a sandstone 20 × 8 × 4 ins. with mound of stone, 2 ft. high, 4½ ft. base alongside,

I run

North, bet. secs. 31 and 32.

Va. 18° 45′ E.

Over table land.

40.00	Set a sandstone, 16 × 12 × 6 ins. 11 ins. in the ground, for ¼ sec. cor., marked ¼ on W. side, dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, alongside.
	From this cor. a cor. of James Parker's desert land claim, a post, 8 ins. square, with mound of stone around post, marked J. P. D. L. C. 2, bears S. 20° E., 1.45 chs. dist. The land included in this claim was unsurveyed at date of location.
80.00	Set a sandstone 20 × 14 × 6 ins., 15 ins. in the ground, for cor. to secs. 29, 30, 31, and 32, marked with 1 notch on S. and 5 notches on E. edges, dug pits 18 × 18 × 12 ins. in each sec. 5½ ft. dist., and raised a mound of earth, 2 ft. high, 4½ ft. base, alongside.
	Land, level table.
	Soil, sandy—2d and 3d rate.
	No timber.

East on a random line, bet. secs. 29 and 32.

Va. 18° 45′ E.

Over table land.

40.00	Set temporary ¼ sec. cor. From this point a post 8 ins. square, with mound of stone around post, marked J. P. D. L. C. 4 for cor. to James Parker's desert land claim, bears S. 17° E. 64 lks. dist.
51.10	From this point a spring about 2 ft. diam. bears S. about 3 chs. dist. From spring a stream flows S. E.
65.40	Edge of table land, and descend about 70 ft. to
79.60	Intersect N. and S. line 19 lks. S. of cor. to secs. 28, 29, 32, and 33. Thence I run

S. 89° 52′ W. on a true line, bet. secs. 29 and 32, with same va.

30.80	Set a sandstone, 17 × 8 × 6 ins., 11 ins. in the ground, for ¼ sec. cor., marked ¼ on N. face, dug pits 18 × 18 × 12 ins. E. and W. of cor., 5½ ft. dist., and raised a mound of earth 1½ ft. high, 4½ ft. base, alongside.
79.60	The cor. to secs. 29, 30, 31, and 32.
	Land, table and bottom.
	Soil, sandy and black loam—1st and 2d rate.
	No timber.

West on a random line bet. secs. 30 and 31.

Va. 18° 45′ E.

Over table land.

40.00	Set temporary ¼ sec. cor. From this point a post 8 ins. square, with mound of stone around post, marked J. P. D. L. C. 8, for cor. to James Parker's desert land claim, bears N. 80° E., 92 lks. dist.
79.18	Intersect west boundary of township 10 lks. N. of cor. to secs. 25, 30, 31, and 36, which is a post, 4 ft. long, 4 ins. square, marked T. 6 N. S. 30 on N. E., R. 34 E. S. 31 on S. E., R. 33 E. S. 36 on S. W., and S. 25 on N. W. faces, with mound of stone, 2 ft. high, 4½ ft. base, around post.

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
	Thence I run
	N. 89° 56′ E. on a true line, bet. secs. 30 and 31, with same va.
39.18	Set a sandstone 20 × 12 × 8 ins., 15. ins. in the ground, for ¼ sec. cor., marked ¼ on N. face, dug pits 18 × 18 × 12 ins., E. and W. of stone, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, alongside.
79.18	The cor. to secs. 29, 30, 31, and 32.
	Land table.
	Soil, sandy—2d and 3d grade.
	No timber.
	North bet. secs. 29 and 30.
	Va. 18° 45′ E.
	Over table land.
40.00	Set a post 3 ft. long, 3 ins. square, with marked stone, 12 ins. in the ground, for ¼ sec. cor., marked ¼ S. on W. face, dug pits 18 × 18 × 12 ins. N. and S., of post, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, around post.
	From this cor. a post, 8 ins. square, with mound of stone around post marked J. P. D. L. C. 6, for cor. to James Parker's desert land claim, bears S. 30° W., 1.47 chs. dist.
55.00	Telegraph line, course E. and W.
60.00	Road to Miles City, course E. and W.
76.10	Edge of table land, and descend gradually.
80.00	A point about 30 ft. below table land. Set a sandstone 30 × 12 × 8 ins., 23 ins. in the ground, for cor. to secs. 19, 20, 29, and 30, marked with 2 notches on S. and 4 notches on E. edges, dug pits 18 × 18 × 12 ins. in each sec. 5½ ft. dist., and raised a mound of earth, 2 ft. high, 4½ ft. base alongside.
	Land, table.
	Soil, sandy—2d and 3d rate.
	No timber.
	East on random line, bet. secs. 20 and 29.
	Va. 18° 30′ E.
	Over rolling ground.
40.00	Set temporary ¼ sec. cor.
62.00	Road to Williamsburg, course N.
65.50	Telegraph line, course N.
79.77	Intersect N. and S. line 32 lks. S. of cor. to secs. 20, 21, 28, and 29.
	Thence I run
	S. 89° 46′ W. on a true line bet. secs. 20 and 29, with same va.
39.88	Set a sandstone 20 × 12 × 3 ins. 15 ins. in the ground, for ¼ sec. cor. marked ¼ on N. face, dug pits 18 × 18 × 12 ins. E. and W. of stone 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ base, alongside.
79.77	The cor. to secs. 19, 20, 29, and 30.
	Land, rolling.
	Soil, sandy—2d rate.
	No timber.
	West on a random line, bet. secs. 19 and 30.
	Va. 18° 30′ E.
	Over rolling ground.
40,00	Set temporary ¼ sec. cor.
79.10	Intersects west boundary of township 27 lks. N. of cor. to secs. 19, 24, 25 and 30, which is a post 4 ins. square, marked— T. 6 N. S. 19 on N. E. R. 34 E. S. 30 on S. E. R. 33 E. S. 25 on S. W., and S. 24 on N. W. faces with 4 notches on N. and 2 notches on S. edges, and mound of stone covered with earth, 2 ft. high, 4½ ft. base, around post.
	Thence I run
	N. 89° 48′ E. on a true line bet. secs. 19 and 30, with same va.

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
39.10	Set a sandstone 18×12×8 ins. 12 ins. in the ground for ¼ sec. cor., marked ¼ on N. face, dug pits 18×18×12 ins. E. and W. of stone, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, alongside.
79.10	The cor. to secs. 19, 20, 29, and 30.
	Land, rolling.
	Soil, sandy—2d rate.
	No timber.
	North, bet. secs. 19 and 20.
	Va. 18° 30′ E.
	Over rolling ground, descending.
40.00	Set a sandstone 20×11×6 ins. 15 ins. in the ground, for ½ sec. cor., marked ¼ on W. face, dug pits 18 × 18 × 12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, alongside.
44.18	South bank of Lin's Lake. Set a post, 4 ft. long, 4 ins square with marked, stone, 12 ins. in the ground, for meander cor. to fractional secs. 19 and 20, marked M. C., and T. 6 N. on S. R. 34 E. S. 20 on E., and S. 19 on W. faces, dug pit 3 ft. sq., 12 ins. deep, 8 lks. S. of post, and raised mound of earth, 2 ft. high, 4½ ft. base around post.
	Land, rolling.
	Soil, sandy—2d rate.
	No timber. *August* 14, 1880.
	From the cor. to secs. 8, 9, 16, and 17, I run
	West on a true line bet. secs. 8 and 17.
	Va. 18° 30′ E.
	Over rolling ground.
35.00	Road to Williamsburg, course N. W.
40.00	Set a sandstone 16 × 11 × 8 ins. 11 ins. in the ground, for ¼ sec. cor., marked ¼ on N. face, dug pits 18 × 18 × 12 ins. E. and W. of stone, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, alongside.
45.00	Telegraph line, course N. 60° W.
80.00	Set a sandstone 24 × 11 × 6 ins. 18 ins. in the ground for cor. to secs. 7, 8, 17, and 18, marked with 4 notches on S. and 5 notches on E. edges, dug pits 18 × 18 × 12 ins. in each sec. 5½ ft. dist. and raised a mound of earth, 2 ft. high, 4½ ft. base, alongside.
	Land, rolling.
	Soil, sandy—2d rate.
	No timber.
	South, bet. secs. 17 and 18.
	Va. 18° 45′ E.
	Over even ground, descending.
20.19	North bank of Lin's Lake. Set a sandstone 24 × 10 × 8 ins., 18 ins. in the ground, for meander cor. to fractional secs. 17 and 18, marked M. C., and raised a mound of stone, 2 ft. high, 4½ ft. base, alongside.
	Land, nearly level.
	Soil, sandy and black loam—1st and 2d rate.
	No timber. *August* 13, 1880.
	West, on a random line, bet. secs. 7 and 18.
	Va. 18° 45′ E.
	Over gently rolling ground.
24.10	Intersect E. boundary line of town of Williamsburg. N. E. cor., which is a post, 12 ins. square, marked "T. S. 2," with mound of stone around post, bears N. 40 chs. S. E. cor., which is a post, 12 ins. square, marked "T. S. 1," with mound of stone around post, bears S. 7.35 chs.

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Subdivisions, T. 6 N., R. 34 E.—Continued.

Chains.	
29.10	Center of street, course N. and S.
34.10	Center of street, course N. and S.
39.10	Center of street, course N. and S.
40.00	Set temporary ¼ sec. cor. From this point, the court-house in the town of Williamsburg bears N. 10° W.
44.10	Center of Main street of Williamsburg, course N. and S. Court-house bears N.
48.35	Episcopal church bears N. 10° W. 4.50 chs. dist.
49.10	Center of street, course N. and S.
54.10	Center of street, course N. and S.
56.75	Methodist church bears S. 13½° W.
59.10	Center of street, course N. and S.
60.00	Intersect W. boundary line of town of Williamsburg. N. W. cor. which is a post, 12 ins. square, marked "T. S. 3," with mound of stone around post, bears N. 40 chs. S. W. cor., which is a post, 12 ins. square, marked "T. S. 4," with mound of stone around post, bears S. 29.75 chs.
62.10	Methodist church bears S. 45° E.
78.20	Intersect W. boundary of township, 14 lks. S. of cor. to secs. 7, 12, 13, and 18, which is a post, 4 ins. square, marked T. 6 N. S. 7 on N. E., R. 34 E. S. 18 on S. E., R. 33 E. S. 13 on S. W., and S. 12 on N. W. faces, with 2 notches on N. and 4 notches on S. edges, and mound of stone, 2 ft. high, 4½ ft. base, around post.
	Thence I run
	S. 89° 54′ E., on a true line, bet. secs. 7 and 18, with same va.
38.20	Set a sandstone, 18×15×5 ins., 12 ins. in the ground, for ¼ sec. cor., marked ¼ on N. face; dug pits 18×18×12 ins., E. and W. of stone, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 4½ ft. base, alongside.
78.20	The cor. to secs. 7, 8, 17, and 18.
	Land, rolling.
	Soil, sandy—2d rate.
	No timber.

	North, bet. secs. 7 and 8. Va. 18° 45′ E.
	Over rolling ground.
29.00	Telegraph line, course W.
30.10	Road to Williamsburg, course E. and W. changes to S. E. about 10 chs. E. of line.
40.00	Set a limestone, 20×15×8 ins., 15 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face, and raised a mound of stone, 1½ ft. high, 3½ ft. base, alongside.
80.00	Set a sandstone, 15×15×6 ins., 10 ins. in the ground, for cor. to secs. 5, 6, 7, and 8, marked with 5 notches on S. and E. edges, and raised a mound of stone, 2 ft. high, 4½ ft. base, alongside.
	Land, rolling.
	Soil, sandy—2d rate.
	No timber.

	East, on a random line, bet. secs. 5 and 8. Va. 18° 45′ E.
	Over rolling ground.
16.40	Road to Williamsburg, course S.
40.00	Set temporary ¼ sec. cor.
79.96	Intersected N. and S. line, 6 lks. N. of cor. to secs. 4, 5, 8, and 9.
	Thence I run
	N. 89° 56′ W. on a true line, bet. secs. 5 and 8, with same va.
39.98	Set a post, 3 ft. long, 3 ins. square, with marked stone, 12 ins. in the ground, for ¼ sec. cor., marked ¼ S. on N. face; dug pits, 18×18×12 ins. E. and W. of post, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ ft. base, around post.
79.96	The cor. to secs. 5, 6, 7, and 8.
	Land, rolling.
	Soil, sandy—2d rate.
	No timber.

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Meanders, T. 6 N., R. 34 E.

Chains.	
	West, on a random line, between secs. 6 and 7. Va. 18° 45′ E.
	Over rolling ground.
27.15	Road to Williamsburg, course S.
40.00	Set temporary ¼ sec. cor.
78.40	Intersect west boundary of township 15 lks. S. of cor. to secs. 1, 6, 7, and 12, which is a post, 4 ft. long, 4 ins. square, marked T. 6 N. S. 6 on N. E., R. 34 E. S. 7 on S. E., R. 33 E. S. 12 on S. W., and S. 1 on N. W. faces, with pits, 18 × 18×12 ins., in each sec., 5½ ft. dist., and mound of earth, 2 ft. high, 4½ ft. base, around post.
	Thence I run
	S. 89° 54′ E. on a true line, bet. secs. 6 and 7, with same va.
38.40	Set a sandstone, 18×14×3 ins. 12 ins. in the ground, for ¼ sec. cor., marked ¼ on N. side, dug pits 18×18×12 ins. E. and W. of stone, 5½ ft. dist., and raised a mound of earth, 1½ ft. high, 3½ base, alongside.
78.40	The cor. to secs. 5, 6, 7, and 8.
	Land, rolling.
	Soil, sandy—2d rate.
	No timber.

	North, on a random line, bet. secs. 5 and 6. Va. 18° 45′ E.
	Over rolling ground.
40.00	Set temporary ¼ sec. cor.
80.05	Intersect N. boundary of township 20 lks. E. of cor. to secs. 5, 6, 31, and 32, which is a sandstone, 30 × 12 × 6 ins., marked with 5 notches on E. and one notch on W. edges, and mound of stone, 2 ft. high, 4½ ft. base, along side.
	Thence I run
	S. 0° 09′ E. on a true line, bet. secs. 5 and 6, with same va.
40.05	Set a sandstone, 16×12×3 ins., 11 ins. in the ground, for ¼ sec. cor., marked ¼ on W. face, dug pits 18×18×12 ins. N. and S. of stone, 5½ ft. dist., and raised a mound of earth 1½ ft. high, 3½ ft. base, alongside.
80.05	The cor. to secs. 5, 6, 7, and 8.
	Land, rolling.
	Soil, sandy—2d rate.
	No timber.

August 16, 1880.

MEANDERS OF THE RIGHT BANK OF THE YELLOWSTONE RIVER, UP STREAM.

I commence at the meander cor. to fractional secs. 31 and 36, on the east boundary of the township, which is a sandstone, 24×10×5 in., marked M. C., with pit 3 ft. sq., 1 ft. deep, 8 lks. S. of stone, with mound of earth, 2 ft. high, 4½ ft. base, alongside.

Thence I run with meanders in sec. 36.

Va. 18° 45′ E.

Bank, 20 ft. high.

S. 65¾° W.	4.00 chs.	
S. 78¼° W.	7.40 "	Lower end of bar bears N. 15° W. about 5.00 chs. dist.
S. 63¾° W.	7.60 "	At 6.60 chs. leave bluff bank, bank 15 ft. high.
S. 89¾° W.	8.40 "	
N. 72¼° W.	10.00 "	
N. 60° W.	7.60 "	Bank 10 ft. high.
N. 33¼° W.	4.70 "	
N. 50½° W.	7.80 "	At 1.90 chs. mouth of creek.
N. 60° W.	4.80 "	
N. 72¼° W.	3.80 "	At 2.80 chs. enter Curran's field, fence course S.
N. 78½° W.	4.80 "	
S. 77½° W.	3.50 "	Bank 6 ft. high.
N. 80½° W.	5.00 "	Leave Curran's field, fence course S.
N. 71° W.	2.40 "	

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Meander, T. 6 N., R. 34 E.—Continued.

N. 25¼° W. 2.40 chs.
N. 71¼° W. 3.50 " Low bank, 3 ft. high.
N. 76½° W. 1.40 " To meander cor. to fractional secs. 35 and 36.
Land, 18 chs. W. part bluff, remainder level bottom.
Soil, black loam and sandy—1st and 2d rate.
No timber.

Thence in sec. 35.
Va. 18° 30′ E.
In dense brush and scattering timber,
S. 86¾° W. 2.30 chs.
S. 75¾° W. 3.30 "
S. 65° W. 2.30 " Upper end of bar.
S. 35½° W. 11.00 " At 6.00 chs. leave brush. At 7.50 chs. Curran's house bears S. 1.50 chs. At end of course, enter Alexander's field, fence course S.
S. 38¼° W. 5.60 chs.
S. 46¼° W. 9.00 "
S. 54½° W. 5.00 " At 3.00 chs. enter brush. At 4.00 chs. leave field.
S. 44½° W. 2.00 "
S. 65° W. 2.60 " At 50 lks. mouth of slough, 2.00 chs. wide.
S. 55¼° W. 8.70 "
S. 55½° W. 2.80 "
S. 48¾° W. 5.80 " Leave scattering timber.
S. 56¼° W. 8.70 " Banks, 4 ft. high.
S. 40¼° W. 16.12 " (At 12.00 chs. leave brush. Head of slough 1.00 ch. wide) to meander cor. to fractional secs. 2 and 35 on S. boundary of township, which is a sandstone 20 × 10 × 8 ins. marked M. C. with mound of stone 2 ft. high, 4½ ft. base, alongside.
Land, level bottom.
Soil, black loam—1st rate.
Timber and dense brush, cottonwood and willow, together 56.50 chs.
August 6, 1880.

MEANDERS OF ISLAND CONTAINED IN SECS. 25, 26, 35, AND 36.

This island is partly in this township and partly in T. 6, N., R. 35 E.
I go to the point for meander cor. to fractional secs. 21 and 36 on the south side of island, and finding cor. has been washed away, I re-establish it as follows: I go to a cottonwood tree on line, which is described in field notes of the survey of the east boundary of this township as being 26.23 chs. S. of cor. to secs. 30, 31, 35 and 36, and run S. 3.02 chs. to south bank of island, making altogether 29.25 chs. instead of 29.70 chs. as stated in said notes. At this point
Set a post, 4 ft. long, 4 ins. square, 12 ins. in the ground, for meander cor. to fractional secs. 31 and 36, marked—
T. 6 N. on N.
R. 35 E. S. 31 on E.
M. C. on S., and
R. 34 E. S. 36 on W. faces, dug pit 3 ft. sq., 1 ft. deep, 8 lks. N. of post, and raised mound of earth, 2 ft. high, 4½ ft. base, around post.
Thence I run with meanders in sec. 36,
Va. 18° 45′ E.
Through dense brush, up stream, banks 10 ft. high.
S. 70½° W. 2.40 chs. Lower end of bar bears S.
S. 86° W. 3.00 " Leave brush.
N. 81° W. 8.50 "
N. 68½° W. 7.00 " At 1.00 ch. enter timber and brush.
N. 73¾° W. 7.30 " At 7.00 chs. leave timber and brush.
N. 84° W. 3.40 " At 1.50 chs. center of head of slough, 3.00 chs. wide. At end of course, head of bar bears S. Enter brush.
N. 61½° W. 1.50 chs.
N. 60¼° W. 3.50 "
N. 53¼° W. 2.50 "

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Meanders, T. 6 N., R. 34 E.—Continued.

N. 61¾° W. 2.60 "
N. 57¼° W. 4.90 chs. Enter timber, leave brush.
N. 62¼° W. 8.20 "
N. 71¼° W. 4.80 "
N. 77½° W. 5.80 "
N. 88½° W. 5.40 " Leave timber.
S. 80° W. 9.60 " At 1.25 chs., mouth of slough, 2 chs. wide. At 2.50 chs. enter dense brush, and leave brush at end of course.
N. 88¾° W. 3.75 chs. (At 2.00 chs., center of head of slough, 2.50 chs. wide) to meander cor. to fractional secs. 35 and 36 on S. W. end of island.
Land, level.
Soil, alluvial—1st rate.
Timber and brush, cottonwood and willow, 71.70 chs.

Thence in sec. 35.
Va. 18° 20′ E.
Along low bank.
S. 79° W. 6.70 chs.
N. 15¼° W. 3.90 "
N. 7¼° W. 3.40 "
N. 17½° E. 3.80 "
N. 50° E. 2.59 " To meander cor. to fractional secs. 26 and 35.
Land, level.
Soil, alluvial—1st rate.
No timber.

Thence in sec. 26.
Va. 18° 20′ E.
N. 52¾° E. 6.05 chs. To meander cor. to fractional secs. 25 and 26.
Land, level.
Soil, alluvial—1st rate.
No timber.

Thence in sec. 25.
Va. 18° 20′ E.
Enter brush, bank 5 ft. high.
N. 64° E. 2.50 chs.
N. 69¾° E. 8.80 " At 5.00 chs. leave brush, enter heavy timber.
N. 63½° E. 9.40 " Bank, 8 ft. high.
N. 63¾° E. 9.10 "
N. 49° E. 4.30 "
N. 33° E. 2.30 "
N. 13¾° E. 9.00 " Enter brush.
N. 46½° E. 4.80 " Bank, 6 ft. high.
N. 27¼° E. 7.30 "
N. 34½° E. 4.70 " Bank, 8 ft. high.
N. 45½° E. 4.60 "
N. 61½° E. 17.00 "
N. 74¼° E. 11.00 "
N. 89¼° E. 6.50 "
N. 54¾° E. .69 " To meander cor. to fractional secs. 25 and 30 on E. boundary of township, which is a sandstone 30×12×8 ins., marked M. C. on N. face, from which
A cottonwood, 10 ins. diam., bears S. 28° W. 20 lks. dist., marked T. 6. N., R. 34. E., S. 25. M. C. B. T.
A cottonwood, 8 ins. diam., bears S. 45° E., 30 lks. dist., marked T. 6. N., R. 35 E., S. 30 M. C. B. T.
Land, level.
Soil, alluvial—1st rate.

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Meander, T. 6 N., R. 34 E.—Continued.

Timber and brush, cottonwood and willow, 102.49 chs.
This island has a rich alluvial soil, and is generally covered with fine cottonwood timber.

August 7, 1880.

MEANDERS OF THE LEFT BANK OF THE YELLOWSTONE RIVER, DOWN STREAM.

I commence at the meander cor. to fractional secs. 2 and 35, which is a sandstone, 20 × 15 × 2 ins., marked M. C., with mound of stone, 2 ft. high, 4½ ft. base, alongside.
Thence I run with meanders in sec. 35.
Va. 18° 30′ E.
Bank 6 ft. high.
N. 47° E. 2.80 chs.
N. 37¼° E. 6.30 "
N. 31° E. 5.50 "
N. 31½° E. 6.40 "
N. 38¼° E. 7.10 " Bar in river bears S, 20° E. 1 ch. dist.
N. 27° E. 2.70 "
N. 53½° E. 4.00 "
N. 47¼° E. 4.90 "
N. 51¼° E. 6.00 "
N. 54½° E. 12.00 "
N. 52¾° E. 6.00 "
N. 47¾° E. 3.90 "
N. 40¼° E. 8.50 " At 7.00 chs, enter dense willow brush.
N. 28¼° E. 7.60 "
N. 31° E. 3.70 " Leave brush.
N. 15¼° E. 9.20 "
N. 33½° E. 3.80 "
N. 50¼° E. 6.42 " To meander cor. to fractional secs. 26 and 35.
Land, level.
Soil, alluvial—1st rate.
No timber. 12.80 chs. of dense willow brush.

Thence in sec. 26.
Va. 18° 20′ E.
N. 59° E. 4.80 chs.
N. 45½° E. 7.80 "
N. 49° E. 2.05 " To meander cor. to fractional secs. 25 and 26.
Land, level.
Soil, alluvial—1st rate.
No timber or brush.

August 9, 1880.

Thence in sec. 25.
Va. 18° 20′ E.
N. 65¾° E. 7.40 chs.
N. 63¼° E. 5.30 "
N. 61¼° E. 12.00 " At 7.00 chs. head of slough, 2.00 chs. wide.
N. 40½° E. 5.60 "
N. 35° E. 7.70 "
N. 7¾° E. 2.50 "
N. 1½° W. 2.70 " At 1.90 chs. mouth of slough, 1.50 chs. wide.
N. 41½° E. 9.00 "
N. 35°. E. 1.70 "
N. 41° E. 4.60 "
N. 40¼° E. 5.60 " At 1.00 ch. enter cottonwood timber.
N. 54¾° E. 3.00 "
N. 54° E. 3.00 " At 2.00 chs. mouth of Short Ck., 10 lks. wide.
N. 49¾° E. 2.60 " Fletcher's Stage Station bears N. 6.50 chs. dist.
N. 62¼° E. 11.30 "

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Meanders, T. 6 N., R. 34 E.—Continued.

N. 72° E. 5.70 chs.
S. 87¼ E. 13.00 "
N. 67¼ E. 0.80 chs., to meander cor. to fractional secs. 25 and 30 on E. boundary of township, which is a sandstone 18 × 12 × 6 ins., marked M. C., from which
A cottonwood 4 ins. diam. bears N. 73° E., 48 lks. dist., marked T. 6 N., R. 35 E., S. 30 M. C. B. T.
A cottonwood 24 ins. diam. bears N. 27° W. 185 lks. dist., marked T. 6 N., R. 34 E., S. 25 M. C. B. T.
Land, level.
Soil, alluvial—1st rate.
44.00 chs. of fine cottonwood timber.

August 7, 1880.

MEANDERS OF EASTERLY END OF LIN'S LAKE IN SECS. 17, 18, 19, AND 20.

I commence at the meander cor. to fractional secs. 19 and 24 on west boundary of township, which is a post, 4 ft. long, 4 ins. sq., marked M. C., with
T. 6. N. on N.,
R. 34 E. S. 19 on E., and
R. 33 E. S. 24 on W. faces; from which
A cottonwood 24 ins. diam. bears S. 45° W., 11 lks. dist., marked T. 6 N., R. 33 E., S. 24 M. C. B. T.
A cottonwood 20 ins. diam. bears S. 57° E., 14 lks. dist., marked T. 6 N., R. 34 E., S. 19 M. C. B. T.
Thence I run with meanders in sec. 19.
Var. 18° 20′ E.
Through cottonwood timber. Bank 3 ft. high.

S. 59° E.	8.80 chs.		
S. 46¼° E.	3.40 "	Leave timber.	
S. 44½° E.	2.40 "		
S. 43¾° E.	5.70 "		
S. 43° E.	4.40 "		
S. 46½° E.	5.80 "		
S. 52¾° E.	5.80 "		
S. 53¾° E.	4.50 "		
S. 70¼° E.	5.50 "		
S. 75¼° E.	3.00 "		
S. 88½° E.	4.00 "		
N. 78° E.	9.60 "	At 6.00 chs. Smith's house bears S., 50 lks. dist.	
S. 88½° E.	6.50 "		
S. 72¼° E.	6.70 "		
S. 71¼° E.	14.00 "	To meander cor. to fractional secs 19 and 20.	

Land, level.
Soil, sandy loam—2d rate.
Timber, cottonwood, 12.20 chs.

Thence in sec. 20.
Va. 18° 30′ E.

N. 88° E.	6.20 chs.
N. 55¼° E.	11.50 "
N. 32½° E.	9.90 "
N. 48¾° E.	6.40 "
N. 31½° E.	5.00 "
N. 24¾° E.	3.90 "
N. 22½° E.	2.10 "
N. 33° E.	2.40 "
N. 32¼ E.	3.40 "
N. 51¾° E.	3.30 chs. to meander cor. to fractional secs. 17 and 20.

Land, level
Soil, sandy loam—2d rate.
No timber.

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Meanders, T. 6 N., 34 E.—Continued.

Thence in sec. 17.
Va. 18° 30′ E.
N. 20° E. 11.00 chs.
N. 8½° W. 10.10 " At 6.00 chs. mouth of ck. 5 lks. wide.
N. 83½° W. 2.00 "
N. 76° W. 2.30 "
N. 69¾° W. 7.00 "
N. 83¾° W. 6.10 "
N. 53¼° W. 8.00 "
N. 20¼° W. 14.00 "
N. 13¼° W. 6.80 "
N. 39° W. 2.30 "
N. 47¼° W. 6.00 "
N. 49¾° W. 5.00 "
N. 55¼° W. 3.50 "
N. 49¼° W. 0.20 chs., to meander cor. to fractional secs. 17 and 18.
Land, level.
Soil, sandy loam—2d rate.
No timber.

August 14, 1880.

Thence in sec. 18.
Va. 18° 30′ E.
N. 38¾° W. 15.00 chs.
N. 63¾° W. 5.00 "
S. 84° W. 13.00 " At 10.28 chs. S. E. cor., town of Williamsburg.
S. 61¼° W. 19.00 " At 3.08 chs. center of street, course N.
At 8.79 chs. center of street, course N.
At 14.49 chs. center of street, course N.
S. 43° W. 13.00 " At 0.94 ch. center of main street, course N.
At 8.27 chs. center of street, course N.
S. 55½° W. 4.00 " At 2.15 chs. center of street, course N.
S. 74¾° W. 4.70 " At 4.53 chs. S. W. cor. town of Williamsburg.
S. 85½° W. 5.60 "
N. 88¼° W. 12.47 " to meander cor. to fractional secs. 13 and 18 on W. boundary of township, which is a sandstone, 30 × 12 × 8 ins., marked M. C., with mound of stone 2ft. high, 4½ ft. base, alongside.
Land, level.
Soil, sandy loam—2d rate.
No timber.

August 16, 1880.

7 miles 36 chs. and 82 lks. of the subdivision lines run over mountainous land, or through timber; and 3 miles 59 chs. and 69 lks. of the meander lines run through timber or dense brush.

GENERAL DESCRIPTION.

This township contains nearly every variety of land from plains to mountains, and the soil ranges from alkali to rich loam. The soil of the bottom land along the Yellowstone River and on the island is generally rich, black loam, capable of producing abundant crops without irrigation. The soil of the remaining portion of the township, except the alkali flat in secs. 23 and 24, and the mountainous land, can nearly all be classed as second rate, is covered with an abundant growth of rich and nutritious grasses, and will produce crops without irrigation. In the southwestern portion of the township only the grass is more scanty, and irrigation may be necessary.

Cottonwood timber is found along the Yellowstone River, on the island, and some scattering along the creeks. The mountain is covered with a dense growth of pine and fir timber, many of the trees being very large.

There is one limestone quarry in secs. 8 and 9 which affords excellent building stones, and, from surface indications, it is probable that large bodies of limestone and sandstone underlie other portions of the township. Iron ore was found in sec. 3.

The township is well watered by the Yellowstone River, which runs through the

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southeastern portion, and many small springs and brooks. The eastern end, comprising only a small portion of Lin's Lake, is included in this township. This lake is about 10 miles long, and its greatest width about 4 miles. The water is clear and pure, and varies in depth from 10 to 200 feet.

The town of Williamsburg is the county seat of Custer County, contains a court-house, two churches, two hotels, several stores, and about 50 dwelling houses. Its estimated population is 300.

There are two settlers in sec. 35, and one each in secs. 16, 17, 19, and 25.

James Parker has fenced a portion of his desert land claim, in sec. 36, and is boring an artesian well to bring water upon it.

WALTER W. DE LACY,
U. S. Deputy Surveyor.

FINAL OATHS FOR SURVEYS.

LIST OF NAMES.

A list of the names of the individuals employed by Walter W. de Lacy, U. S. deputy surveyor, to assist in running, measuring, and marking the lines and corners described in the foregoing field notes of the survey of the subdivision and meander lines of township No. 6 north, of range No. 34 east of the principal base and meridian, in the Territory of Montana, showing the respective capacities in which they acted:

——— ———	Compassman.
WILLIAM MORAN	Chainman.
PETER COOPER	Chainman.
——— ———	Chainman.
——— ———	Chainman.
ARTHUR F. FOWLER	Axeman.
FRANKLIN J. SAGE	Axeman.
JOHN PARKER	Flagman.

FINAL OATHS OF ASSISTANTS.

We hereby certify that we assisted Walter W. de Lacy, U. S. deputy surveyor, in surveying all those parts or portions of the subdivision and meander lines of township No. 6 north, of range 34 east of the principal base and meridian, Territory of Montana, as are represented in the foregoing field notes as having been surveyed by him and under his direction; and that said survey has been in all respects, to the best of our knowledge and belief, well and faithfully surveyed, and the corner monuments established, according to the instructions furnished by the U. S. surveyor-general for Montana.

———, *Compassman.*
WILLIAM MORAN, *Chainman.*
PETER COOPER, *Chainman.*
———, *Chainman.*
———, *Chainman.*
ARTHUR F. FOWLER, *Axeman.*
FRANKLIN J. SAGE, *Axeman.*
JOHN PARKER, *Flagman.*

Subscribed and sworn to before me this twenty-third day of August, 1880.
[SEAL.] JOHN JENKINS,
Notary Public.

FINAL OATH OF U. S. DEPUTY SURVEYOR

I, Walter W. de Lacy, U. S. deputy surveyor, do solemnly swear that in pursuance of instructions received from Roswell H. Mason, U. S. surveyor-general for Montana, bearing date of the third day of July, 1880, I have well, faithfully, and truly, in my own proper person, and in strict conformity with the instructions furnished by the U. S. surveyor-general for Montana, the surveying manual, and the laws of the United States, surveyed all those parts or portions of the subdivision and meander lines of township No. 6 north, of range No. 34 east of the principal base and meridian, in the Territory of Montana, as are represented in the foregoing field notes as having been surveyed by me and under my direction; and I do further solemnly swear that all the corners of said survey have been established and perpetuated in strict accordance with the surveying manual, printed instructions, the special written instructions of the U. S. surveyor-general for Montana, and in the specific manner described in the field notes,

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DIAGRAM A

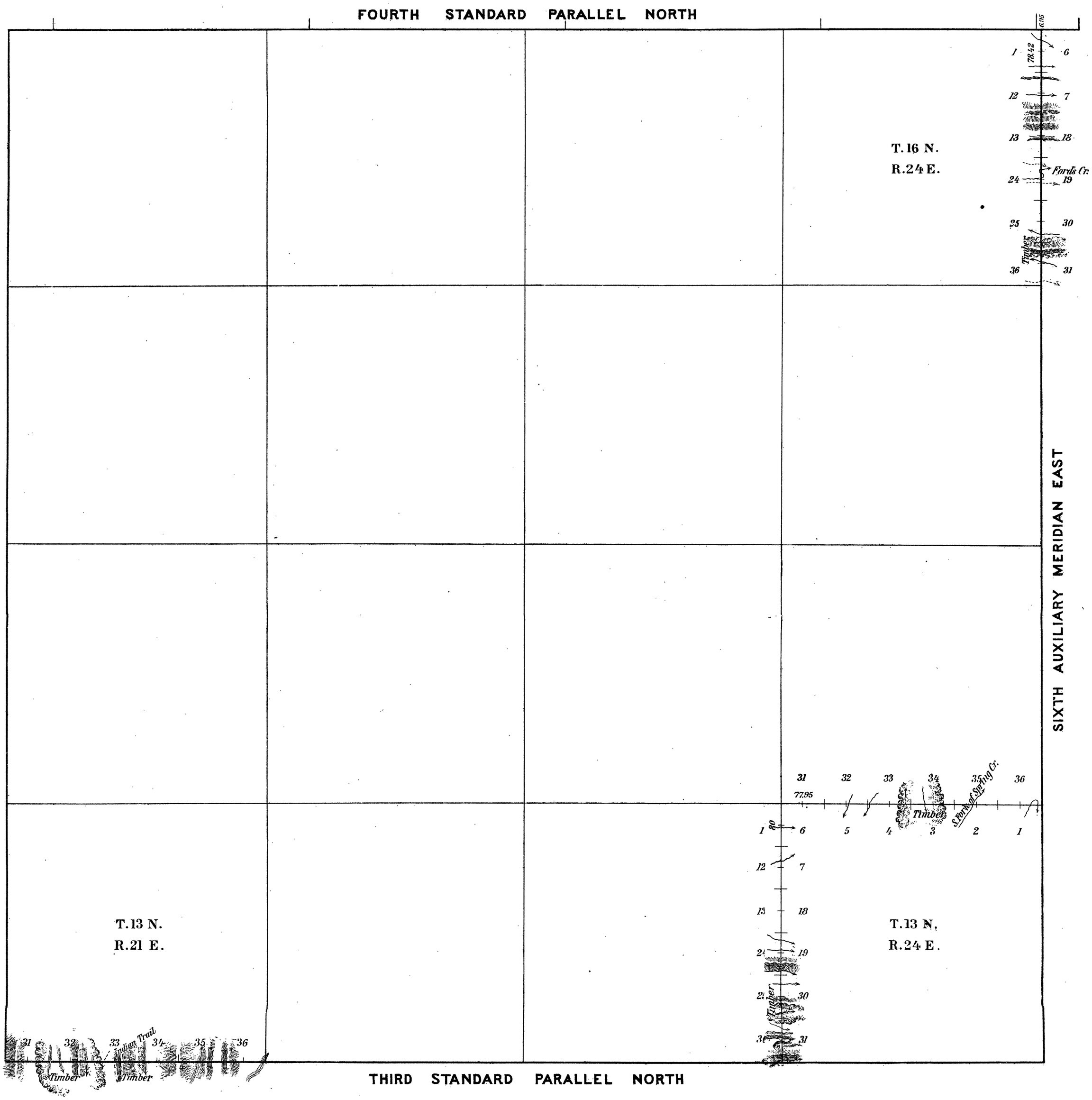
FOURTH STANDARD PARALLEL NORTH
FIFTH AUXILIARY MERIDIAN EAST
SIXTH AUXILIARY MERIDIAN EAST
THIRD STANDARD PARALLEL NORTH
T.16 N.
R.24 E.
T.13 N.
R.21 E.
T.13 N.
R.24 E.
Fords Cr.
S. Fork of Spring Cr.
Timber
Indian Trail
78.42
77.95
80

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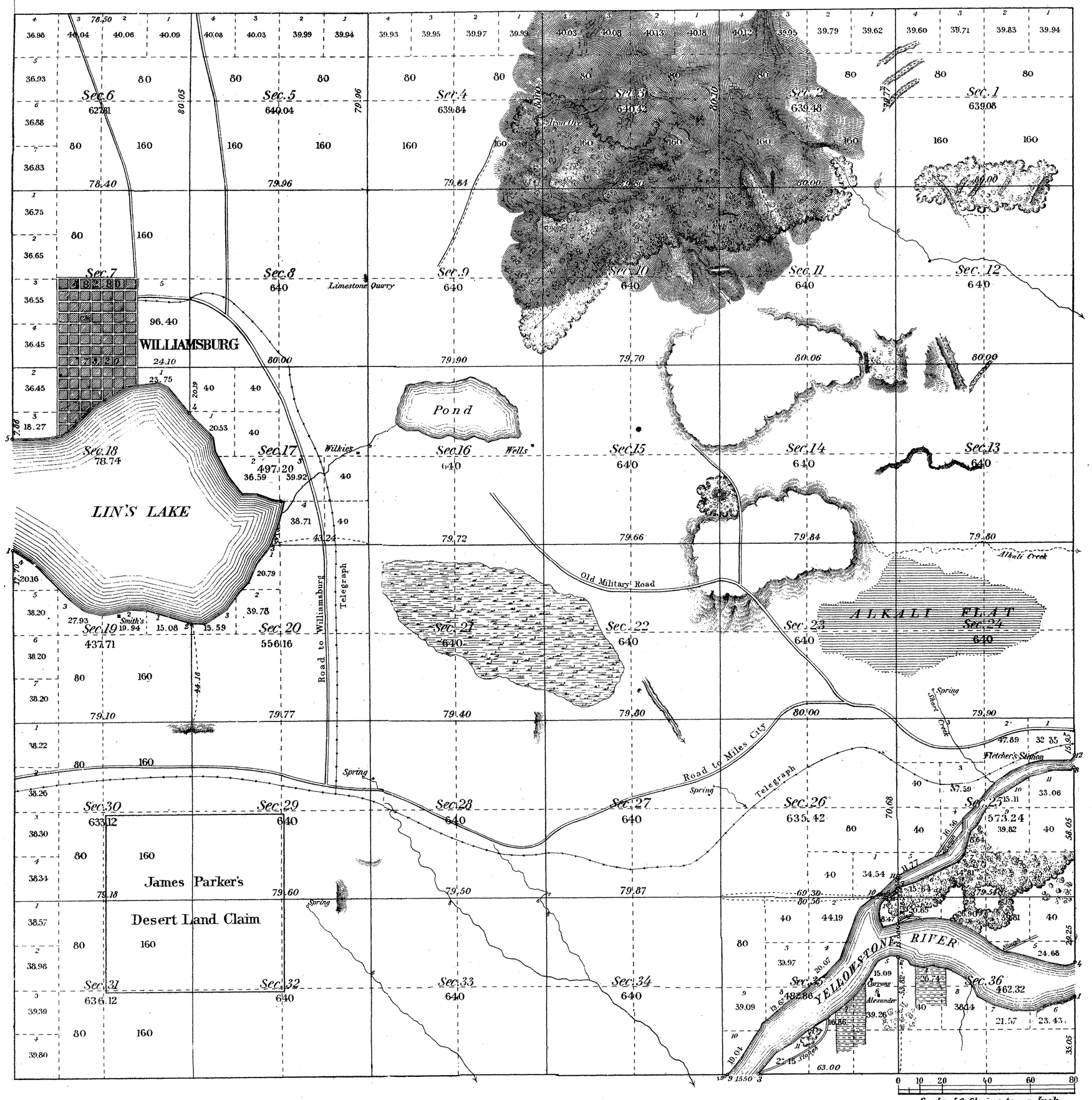
DIAGRAM B

TOWNSHIP No. 6 NORTH RANGE No. 34 EAST OF THE PRINCIPAL MERIDIAN MONTANA



Meanders of Yellowstone River

Posts	Courses	Chs. Lks.
Right Bank		
Sec. 36		
1	S. 65¾° W.	4.00
	S. 78¼° W.	7.40
	S. 63¾° W.	7.60
	S. 89¾° W.	8.40
	N. 72¾° W.	10.00
	N. 60° W.	7.60
	N. 33¾° W.	4.70
	N. 50½° W.	7.80
	N. 60° W.	4.80
	N. 72¾° W.	3.80
	N. 78½° W.	4.80
	S. 77½° W.	3.50
	N. 80½° W.	5.00
	N. 71° W.	2.40
	N. 25¾° W.	2.40
	N. 71¾° W.	3.50
2	N. 76½° W.	1.40
Sec. 35		
2	S. 86¾° W.	2.30
	S. 75¾° W.	3.30
	S. 65° W.	2.30
	S. 35½° W.	11.00
	S. 38¾° W.	5.60
	S. 46½° W.	9.00
	S. 54½° W.	5.00
	S. 44¼° W.	2.00
	S. 65° W.	2.60
	S. 55¼° W.	8.70
	S. 55½° W.	2.80
	S. 48¾° W.	5.80
	S. 56½° W.	8.70
3	S. 40¾° W.	16.12
Island in Secs. 25, 26, 35 & 36		
Sec. 36		
4	S. 70¾° W.	2.40
	S. 86° W.	3.00
	N. 81° W.	8.50
	N. 68½° W.	7.00
	N. 73¾° W.	7.30
	N. 84° W.	3.40
	N. 61½° W.	1.50
	N. 60¼° W.	3.50
	N. 53¼° W.	2.50
	N. 61¾° W.	2.60
	N. 57½° W.	4.90
	N. 62½° W.	8.20
	N. 71¼° W.	4.80
	N. 77¼° W.	5.80
	N. 88½° W.	5.40
	S. 80½° W.	9.60
5	N. 88¾° W.	3.75
Sec. 35		
5	S. 79° W.	6.70
	N. 15¾° W.	3.90
	N. 7¼° W.	3.40
	N. 17½° E.	3.80
6	N. 50° E.	2.59
Sec. 26		
6 to 7	S. 52¾° E.	6.05
Sec. 25		
7	N. 64° E.	2.50
	N. 69¾° E.	8.80
	N. 63½° E.	9.40
	N. 63¾° E.	9.10
	N. 49° E.	4.30
	N. 33° E.	2.30
	N. 13¾° E.	9.00
	N. 46½° E.	4.80
	N. 27¾° E.	7.30
	N. 34½° E.	4.70
	N. 45¾° E.	4.60

Posts	Courses	Chs. Lks.
Sec. 25 Cont.d		
	N. 61½° E.	17.00
	N. 74¼° E.	11.00
	S. 89¼° E.	6.50
8	N. 54¾° E.	0.69
Left Bank		
Sec. 35		
9	N. 47° E.	2.80
	N. 37¾° E.	6.30
	N. 31° E.	5.50
	N. 31½° E.	6.40
	N. 38¼° E.	7.10
	N. 27° E.	2.70
	N. 53½° E.	4.00
	N. 47½° E.	4.90
	N. 51½° E.	6.00
	N. 54½° E.	12.00
	N. 52¾° E.	6.00
	N. 47¾° E.	3.90
	N. 40¼° E.	8.50
	N. 28¼° E.	7.60
	N. 31° E.	3.70
	N. 15¼° E.	9.20
	N. 33½° E.	3.80
10	N. 50¼° E.	6.42
Sec. 26		
10	N. 59° E.	4.80
	N. 45½° E.	7.80
11	N. 49° E.	2.05
Sec. 25		
11	N. 65¾° E.	7.40
	N. 63¼° E.	5.30
	N. 61¼° E.	12.00
	N. 40½° E.	5.60
	N. 35° E.	7.70
	N. 7¾° E.	2.50
	N. 1½° W.	2.70
	N. 41½° E.	9.00
	N. 35° E.	1.70
	N. 41° E.	4.60
	N. 40¼° E.	5.60
	N. 54¾° E.	3.00
	N. 54° E.	3.00
	N. 49¾° E.	2.60
	N. 62½° E.	11.30
	N. 72° E.	5.70
	S. 87¼° E.	13.00
12	N. 67½° E.	0.80
Lin's Lake Sec. 19		
1	S. 59° E.	8.80
	S. 46½° E.	3.40
	S. 44½° E.	2.40
	S. 43¾° E.	5.70
	S. 43° E.	4.40
	S. 46½° E.	5.80
	S. 52¾° E.	5.80
	S. 53¾° E.	4.50
	S. 70¼° E.	5.50
	S. 75¼° E.	3.00
	S. 88½° E.	4.00
	N. 78° E.	9.60
	S. 88½° E.	6.50
	S. 72¼° E.	6.70
2	S. 71¼° E.	14.00
Sec. 20		
2	N. 89° E.	6.20
	N. 55¼° E.	11.50
	N. 32½° E.	9.90
	N. 48¾° E.	6.40
	N. 31½° E.	5.00
	N. 24¾° E.	3.90
	N. 22½° E.	2.10
	N. 33° E.	2.40
	N. 32¼° E.	3.40

Posts	Courses	Chs. Lks.
Sec. 20 Cont.d		
3	N. 51¾° E.	3.30
Sec. 17		
3	N. 20° E.	11.00
	N. 8½° E.	10.10
	N. 83½° W.	2.00
	N. 76° W.	2.30
	N. 69¾° W.	7.00
	N. 83¾° W.	6.10
	N. 53½° W.	8.00
	N. 20¼° W.	14.00
	N. 13¼° W.	6.80
	N. 39° W.	2.30
	N. 47¼° W.	6.00
	N. 49¾° W.	5.00
	N. 55½° W.	3.50
4	N. 49¼° W.	0.20
Sec. 18		
4	N. 38¾° W.	15.00
	N. 63¾° W.	5.00
	S. 84° W.	13.00
	S. 61¼° W.	19.00
	S. 43° W.	13.00
	S. 55½° W.	4.00
	S. 74¾° W.	4.70
	S. 85½° W.	5.60
5	N. 88¼° W.	12.47
Total Meanders		
11 Mls. 46 Chs. 09 Lks.		

Area of Public Land 21462.71 Acres, — of Water Surface 1310.96 Acres, — of Town Site 207.10 Acres. — Total number of Acres = 22980.77

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys Mls.	Chs.	Lks.	When Surveyed	Mean Declination
Township Lines							
Subdivisions	Walter W. de Lacy	March 22nd 1879	57	26	99	Aug. 6th to 16th 1880	18° 37′ 30″
Meanders	"	"	11	46	09	"	

The above Map of Township No. 6 North, of Range No. 34 East of the Principal Meridian, Montana, is strictly conformable to the field notes of the survey thereof on file in this Office which have been examined and approved

Surveyor Generals Office

Surv. Gen.l

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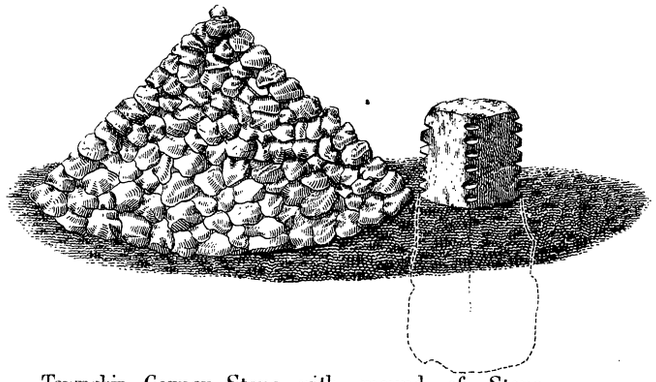
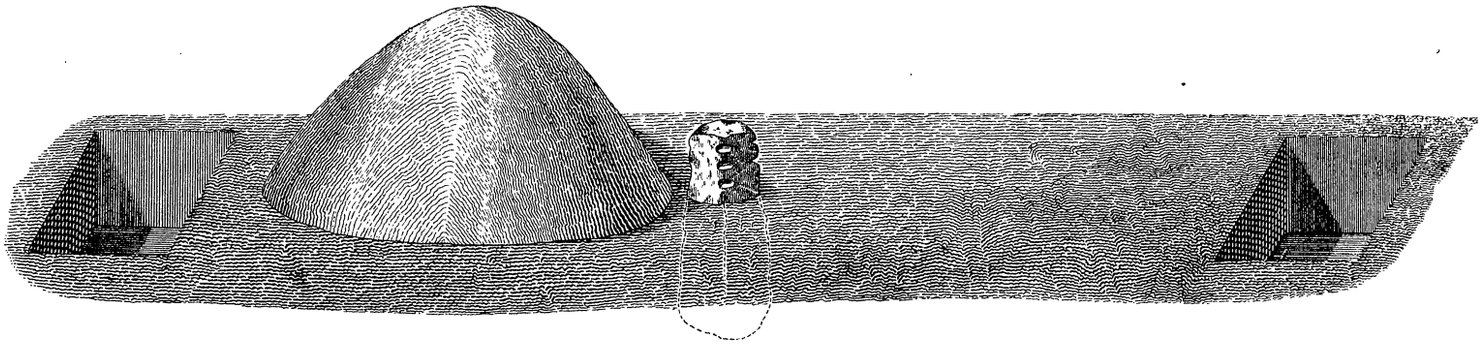
Sheet No 1

DIAGRAM C

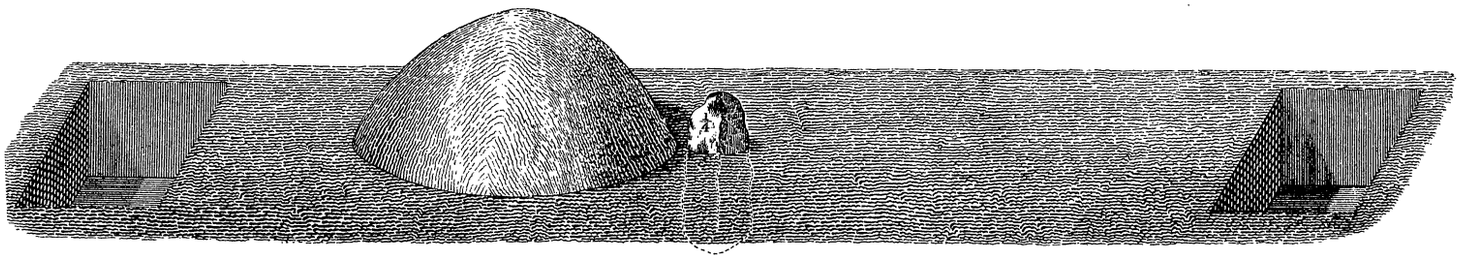
Illustrating mode of establishing Stone, Post and Mound Corners



Township Corner Stone with mound of Stone



Section Corner Stone with pits and mound of earth



Quarter Section Corner with mound of earth

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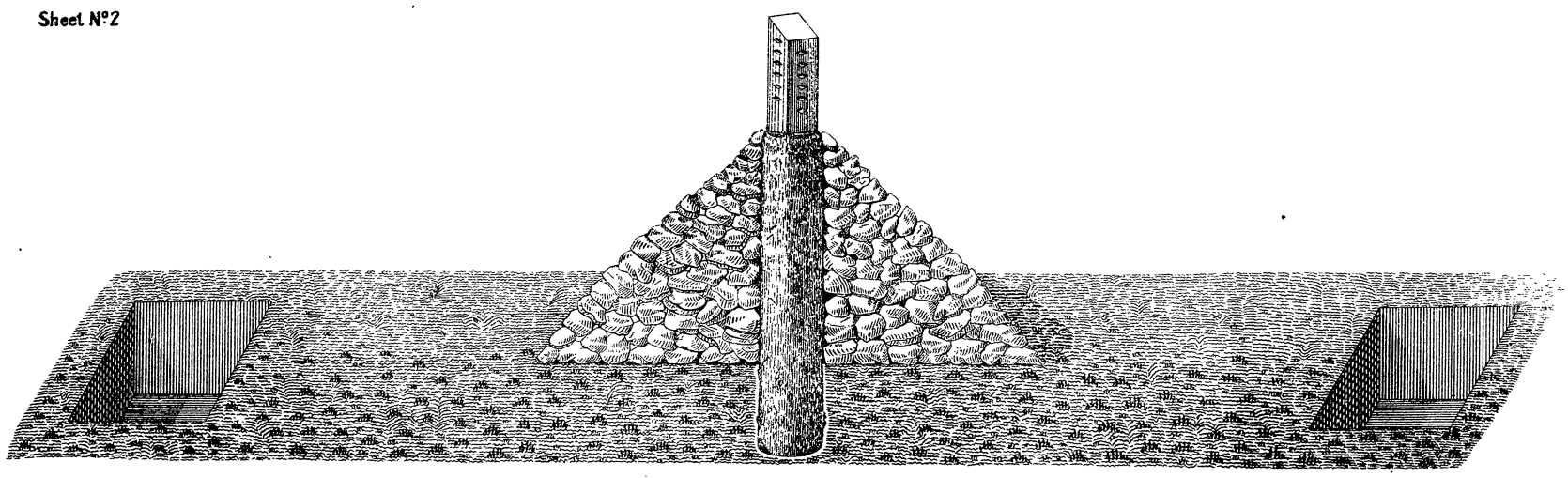
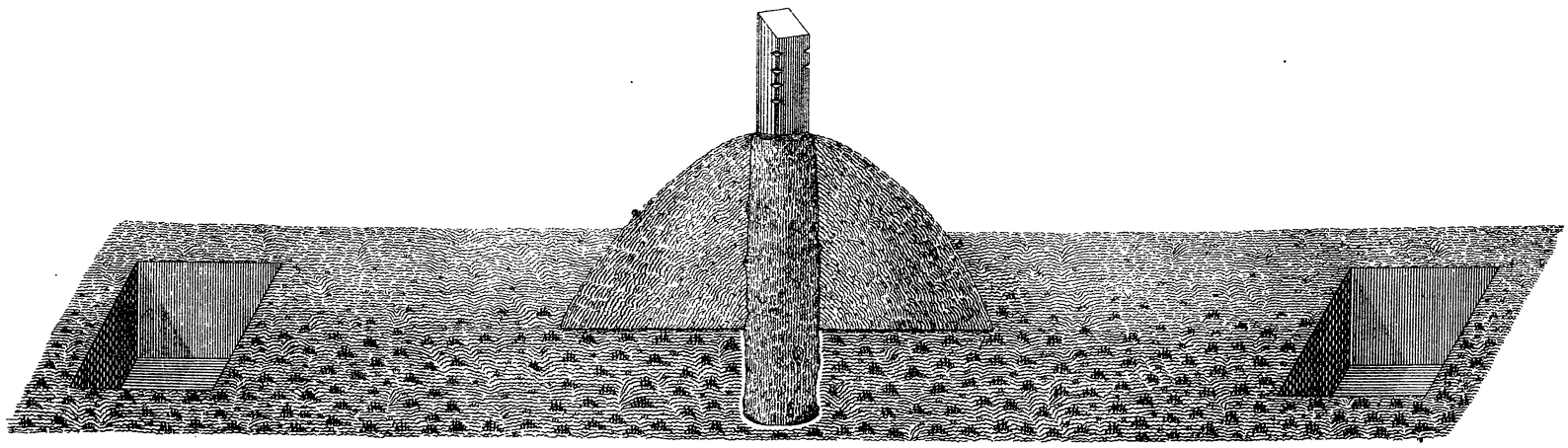
DIAGRAM C

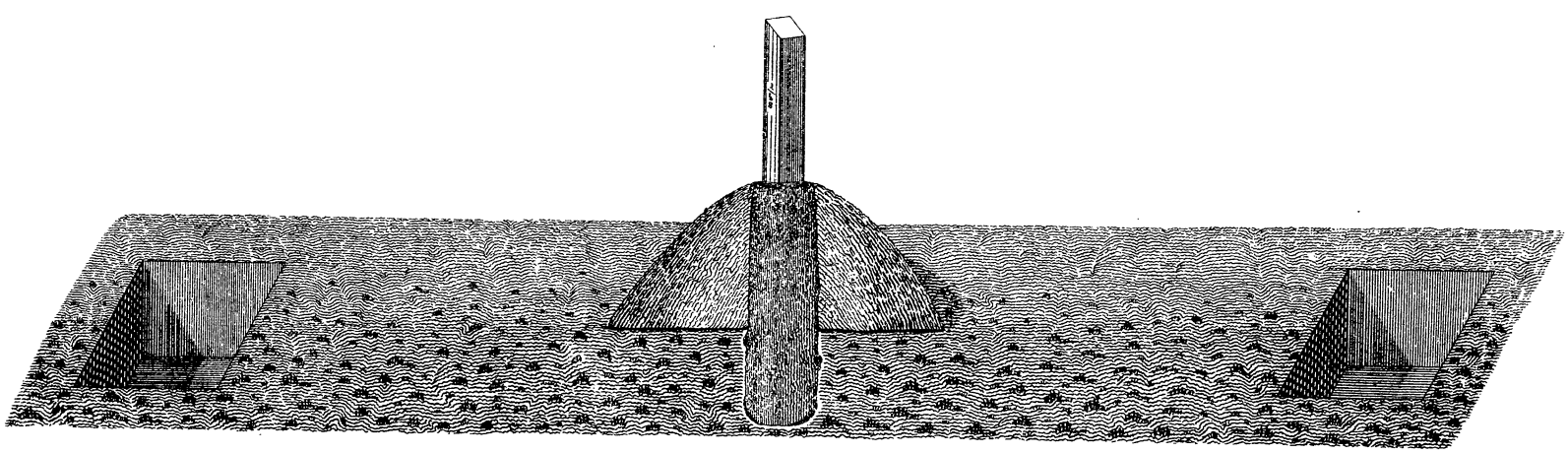
Sheet N°2



Township Corner Post on Standard Line with mound of stone



Section Corner Post with mound of earth



Quarter Section Corner Post with mound of earth

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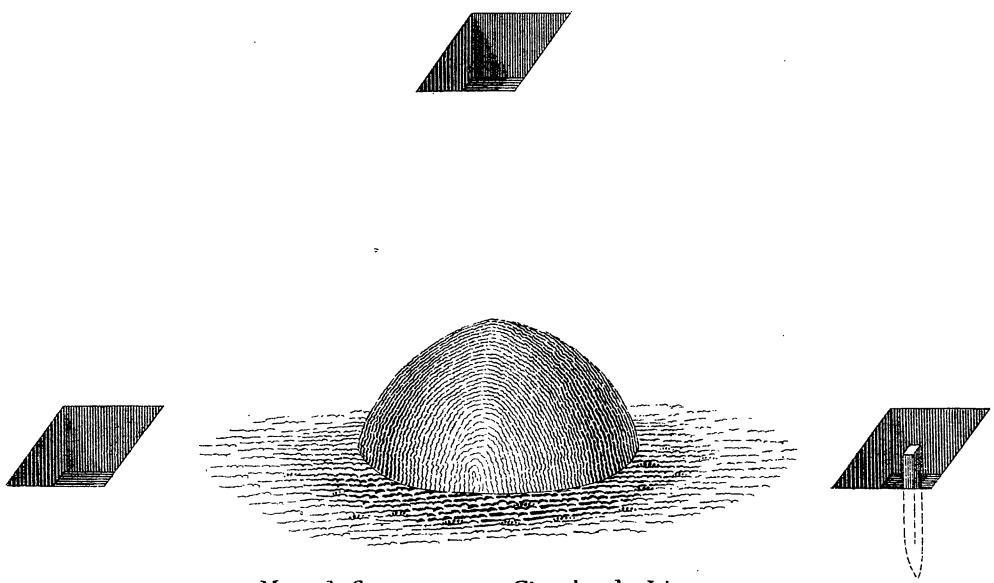
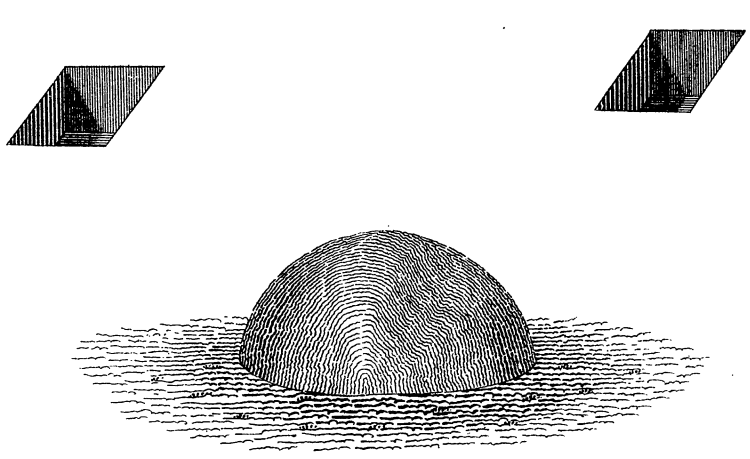
Sheet No. 3

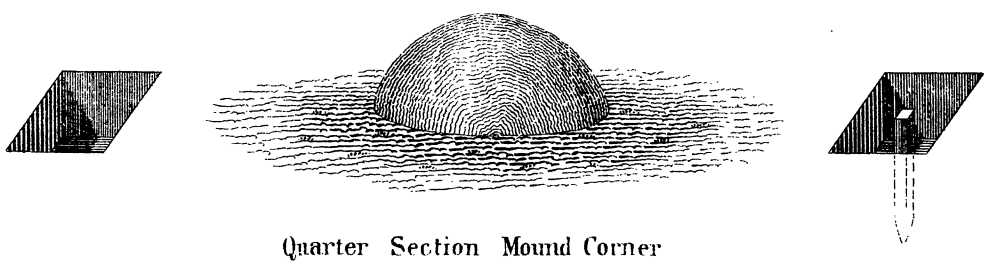
DIAGRAM C



Mound Corner on Standard Line



Mound Corner Common to 4 Sections



Quarter Section Mound Corner

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and that the foregoing are the *true* field notes of such survey, and should any fraud be detected I will suffer the penalty of perjury under the provisions of an act of Congress approved August 8, 1846.

WALTER W. DE LACY,
U. S. Deputy Surveyor.

Subscribed and sworn to before me this thirty-first day of August, 1880.
[SEAL.] JOHN JENKINS,
Notary Public.

PRIVATE LAND CLAIM SURVEYS.

For method and instructions as to survey of private land claims, see *Private Land Claims*, Chap. XXXI, page 394, *et seq.*, and addenda, pages —.

SURVEY OF MINERAL LANDS.

For method and instructions as to survey of mineral claims, quartz or placer, and other valuable deposits, see chapter XXVI, *Mines on the Public Domain*, pages 306 to 331, and addenda, pages —.

RESTORATION OF LOST AND OBLITERATED CORNERS.

MARCH 13, 1883.—IN EFFECT JUNE 30, 1883.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 13, 1883.

The increasing number of letters from county and local surveyors received at this office, making inquiry as to the proper method of restoring to their original position lost or obliterated corners marking the survey of the public lands of the United States, or such as have been willfully or accidentally moved from their original position, have rendered the preparation of the following general rules necessary, particularly as in a very large number of cases the immediate facts necessary to a thorough and intelligent understanding are omitted. Moreover, surveys having been made under the authority of different acts of Congress, different results have been obtained, and no special law has been enacted by that authority covering and regulating the subject of the above-named inquiries. Hence the general rules here given must be considered merely as an expression of the opinion of this office on the subject, based, however, upon the spirit of the several acts of Congress authorizing the surveys, as construed by this office. When cases arise which are not covered by these rules, and the advice of this office is desired, the letter of inquiry should always contain a description of the particular corner with reference to the township, range, and section of the public surveys, to enable this office to consult the record.

To restore extinct boundaries of the public lands correctly, the surveyors must have some knowledge of the manner in which townships were subdivided by the several methods authorized by Congress. Without this knowledge he may be greatly embarrassed in the field, and is liable to make mistakes invalidating his work, and leading eventually to serious litigation. It is believed that the following synopsis of the several acts of Congress regulating the surveys of the public lands will be of service to county surveyors and others, and will help to explain many of the difficulties encountered by them in the settlement of such questions.

The differences resulting from Congressional legislation at different periods resulted in *two* sets of corners being established *on township lines* at one time; at another time *three* sets of corners were established on *range lines*, while the system now in operation makes but *one* set of corners on *township boundaries*, except on standard lines, *i. e.*, base and correction lines, and in some exceptional cases.

The following brief explanation of the modes which have been practiced will be of service to all who may be called upon to restore obliterated boundaries of the public land surveys:

Where two sets of corners were established on township boundaries, one set was planted at the time the exteriors were run, those on the north boundary belonging to the sections and quarter sections north of said line, and those on the west boundary belonging to the sections and quarter sections west of that line. The other set of corners was established when the township was subdivided. This method, as stated, resulted in the establishment of two sets of corners on all four sides of the townships.

Where three sets of corners were established on the range lines, the subdivisional surveys were made in the above manner, except that the east and west section lines, instead of being closed upon the corners previously established on the east boundary

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of the township, were run due east from the last interior section corner, and new corners were erected at the points of intersection with the range line.

The method now in practice requires section lines to be initiated from the corners on the south boundary of the township, and to close on existing corners on the east, north, and west boundaries of the township, except when the north boundary is a base line or standard parallel.

SYNOPSIS OF ACTS OF CONGRESS.

Ordinance of the Congress of the Confederation, of May 20, 1785. U. S. Land Laws, p. 349. Edition 1828.

The first enactment in regard to the surveying of the public lands was an ordinance passed by the Congress of the Confederation, May 20, 1785, prescribing the mode for the survey of the "Western Territory," and which provided that said territory should be divided into "townships of six miles square, by lines running due north and south, and others crossing them at right angles" as near as might be.

It further provided that the first line running north and south should begin on the Ohio River, at a point due north from the western terminus of a line run as the south boundary of the State of Pennsylvania, and the first line running east and west should begin at the same point, and extend through the whole territory. In these initial surveys only the exterior lines of the townships were surveyed, but the plats were marked by subdivisions into section of one mile square, numbered from 1 to 36, commencing with No. 1 in the southeast corner of the township, and running from south to north in each tier to No. 36 in the northwest corner of the township; mile corners were established on the township lines. The region embraced by the surveys under this law forms a part of the present State of Ohio, and is generally known as "the Seven Ranges."

Act of May 18, 1796. U. S. Statutes at Large, vol. 1, p. 465. Section 2395., U. S. Revised Statutes.

The Federal Congress passed a law, approved May 18, 1796, in regard to surveying the public domain, and applied to "the territory northwest of the Ohio River, and above the mouth of the KentuckyRiver."

Section 2, of said act, provided for dividing such lands as had not been already surveyed or disposed of, "by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of 6 miles square," &c. It is also provided that "one-half of said townships, taking them alternately, should be subdivided into sections containing, as nearly as may be, 640 acres each, by running parallel lines through the same each way at the end of every two miles, and marking a corner on each of said lines at the end of every mile." The act also provided that "the sections shall be numbered, respectively, beginning with the number one in the northeast section, and proceeding west and east alternately through the township, with progressive numbers till the thirty-sixth be completed." This method of numbering sections is still in use.

Act of May 10, 1800. U. S. Statutes at Large, vol. 2, p. 73. Section 2395, U. S. Revised Statutes.

An act amendatory of the foregoing, approved May 10, 1800, required the "townships west of the Muskingum, which are directed to be sold in quarter townships, be subdivided into half sections of 320 acres each, as nearly as may be, by running parallel lines through the same from east to west, and from north to south, at the distance of one mile from each other, and making corners, at the distance of each half mile on the lines running east and west, and at the distance of each mile on those running from south to north. And the interior lines of townships intersected by the Muskingum, and of all townships lying east of that river, which have not been heretofore actually subdivided into sections, shall also be run and marked. And in all cases where the exterior lines of the townships thus to be subdivided into sections or half sections shall exceed, or shall not extend six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western or northern ranges of sections or half sections in such township, according as the error may be in running the lines from east to west or from south to north." Said act also provided that the northern and western tier of sections should be sold as containing only the quantity expressed on the plats, and all others as containing the complete legal quantity.

Act of June 1, 1796. U. S. Statutes at Large, vol. 1, p. 490.

The act approved June 1, 1767, "regulating the grants of land appropriated for military services,"&c., provided for dividing the "Virginia Military Tract," in the State of Ohio, into townships 5 miles square, each to be subdivided into quarter townships containing 4,000 acres.

Act of March 1, 1800 U. S. Statutes at Large, vol. 2, p. 14.

Section 6 of the act approved March 1, 1800, amendatory of the foregoing act, enacted that the Secretary of the Treasury was authorized to subdivide the quarter townships into lots of 100 acres, bounded as nearly as practicable by parallel lines 160 perches in length by 100 perches in width. These subdivisions into lots, however, were made upon the plats in the office of the Secretary of the Treasury, and the actual survey was only made at a subsequent time when a sufficient number of such lots had been located to warrant the survey.

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It thus happened in some instances, that when the survey cams to be made the plat and survey could not be made to agree, and that fractional lots on plats were entirely crowded out. A knowledge of this fact may explain some of the difficulties met with in the district thus subdivided.

The act of Congress approved February 11, 1805, directs the subdivision of the public lands into quarter quarter sections, and provides that all corners marked in the field shall be established as the proper corners of the sections or quarter sections which they were intended to designate, and that corners of half and quarter sections not marked shall be placed as nearly as possible "equidistant from those two corners which stand on the same line." This act further provides that "the boundary lines actually run and marked" (in the field) "shall be established as the proper boundary lines of the sections or subdivisions for which they were intended; and the length of such lines as returned by the surveyors shall be held and considered as the true length thereof, and the boundary lines which shall not have been actually run and marked as aforesaid shall be ascertained by running straight lines from the established corners to the opposite corresponding corners, but in those fractional townships where no such opposite or corresponding corners have been or can be fixed, the said boundary line shall be ascertained by running from the established corners due north and south, or east and west, as the case may be, to the external boundary of such fractional township."

Act of February 11, 1805. U. S. Statutes at Large, vol. 2, p. 313. Section 2396, U. S. Revised Statutes.

The act of Congress approved April 24, 1820, provides for the sale of public lands in half quarter sections, and requires "that in every case of the division of a quarter section the line for the division thereof shall run north and south, and fractional sections, containing 160 acres and upwards, shall in like manner, as nearly as practicable, be subdivid into half quarter sections, under such rules and regulations as may be prescribed by the Secretary of the Treasury; but fractional sections, containing less than 160 acres, shall not be divided."

Act of April 24, 1820. U. S. Statutes at Large, vol. 3, p. 566. Section 2397, U. S. Revised Statutes.

The act of Congress approved May 24, 1824, provides "that whenever, in the opinion of the President of the United States, a departure from the ordinary mode of surveying land on any river, lake, bayou, or water-course would promote the public interest, he may direct the surveyor-general in whose district such land is situated, and where the change is intended to be made, under rules and regulations as the President may prescribe, to cause the lands thus situated to be surveyed in tracts of two acres in width, fronting on any river, bayou, lake, or water-course, and running back the depth of forty acres."

Act of May 24, 1824. U. S. Statutes at Large, vol. 4, p. 34.

The act of Congress approved April 5, 1833, directed the subdivision of the public lands into quarter quarters; that in every case of the division of a half quarter section the dividing line should run east and west, and that fractional sections shouldbe subdivided, under rules and regulations prescribed by the Secretary of the Treasury. Under the latter provision the Secretary directed that fractional sections containing less than 160 acres, or the residuary portion of a fractional section, after the subdivision into as many quarter quarter sections, as it is susceptible of, may be subdivided into lots, each containing the quantity of a quarter quarter section as nearly as practicable, by so laying down the line of subdivision that they shall be 20 chains wide, which distances are to be marked on the plat of subdivision, as are also the areas of the quarter quarters and residuary fractions.

Act of April 5, 1832. U. S. Statutes at Large, vol. 4, p. 503. Section 2397, U. S. Revised Statutes.

These two acts last mentioned provided that the corners and contents of half quarters and quarter quarter sections should be ascertained as nearly as possible in the manner and on the principles prescribed in the act of Congress approved February 11, 1805.

From the foregoing synopsis of Congressional legislation it is evident—

1st. That the boundaries of the public lands established and returned by the duly appointed Government surveyors, when approved by the surveyors general and accepted by the Government, *are unchangeable.*

2d. That the original township, section, and quarter section corners established by the Government surveyors must stand as the true corners which they were intended to represent, whether the corners be in place or not.

3d. That quarter quarter corners not established by the Government surveyors must be planted equidistant and on line between the quarter section and section corner.

4th. That all subdivisional lines of a section must be straight lines, running from the proper corner in one exterior line to its opposite corresponding corner in the opposite exterior line.

5th. That in fractional sections where no opposite corresponding corner has been or can be established, any required subdivision line of such section must be run from the proper original corner in the boundary line due east and west, or north and south, as the case may be, to the water-course, Indian reservation, or other exterior boundary of such section.

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From the foregoing it will be plain that extinct corners of the Government surveys must be restored to their original locations, whenever it is possible to do so; and hence resort should always be first had to the marks of the survey in the field, The locus of the missing corner should be first identified on the ground by the aid of the mound, pits, line trees, bearing trees, &c., described in the field notes of the original survey.

The identification of mounds, pits, and witness trees, or other objects noted in the field notes of survey, afford the best means of relocating the missing corner in its original position. If this cannot be done, clear and unquestioned testimony as to the locality it originally occupied should be taken, if such can be at all obtained. In any event, whether the locus of the corner be fixed by the one means or the other, such locus should always be tested and proven by measurements to *known* corners. No definite rule can be laid down as to what shall be sufficient evidence in such cases, and much must be left to the skill, fidelity, and good judgment of the surveyor in the performance of his work.

Where retracements of lines have to be made for the purpose of either testing the relocation of a missing corner, or by direct measurement between known corners intersecting at the point sought to be re-established, it will almost invariably happen that a difference of the measurement is developed between the original measurement, as stated in the field notes, and the new measurement made for that purpose of re-establishment or proof. When these differences occur, the surveyor must in all cases re-establish or prove his corners at intervals proportionate to those given in the field notes of the original survey. *From this rule there can be no departure*, since it is the basis upon which the whole operation depends for accuracy and truth.

TO RESTORE LOST OR OBLITERATED CORNERS.

1. *To restore corners on base and correction lines.*—Run a right line between the nearest existing corners on such line, whether base or correction line, which corners must, however, be fully identified, and at the point proportionate to the distance given in the field notes of the original survey, establish a new corner. This point should be verified by measurements to the nearest known corners north or south of the base or correction line, or both.

Where several corners are missing between the corners to be connected as directed above, their location will be determined upon the same principle and the same manner, that is to say, the original distance of the entire line between the recognized corners is to the entire distance remeasured between the same corners as the original distance of the first, second, third, &c., interval of the original survey is to the new distance to be laid off for the corresponding new interval. After having checked each new location by measurement to the nearest known corners north or south of the line, new corners will be established permanently, and new bearings and measurements taken to prominent objects, which should be of as permanent a character as possible, and the same recorded for future reference.

As has been observed, no existing original corner can be disturbed, and it will be plain that any excess or deficiency in measurements between existing corners cannot in any degree affect the distances beyond said existing corners, but must be added or subtracted proportionately to or from the intervals embraced between the corners which are still standing.

2. *Re-establishment of township corners common to four townships.*—Inasmuch as township lines are sometimes run in a direction not true north and south, or east and west, a line should first be run connecting the nearest known corners on the north and south township lines and a temporary corner established at the proportionate distance. This will establish the location of the township corner only so far as its relative position north and south is concerned. The nearest known corners on the east and west township lines will then be connected in the same manner, independent of the temporary corner previously set, and the proportionate point determined in that direction; any difference east or west of the temporary corner which may be developed by the last operation, by intersection with the line previously run north and south, will then be laid off in the direction required from the temporary corner, and a permanent corner established at such point, marked and witnessed as in the foregoing case.

3. *Re-establishment of corners common to two townships.*—The two nearest known corners on the township line, the same not being a base or a correction line, will be connected as in case No. 1, by a right line, and the missing corner established by proportionate distance as directed in that case; the location thus found will be checked upon by measurements to nearest known section or quarter section corners north and south, or east and west, of the township line, as the case may be.

4. *Re-establishment of closing corners.*—Measure from the quarter section, section or township corner east or west, as the case may be, to the next preceding or succeeding corner in the order of original establishment, and re-establish the missing closing

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corner by proportionate measurement. The line upon which the closing corner was originally established should always be remeasured, in order to check upon the correctness of the new location.

5. *Re-establishment of interior section corners.*—This class of corners should be re-established in the same manner as corners common to four townships. In such cases, when a number of corners are missing on all sides of the one sought to be re-established, the entire distance must, of course, be remeasured between the nearest existing recognized corners both north and south and east and west, in accordance with the rule laid down, and the new corner re-established by proportionate measurement. The mere measurement in any one of the required directions will not suffice, since the direction of the several section lines running northwards through a township, or running east and west, are only in the most exceptional cases true prolongations of the alignment of the section lines initiated on the south boundary of the township; while the east and west lines running through the township, and theoretically supposed to be at right angles with the former, are seldom in that condition, and the alignment of the closing lines on the east and west boundaries of the township, in connection with the interior section lines, even less seldom in accord. Moreover, the alignment of the section line itself from corner to corner, in point of fact, also very frequently diverges from a right line, although presumed to be so from the record contained in the field notes and so designated on the plats, and become either a broken or a curved line. This fact will be determined, in a timbered country, by the blazes which may be found upon trees on either side of the line, and although such blazed line will not strictly govern as to the absolute direction assumed by such line, it will assist very materially in determining its approximate direction and should never be neglected in retracements for the re-establishment of lost corners of any description. Sight trees described in the field notes, together with the recorded distances to same, when fully identified, will, it has been held, govern the line itself, even when not in a direct or straight line between established corners, which line is then necessarily a broken line by passing through said sight trees. Such trees, when in existence and properly identified beyond a question of doubt, will very materially assist in evidencing the correct relocation of a missing corner. It is greatly to be regretted that the earlier field notes of survey are so very meager in the notation of the topography found on the original line, which might in very many instances materially lessen a surveyor's labors in retracement of lines and re-establishment of the required missing corner. In the absence of such sight trees and other evidences regarding the line, as in an open country, or where such evidence has been destroyed by time, the elements, or the progress of improvement, the line connecting the known corners should be run straight from corner to corner.

6. *Re-establishment of quarter section corners on township boundaries.*—Only one set of quarter section corners are actually marked in the field on township lines, and they are established at the time when the township exteriors are run. When double section corners are found, the quarter section corners are considered generally as standing midway between the corners of their respective sections, and when required to be established or re-established, as the case may be, they should be generally so placed; but great care should be exercised not to mistake the corners of one section for those of another. After determining the proper section corners marking the line upon which the missing quarter section corner is to be re-established, and measuring said line, the missing quarter section corner will be re-established in accordance with the requirements of the original field notes of survey by proportionate measurement between the section corners marking the line.

Where there are double sets of section corners on township and range lines, and the quarter section corners for sections south of the township or east of the range lines are required to be established in the field, the said quarter section corners should be so placed as to suit the calculation of areas of the quarter sections adjoining the township boundaries as expressed upon the official township plat, adopting proportionate measurements when the present measurements of the north and west boundaries of the section differ from the original measurements.

7. *Re-establishment of quarter section corners on section lines closing upon the north and west township boundaries.*—This class of corners must be re-established according to the original measurement at forty chains from the last interior section corner. If the measurements do not agree with the original survey, the excess or deficiency must be divided proportionately between the two distances, as expressed in the field notes of original survey. The section corner started from and the corner closed upon should be connected by a right line, unless the retracement should develop the fact that the section line is either a broken or curved line, as is sometimes the case.

8. *Re-establishment of interior quarter section corners.*—In some of the older surveys these corners are placed at variable distances, in which case the field notes of the original survey must be consulted, and the quarter section corner re-established at proportionate distances between the corresponding section corners, in accordance therewith. The later surveys being more uniform and in stricter accordance with

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law, the missing quarter section corner must be re-established equidistant between the section corners marking the line, according to the field notes of the original survey. The marks made under § 5, in relation to section lines, apply with full force here also; the caution there given not to neglect sight trees is equally applicable; since the proper re-establishment of the quarter section corner may in some instances very largely depend upon its observance, and avoid one of the many sources of litigation.

8. *Where double corners were originally established, one of which is standing, to re-establish the other.*—It being remembered that the corners established when the exterior township lines were run belong to the sections in the townships north and west of those lines, the surveyor must first determine beyond a doubt to which sections the existing corner belongs. This may be done by testing the courses and distances to witness trees or other objects noted in the original field notes of survey, and by remeasuring distances to known corners. Having determined to which township the existing corner belongs, the missing corner may be re-established in line north or south of the existing corner, as the case may be, at the distance stated in the field notes of the original survey, by proportionate measurement, and tested by remeasurement to the opposite corresponding corner of the section to which the missing section corner belongs. These double corners being generally not more than a few chains apart, the distance between them can be more accurately laid off, and it is considered preferable to first establish the missing corner as above, and check upon the corresponding interior corner, than to reverse the proceeding; since the result obtained is every way more accurate and satisfactory.

9. *Where double corners were originally established, and both are missing, to re-establish the one established when the township line was run.*—The surveyor will connect the nearest known corners on the township line, by a right line, being careful to distinguish the section from the closing corners, and re-establish the missing corner at the point indicated by the field notes of the original survey, by proportionate measurement. The corner thus restored will be common to two sections either north or west of the township boundary, and the section north or west, as the case may be, should be carefully retraced; thus checking upon the re-established corner, and testing the accuracy of the result. It cannot be too much impressed upon the surveyor, that any measurements to objects on line noted in the original survey are means of determining and testing the correctness of the operation.

10. *Where double corners were originally established, and both are missing, to re-establish the one established when the township was subdivided.*—The corner to be re-established being common to two sections south or east of the township line, the section line closing on the missing section corner should be first retraced to an intersection with the township line in the manner previously indicated, and a temporary corner established at the point of intersection. The township line will of course have been previously carefully retraced in accordance with the requirements of the original field notes of survey, and marked in such a manner as to be readily identified when reaching the same with the retraced section line. The location of the temporary corner planted at the point of intersection will then be carefully tested and verified by remeasurements to noted objects and known corners on the township line, as noted in the original field notes of survey, and the necessary corrections made in such relocation. A permanent corner will then be erected at the corrected location on the township line, properly marked and witnessed, and recorded for future requirements.

11. *Where triple corners were originally established on range lines, one or two of which have become obliterated, to re-establish either of them.*—It will be borne in mind that only two corners were established as actual corners of sections, those established on the range line not corresponding with the subdivisional survey east or west of said range line. The surveyor will, therefore, first proceed to identify the existing corner or corners, as the case may be, and then re-establish the missing corner or corners in line north or south, according to the distances stated in the original field notes of survey in the manner indicated for the re-establishment of double corners and testing the accuracy of the result obtained, as hereinbefore directed in other cases. If, however, the distances between the triple corners are not stated in the original field notes of survey, as is frequently the case in the returns of older surveys, the range line should be first carefully retraced, and marked in a manner sufficiently clear to admit of easy identification upon reaching same during the subsequent proceedings. The section lines closing upon the missing corners must then be retraced in accordance with the original field notes of survey, in the manner previously indicated and directed, and the corners re-established in the manner directed in the case of double corners. The surveyor cannot be too careful, in the matter of retracement, in following closely all the recorded indications of the original line, and nothing, however slight, should be neglected to insure the correctness of the retracement of the original line; since there is no other check upon the accuracy of the re-establishment of the missing corners, unless the entire corresponding section lines are remeasured by proportional measurement, and the result checked by a recalculation of the areas as originally returned,

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which, at best, is but a very poor check, because the areas expressed upon many plats of the older surveys are erroneously stated on the face of the plats, or have been carelessly calculated.

12. *Where triple corners were originally established on range lines all of which are missing, to re-establish same.*—These corners should be re-established in accordance with the foregoing directions, commencing with the corner originally established when the range line was run, establishing the same in accordance with previously given directions for restoring section and quarter section corners; that is to say, by remeasuring between the nearest known corners on said township line, and re-establishing the same by proportionate measurement. The two remaining will then be re-established in conformity with the general rules for re-establishment of double corners.

13. *Re-establishment of meander corners and meanders.*—Before proceeding with the re-establisment of missing meander corners, the surveyor will carefully rechain at least three of the section lines between known corners of the township within which the lost corner is to be relocated, in order to establish the proportionate measurement to be used. This requirement of preliminary remeasurement of section lines must in no case be omitted; since it is the only data upon which the fractional section line can be remeasured proportionately, the corner marking the terminus, or the meander corner being missing, and which it is intended to re-establish. The missing meander corner will be re-established on the section or township line retraced in its original location, by the proportionate measurement found by the preceding operations, from the nearest known corner on such township or section line, in accordance with the requirements of the original field notes of survey. To retrace the original meander lines, between the meander corners re-established as above, is generally an operation of much greater difficulty, owing to the fact that the line connecting the meander corners is, in most instances, a broken line, and is, moreover, unmarked at each point of change in direction intermediate between the said meander corners, thus affording no check upon the work as it progresses through a section. The several deflections of line comprising the meanders in any one section being originally run by compass, their retracement by compass at a later period offers too many opportunities for error; inasmuch as the variation of the needle, as noted in the original field notes of survey, may have undergone violent changes by removal of the cause, such as timber, &c., or increased attractions by exposure of minerals, thus giving no means of correction to be applied in that direction at the time of retracement. Moreover, the variation of the needle as noted is not to be implicitly depended upon, since the observations for variation are in many instances crude and rough, and at best afford but an approximation in such work. It is, therefore, deemed preferable, where such variation has been carefully noted in the original field notes of survey, and the lines have been run with a true meridian throughout, to retrace the meanders by the angles made by the several successive courses. For instance, supposing the first course of a meander in a section to be initiated from a north and south section line, and the course by compass to be N. 30° 15′ E., true meridian, the surveyor will lay off the angle of 30° 15′ in the direction required; the second course being N. 85° 45′ E., makes an angle with the preceding course of 55° 30′; the next course being S. 23° 30′ E. makes an angle with the preceding course of 66° 30′, and so on through the section. The required distances on each course being carefully chained, the excess or deficiency of the aggregate distance should be proportionately distributed on each course between the meander corners from the data thus found; also any error that may develop itself in the angles will be proportionately distributed upon the several angles and the entire meanders corrected in accordance therewith. Where no variation has been noted in the original field notes of survey, the meanders can only be retraced by trial lines, on the courses and distances originally given, and corrected by proportionate measurement of angle and distance as above. The surveyor will, of course, take cognizance of any information furnished by the original field notes of survey, as to objects on each course to which distances may be given or bearings taken, as well as at the meander stations themselves.

14. *Fractional section lines.*—County and local surveyors being sometimes called upon to restore fractional section lines closing upon Indian, military, or other reservations, private grants, &c., such lines should be restored upon the same principles as directed in the foregoing pages, and checked whenever possible upon such corners or monuments as have been placed to mark such boundary lines.

In some instances corners have been moved from their original position, either by accident or design, and county surveyors are called upon to restore such corners to their original positions, but, owing to the absence of any and all means of identification of such location, are unable to make the result of their work acceptable to the owners of the lands affected by such corner. In such cases the advice of this office has invariably been to the effect that the relocation of such corner must be made in accordance with the orders of a court of competent jurisdiction, the United States having no longer any authority to order any changes where the lands affected by such corner have been disposed of.

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The original evidences of the public land surveys in the following States, viz: Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Missouri, Arkansas, Mississippi, Alabama, and Kansas have been turned over, under the provisions of sections 2218, 2219, and 2220, United States Revised Statutes, to the State authorities, to whom application should be made for such copies of the original plats and field notes as may be desired.

N. C. McFARLAND,
Commissioner.

Approved.

DEPARTMENT OF THE INTERIOR,
March 13, 1883.

H. M. TELLER,
Secretary.

METHOD OF SALE, PRICE, AND DISPOSITION OF THE PUBLIC DOMAIN FROM 1784 TO 1880.

[See Chap. VIII, pages 196 to 208.]

No change in this chapter to June 30, 1883. The system and prices remain the same. The throwing open to private purchase, at $1.25 per acre, in unlimited quantities, the public lands in the States of Arkansas, Louisiana, Mississippi, Alabama, and Florida, as ordered by the act of June 22, 1876, has resulted in the purchase of millions of acres by large holders and speculators. This still continues (see page 207, and annual reports of Commissioner of the General Land Office for 1880, '81, '82 and '83, and tables of sales herein, showing sales in these several States). Arable lands should be held for actual settlers.

DONATIONS OF LAND AND SPECIAL GRANTS.

TO JUNE 30, 1882.

[See Chapter IX, pages 209 to 213.]

Congress, having complete and entire control over the public domain, can sell it, give it away, or make such other disposition as it likes and as it believes best for the general welfare and public good.

In addition to those cited in Chapter IX, pages 209 to 213 herein, the following are given, having been enacted or put in operation since June 30, 1880:

[From Reports for 1881 and 1882 of General Land Office.]

WITHDRAWAL OF LANDS IN THE STATES OF WISCONSIN AND MINNESOTA FOR RESERVOIR PURPOSES.

By the provisions of the second section of an act of Congress entitled "An act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," approved June 18, 1878, the Secretary of War was directed to cause an examination to be made of the sources of the Mississippi and Saint Croix Rivers, in the States of Wisconsin and Minnesota, and of the Chippewa and Wisconsin Rivers, in the State of Wisconsin, to determine the practicability and cost of creating and maintaining reservoirs upon the headwaters of said rivers and their tributaries, for the purpose of regulating the volume of water and improving the navigation of said rivers. Subsequently, by the provisions of the acts of March 3, 1879, June 14, 1880, and March 3, 1881, appropriations were made for the survey above referred to, and the construction of said reservoirs.

The Secretary of War, by letter of February 7, 1880, submitted to Congress the report of the United States engineer having in charge the survey provided for by the acts of June 18, 1878, and March 3, 1879 (House Ex. Doc. No. 39, Forty-sixth Congress, second session), from which it appeared that certain vacant public lands in the United States in the States of Wisconsin and Minnesota would be affected in the event of affirmative action by Congress on said report, in view of which fact the Secretary of War, by letter of March 3, 1880, addressed to the Secretary of the Interior a request that all public lands which it appeared from the engineer's report would be affected be withdrawn from sale or disposal pending action by Congress. The request of the Secretary of War having been referred to this office by the Assistant Secretary of the Interior, with an indorsement thereon directing a report to be made on the subject-matter thereof, there appearing to be no valid reason why the lands referred to should not be withdrawn from sale as requested, a list of same was prepared, together with

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a draft of a proclamation withdrawing said lands from sale or disposal, which was transmitted to the Department March 19, 1880, which proclamation (No. 859, G. L. O. series) received the signature of the President March 22, 1880, and was at once promulgated by this office. By this proclamation some 70,000 acres of land in the districts of Falls Saint Croix, Eau Claire, Bayfield, and Wausau, in the State of Wisconsin, and 200 acres in the district of Taylor's Falls, Minnesota, were withdrawn from sale or disposal.

Under date of February 14, 1881, the Secretary of War transmitted a second report by the engineer in charge of survey, dated Saint Paul, Minn., June 12, 1880, containing a list of lands found to be within the limits of or necessary to be appropriated for the purposes of the reservoirs referred to, which list was referred to this office with directions for report thereon by the Department, under date of Febuary 15, 1881. In compliance with instructions, a list of said lands was prepared and forwarded, together with a draft of a proclamation of withdrawal, under date of March 25, 1881. This proclamation (No. 868, G. L. O. series) received the signature of the President April 5, 1881, and by it some 35,000 acres of land in the districts of Falls Saint Croix, Eau Claire, Bayfield, and Wausau, in the State of Wisconsin, and some 3,000 acres in the districts of Saint Cloud and Taylor's Falls, in the State of Minnesota, were withdrawn from sale or disposal.

This office also prepared lists of those lands included in the reports, the engineer having in charge the surveys above referred to which were found to be within the limits of the Leech Lake, Chippewa, and Cass Lake Indian reservations in the State of Minnesota, and the Court Oreille and Lac de Flambeau Indian reservations in the State of Wisconsin, which were forwarded to the Department with letter of March 25, 1881.

[Report of 1882.]

In accordance with the provisions of the acts mentioned, and upon requests of the Secretary of War, dated November 22, 1881, and January 13, 1882, lands liable to overflow by the construction of reservoirs have been withdrawn from sale or disposal, as follows:

In the Saint Cloud, Minn., land district, per proclamation No. 872 (General Land Office series), about 17,000 acres.

By proclamation No. 874, in the Wausau, Wis., land district, about 5,000 acres; in the Bayfield district, Wisconsin, about 4,000 acres; in the Eau Claire district, Wisconsin, about 500 acres; in the Falls of Saint Croix district, Wisconsin, about 1,600 acres; in the Saint Clond district, Minnesota, about 29,500 acres; in the Taylor's Falls district, Minnesota, about 200 acres.

The total area of lands withdrawn by the two proclamations is about 57,800 acres.

During the fiscal year ending June 30, 1881, about 108,200 acres of pubic lands were withdrawn for reservoir purposes, per proclamations Nos. 859 and 868.

On August 17, 1882, the Secretary of War, by a letter addressed to the honorable Secretary of the Interior and referred to this office, called attention to the fact that a number of tracts had been omitted from proclamations Nos. 872 and 874, and requested the withdrawal of the same from sale or disposal. These tracts are in the Saint Cloud district, Minnesota, and aggregate about 1,800 acres in area. By letter dated August 25, 1882, the Commissioner directed the register and receiver to withhold the same from disposal.

The total area of lands withdrawn by proclamation and withheld from disposal for reservoir purposes, under the acts referred to, approximates 168,000 acres, worth, at $1.25 per acre, $210,000.

By act of Congress of August 2, 1882, $300,000 were appropriated for reservoir purposes, and it is provided that—

"This sum shall be expended at such places on said headwaters of the Mississippi River and its tributaries as the Secretary of War shall determine: *Provided*, That the Secretary of War be, and he is hereby, authorized and empowered to enter upon, purchase, take, and hold any lands or premises, and any materials of stone, timber, or other kinds, that may be necessary and proper for the construction of said works. And in case the owner of such lands, premises, and materials and the Secretary of War cannot agree as to the value of the lands, premises, and materials taken or to be taken for said use, then the value thereof shall be determined by the appraisal of three disinterested commissioners, who may be appointed upon application by either party to the judge of the United States district court for the district in which such land, premises, or materials may be situate; and said commissioners, in their assessment of damages, shall appraise such lands, premises, and materials at what would have been the value thereof if said works had not been constructed; and upon return into said United States district court of such appraisement, and upon the payment into the same of the estimated value of said land, premises, and materials, so taken and appraised as aforesaid, said land, premises, and materials shall be deemed to be, and shall become, the property of the United States, which shall thereby acquire full title to the same. And either party feeling aggrieved at said appraisement may, within thirty days after the same has been returned into said court, file an appeal therefrom and demand a trial by jury in said court to estimate and ascertain the damages sus-

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tained: *Provided further*, That the money hereby appropriated shall be used solely for the improvement of the navigation of the Mississippi River and its tributaries, and no part thereof shall be expended with the view to the improvement of private property. And the Secretary of the Interior is hereby authorized and directed to ascertain what, if any, injury is occasioned to the rights of any friendly Indians occupying any Indian reservation by the construction of any of the said dams, or the cutting or removing of trees or other materials from any such reservation for the construction or erection of any of said dams, and to determine the amount of damages payable to such Indians therefor; and all such damages to private property and to friendly Indians, when ascertained and determined in the manner herein directed and provided, shall be paid by the United States: *Provided, however*, That such damages shall not exceed 10 per centum of the sums hereby appropriated for the construction of said reservoirs."

ARTESIAN WELLS.

The act making appropriations for the Agricultural Department, approved June 16, 1880, authorized the Commissioner of Agriculture to contract for sinking *two* artesian wells on the plains east of the Rocky Mountains, and select the sites for the wells, and required, when the site of either well should be designated, the Secretary of the Interior to declare a reservation of four square miles, with the said site as nearly as possible in the centre thereof.

At the request of the Commissioner of Agriculture, lot 1 of section 33, of township 22 south, of range 51 west, containing forty-six one hundredths of an acre, was reserved for a well by letter to the Pueblo land officers, dated September 30, 1880. The tract reserved is situated a few miles northeast of the town of West Las Animas, and adjoins the Fort Lyon military reservation on the north. At this point a well has been sunk to a considerable depth, but water has not been reached. This is the only well site selected under the aforesaid appropriation.

The act of May 19, 1882, making appropriations for the Agricultural Department, contains the following provision:

"For locating and sinking not exceeding three artesian wells on the plains east of the Rocky Mountains, with a view to reclaiming arid and waste public lands, $20,000: *Provided*, That no part of this sum shall be expended in experiments upon the lands of individuals or corporations, but only upon the lands belonging to the United States. * * *"

Under this act two sites have been selected in Colorado for the sinking of wells by the Agricultural Department, to wit, sectons 4 and 5, township 2 north, of range 52 west, Denver district; and section 20, township 14 south, of range 44 west Pueblo district. The vacant lands in said sections 4 and 5 (about 1,080 acres) and said section 20 were reserved for the purpose by direction of this office, under date of August 21, 1882.

THE PRE-EMPTION ACTS, CASH ENTRIES THEREUNDER, AND VITAL AMENDMENTS NECESSARY TO EXISTING SETTLEMENT LAWS.

[See Chapter X, pages 214 to 216, inclusive, and 1247.]

TO JUNE 30, 1882.

No changes have been made in the pre-emption acts since June 30, 1880.

The number of entries thereunder cannot be given in detail, because the system of the General Land Office carries them into "cash entries," and they are, therefore, embraced in the annual cash receipts from sales of lands under various laws.

It is estimated that the disposals of lands under the pre-emption acts, since the beginning of the land system to June 30, 1882, have been about 173,000,000 of acres.

REPEAL OF THE PRE-EMPTION LAWS.

The several pre-emption laws have outlived their usefulness. Other and better laws have been passed containing pre-emption features, and affording proper facilities for honestly acquiring title to public lands. The pre-emption laws are now the hope of the land-grabber and are the land-swindler's darlings. Every attempt to repeal them by act of Congress is met with desperate hostility, and defeat follows. The Commissioner of the General Land-Office for four years past has asked for their repeal. The Secretary of the Interior has urged it for two years past. The Public Land Commission, charged with special powers to investigate abuses under the land system, urgently recommended their repeal. High officials have urged that the repeal of the pre-emption laws was the salvation of the remainder of the arable public domain.

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The Secretary of the Interior, Hon. H. M. Teller, in his report for 1882, says, referring to the recommendation of the Commissioner of the General Land Office:

I fully agree with the Commissioner in this recommendation. The pre-emption law, intended as a means of enabling the citizen wishing to make a home to do so cheaply and speedily, has been used largely to aggregate large quantities of land for the benefit of the speculator, and not for those for whose benefit it was intended.

It should be the policy of the Government to preserve the public lands suitable for cultivation for the use of actual settlers, and this cannot be done under existing laws.

In the House of Representatives, second session, Forty-seventh Congress, December 19, 1882, Mr. Horace B. Strait, of Minnesota, from the Committee on the Public Lands, submitted a favorable report on the following bill (H. R. No. 4993), by Mr. William D. Washburn, of Minnesota, to repeal the laws allowing pre-emption of the public lands, and amending the homestead law.

IN THE HOUSE OF REPRESENTATIVES.

MARCH 6, 1882.—Read twice, referred to the Committee on the Public Lands, and ordered to be printed.
DECEMBER, 19, 1882.—Reported with an amendment, referred to the House Calendar, and ordered to be printed.

A BILL to repeal the laws allowing pre-emption of the public lands, and amending the homestead law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pre-emption laws of the United States relating to the public lands are hereby repealed: *Provided, however*, That such repeal shall not be construed to embrace special statutes relating to specific reservations or tracts of lands, which, to discharge treaty stipulations, or for other purpose separate and distinct from the general law, are required to be sold for cash to actual settlers or under the provisions of the laws allowing pre-emptions of the public lands.

SEC. 2. That all duly-qualified persons who, prior to the date of this act, have in good faith and compliance with existing laws made pre-emption settlements on the public lands subject thereto shall be entitled to perfect their entries and receive patents under said laws.

SEC. 3. That no person who has made, or shall hereafter make, a homestead entry on the public lands shall be entitled to avail himself of the provisions of section twenty-three hundred and one of the Revised Statutes of the United States until he shall have resided upon and cultivated the land embraced in such entry for the full period of thirty months: *Provided, however*, That in case of the death of a party who has made a homestead entry, it shall be competent for his successor in interest under the law to make entry under said section at any time thereafter.

[Report No. 1834, Forty-seventh Congress, second session.]

DECEMBER 19, 1882.—Referred to the House Calendar and ordered to be printed.

Mr. STRAIT, from the Committee on the Public Lands, submitted the following report, to accompany bill H. R. 4993.

The Committee on the Public Lands, to whom was referred the bill (H. R. 4993) to repeal the laws allowing pre-emption of the public lands, and amending the homestead law, submit the following report:

The pre-emption law and the various amendments which have been made to it from time to time were enacted for the purpose of reserving the public domain to the occupation of actual settlers, and for many years was the only law under which title could be acquired to unoffered lands.

The effect of this law throughout the entire region where the public lands were situated was of the most beneficent character, and saved a large region of country from being taken for the purpose of speculation. But, with the subsequent passage of the homestead act, there seemed to be little use for the pre-emption law, as those who, in good faith, desired to occupy the public lands for the purpose of establishing homes could do so to much better advantage under the provisions of the homestead law. And since the passage of the homestead law the pre-emption act, as a rule, has been "used only to be abused," and since that time the most extensive frauds have been committed under this law.

Your committee are informed that in many sections of the country the evasion of law has become a regularly organized business, and that offices are opened for the express purpose of pre-empting and selling lands located under the pre-emption law. Men are employed and paid definite amounts to make pre-emption locations, and agreements are made to transfer lands so acquired the moment the title vests in them.

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But, beyond making such agreements in defiance of law, these locations, in many cases, are, in every respect, fraudulent; the parties to them never making the required improvements, and seldom going upon the land claimed. The consequence is that this law, which was so wisely enacted, and which for a long time after its enactment was so beneficent in its results, is now made use of almost exclusively to accomplish results that it was enacted to prevent, to wit, the passing or transferring of the public domain into the hands of speculators instead of reserving it for the actual settler; and not only this, but, in too many cases, passing into the hands of dishonest speculators, who are willing to become parties to perjury and fraud.

With this state of things existing to so alarming an extent in all sections of the country where there is any government land, and more especially in regions where the land is almost entirely valuable for its timber, coupled with the fact that the actual *bona fide* settler can acquire title to land for a home without money and without price, there seems no good reason why the pre-emption law should longer remain on the statute book, and your committee therefore recommend its repeal.

Your committee, in order to give effectiveness to this repeal and to prevent the consummation of the same class of frauds under the homestead act, commend the provision extending the time in which homestead claimants can commute payment. The bill under consideration extends this time from six to eighteen months. Your committee recommend that this time be further extended to thirty months.

The question of the repeal of the pre-emption law and the amendment of the homestead law is not a new one, but has been repeatedly urged by the Commissioner of the General Land Office. In his last report, June 30, 1882, he uses the following language:

"Previous to the passage of the homestead laws the pre-emption system afforded the only means by which settlers could acquire title to unoffered lands. The wise policy of Congress, maintained for many years, has been to withhold the public lands from disposal at ordinary cash sale, with a view to their occupation by actual settlers, and to prevent the appropriation of large bodies by individuals for speculative purposes. The pre-emption system was designed to enable actual settlers to establish their homes on the public domain, and thus to improve and build up the country.

"With the passage of the homestead act, however, the pre-emption law became of less importance, and recent supplemental legislation having placed homestead parties on an equal footing in all respects with pre-emptors, the special utility of the pre-emption law for purposes of *bona fide* settlement on the public lands has wholly ceased.

"Any person who could make a pre-emption entry can make a homestead entry. Any land that can be entered under the pre-emption laws can also be entered under the homestead laws. Under the homestead laws, also, the homestead party may purchase the land entered by him within the same time, upon the same terms, and by the same proofs as in pre-emption cases. There is, therefore, no practical necessity for continuing the double system in operation. A repeal of the pre-emption law would simplify the public business and be in the interest of public economy and good administration. Such repeal would, moreover, remove one of the causes of frauds in land entries which have approached great magnitude. The correspondence of this office, and reports from officers and special agents, indicate that a material proportion of the pre-emption entries now made are fraudulent in character, being chiefly placed upon valuable timber or mineral lands, or water rights, and made in the interest and by the procurement of others, and not for the purpose of residence and improvement by the professed pre-emptor."

Your committee, believing that the remainder of the public domain should be sacredly held for the actual settlers who are now crowding to the frontier in such large numbers, and that few opportunities would be left to speculators to acquire lands for speculation, urgently recommend the passage of this bill.

The bill did not become a law.

Mr. Frank Hiscock, of New York, February 19, 1883, reported to the House of Representatives, bill H. R. No. 7595, from the Committee of Appropriations, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884. It contained—lines 1706 to 1760—some almost vital (proposed) legislation in relation to the public domain. Mr. Hiscock had embraced three several propositions in the proposed repeal.

[Pages 70, 71, and 72, H. R. No. 7595, second session Forty-seventh Congress.]

"*Provided*, That the pre-emption laws, together with all laws authorizing the filing of declaratory statements for entries of the public lands, by agent or attorney, be, and the same are hereby, repealed: *Provided further*, That this repeal shall not affect the disposal of lands under treaty stipulations with Indian tribes, nor be deemed to

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impair any legal rights heretofore acquired under the laws hereby repealed; but all existing settlements, entries, or filings may be perfected upon proper proof of the lawful and *bona fide* character of said claims and of due compliance with the provisions and requirements of the laws under which such entries, settlements, or filings were made: *And provided further*, That any person who has heretofore made, or may hereafter make, a *bona fide* entry of public lands under the homestead laws shall have the priviledge of paying the minimum price for the quantity of land so entered at any time before the expiration of five years from the date of entry and after actual residence, improvement, and cultivation has been maintained for a period of not less than two and one-half years after entry; and it shall be the duty of the Commissioner of the General Land Office to require evidence of actual compliance with the requirements of law in respect to settlement, residence, improvement, and cultivation, in all cases in which title now is or may hereafter be claimed under the homestead or other settlement or improvement laws of the United States: *And provided further*, That any person applying for the benefits of the timber-culture laws shall make his entry in person, at the proper local land office, and shall make affidavit that he is an actual resident of the county and State or Territory in which the land is situated, and that he has not entered into any contract or agreement to relinquish the entry he may make, and that he has no present or prospective purpose of making any such relinquishment; and the offering for sale, as a matter of traffic or speculation, of relinquishments of entries made under the provisions of the timber-culture laws shall be deemed *prima facie* evidence that such entries were made for speculative purposes, and not in good faith, as required by law, and such entries shall thereupon be liable to cancellation by the Commissioner of the General Land Office, and the land covered thereby shall be deemed subject to entry by the first legal applicant; and the first section of the act of May fourteenth, eighteen hundred and eighty (authorizing lands covered by relinquished claims to be held as open to settlement and entry without further action by the Commissioner of the General Land Office), and all other acts and parts of acts inconsistent herewith are hereby repealed: *And provided further*, That when a timber-culture entry shall have once been made on a tract of public land subject to such entry and the same shall be canceled or relinquished, the land covered thereby shall thereafter be subject to entry only under the timber-culture laws, and no patent shall be issued for such land until the requirements of said laws shall have been fully complied with."

OPPOSITION TO THESE MEASURES.

At once after the introduction of this bill the mails and telegraph were burdened with letters, petitions, and messages demanding that these items be not enacted into laws. Indignation meetings were held in some localities, and stirring resolutions passed, denouncing the attempt of Congress to thus deprive speculators and grabbers of the splendid chances under existing laws of fraudulently gathering in the little remaining agricultural lands in the West, now a remanent of a once great arable area, the property of the nation.

The bill passed the House February 24, 1883, and went to the Senate. Remonstrances now poured in tenfold in number; the clauses given above were stricken from the bill by the Committee on Appropriations, and so reported to the Senate, March 1, 1883, and then returned to the House March 2, 1883. After conference the bill became a law March 3, 1883, without this most salutary and much needed and demanded legislation.

NEW LEGISLATION ASKED IN THE MATTER OF TIMBER-CULTURE LAWS.

The legislation recommended in relation to the timber-culture act, an act now generaly used to fraudulently acquire title, grew out of the recommendation of Mr. Commissioner McFarland in his annual report for 1882, wherein he says:

The period has but just commenced when the earlier entries made under the timber-culture act can be proven up. The fraudulent proceedings at the present time under the operations of this act are not, therefore, that legal title has actually been obtained by unlawful methods, but that fictitious entries are initiated for the purpose of holding the land out of market and selling to others relinquishments of the right af occupation so acquired.

It is alleged by numerous correspondents, and in the reports of officers and agents of this department, that operations of this character are carried on to a very great extent, notably at the present time in Dakota, Nebraska, and Minnesota, and that as a rule, in proportion as public surveys progress over territory subject to such entry, the

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lands are covered with fictitious claims, and actual settlers are compelled to pay to speculators, or persons holding the claims, a bonus for the privilege of entering the land in a legal and proper manner under the public land laws.

THE NECESSITY FOR CHANGES IN EXISTING SETTLEMENT LAWS.

The Commissioner of the General Land Office, Hon. N. C. McFarland, in a communication of date February 12, 1883, addressed to the Hon. Thomas Ryan, M. C., Kansas, gives the reasons for an immediate change in the pre-emption, homestead, timber-culture and desert land acts, and the timber-land act of 1878. This letter furnishes argument for changes, and suggests remedies for the future by showing abuses and pointing out legal methods for their prevention. The letter is given in full, as its statements of the failure of existing laws to protect the nation were met by the proposed legislation in H. R. 7595.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D., C., February 12, 1883.

SIR: In compliance with your request, I hand you herewith a brief statement of the requirements of the general laws for the disposal of the public lands of the United States. These, not including the mineral laws, are:

The pre-emption laws.
The homestead laws.
The timber-culture laws.
The desert-land laws.
The timber-land laws.

The homestead laws include the provisions for the commutation of homestead entries and for the filing of soldiers' homesteads declaratory statements.

THE PRE-EMPTION LAWS.

The requirements of the pre-emption laws are settlement, inhabitancy, and improvement of land by the pre-emptor, for his own use, and not for speculation, nor for the benefit of another.

A pre-emptor has first to establish his residence on the land he wishes to enter. He may then file a pre-emption declaratory statement, which secures to him the preference right to acquire title to that land by inhabitancy and improving it for not less than six months, and by then paying the minimum price for it. If the land has been offered at public sale and is subject to private cash entry, he may purchase it, by virtue of his preference right, at any time within twelve months. If it is "unoffered" land, or land not subject to "private entry," he may have thirty-three months within which to pay for it. If no adverse claim intervenes he may pay for it any time after the expiration of the twelve or thirty-three months.

ABUSES.

The abuses are the evasion of the law for the speculative purposes by filing declaratory statements where there is no residence on the land, and the subsequent fraudulent acquirement of title by false affidavit of inhabitancy and improvement.

In these fraudulent proceedings the pre-emptor is generally the tool of others who suborn the perjury and reap the benefits of the unlawful acts they cause to be performed.

The objects sought are, generally:

1. To obtain title to large quantities of land in violation of the restriction of entry to actual settlers.
2d. To obtain valuable coal or iron lands at less than the Government price.
3d. To obtain lands that are valuable chiefly for timber.
4th. To control the ranges in grazing districts by obtaining title to valleys or to shores of streams and water courses.
5th. To control the land under color of claim of record and hold the same for sale on speculation.

As the actual settler can obtain title under the homestead laws without the payment of price, and as a homestead entry is more secure than a pre-emption claim (for even the United States cannot disturb a valid homestead entry), it follows that there is small legitimate occasion for pre-emption entries. Yet the number of pre-emption claims keeps fully abreast with the number of homestead entries.

A pre-emption declaratory statement may be sent to the land office by mail, or in any other way. It is not required to be sworn to or authenticated in any manner. The opportunity for fraud is therefore practically unlimited.

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THE HOMESTEAD LAWS.

The requirements of the homestead laws are settlement, residence, and cultivation five years.

The party applying for the benefit of the homestead laws must make affidavit that his application is made for his own use and benefit, that he makes the entry for the purpose of actual settlement and cultivation, and not for the use or benefit of any other person. After making such affidavit he has six months within which to establish his residence on the land. If he or some other member of his family is residing on the land when he makes his application to enter, the affidavit may be made before the clerk of the county court. Otherwise the affidavit can be made only before the register or receiver.

ABUSES.

The abuses are the same in character under the homestead as under the pre-emption laws, and under the commutation provision, through which the land can be purchased in the same way as by pre-emption, the abuses are of the same extent as under the pre-emption laws. Where a fraudulent entry is made for the purpose of illegally obtaining title to the land, it is usually commuted to cash. When made for the purpose of controlling the land and speculating in the relinquishment, it is not commuted.

There is no provision for filing declaratory statements under the homestead laws except by or for soldiers and sailors. This provision is no advantage to the soldier or sailor. It gives him six months within which to establish his residence and make actual entry of the land. But he would have the same time without filing a declaratory statement, by making his application in the regular way.

Everybody, including the soldier and sailor, have the same privilege. The abuses of the soldier's declaratory statement are that soldiers are misled by land agents and attorneys into supposing that they have only to file a declaratory statement in order to obtain land, and that residence is not necessary to enable them to lawfully dispose of what they are told is their soldier's right.

The consequence is that a great many soldiers have been and are now being defrauded of their money which they send to such agents and never afterwards hear of either land or money. In other cases soldiers' discharge papers, or other evidence of their military service, are purchased from them, generally by promises, and used for making fraudulent filings for speculative purposes.

In both cases the declaratory statement is sold as a matter of common traffic, and when filed the relinquishment is offered for sale for the benefit of the speculator who controls it. The soldier gets nothing from these proceedings. He is made a party to a fraud without deriving any advantage from it. Actual settlers avail themselves of the general privileges of the homestead laws without preparatory filings and without commutation. Their difficulty is that the public lands are so largely covered by fraudulent claims that they can usually make a *bona fide* homestead entry only after buying off these claims.

THE TIMBER-CULTURE LAWS.

The requirements of the timber-culture laws are that entries shall be made for the cultivation of timber, and for the use and benefit of the person making the entry, and not for the benefit of any other person, and not for speculation.

Residence on the land is not required, and it is not necessary that the affidavit of entry should be made at the land office. Applications signed anywhere in the United States are filed by agents or attorneys, who cause a jurat to be attached thereto, either in their own offices or through some confederate in the land district.

Other abuses are that the land is not as a rule entered for the cultivation of timber, but exclusively for the purpose of speculating in the relinquishment of the entries.

A simple entry holds the land for a year. A few dollars expended in breaking five acres the first year, keeps the entry alive for the second year. A like small expenditure keeps it alive the third year. If these small expenditures are made, or are not proven to have been made, the entry holds good. Meanwhile the relinquishment is offered for sale. The purchaser makes, perhaps, or causes to be made, another fraudulent entry, the relinquishment of which he controls until he can find a purchaser at a profit, and the proceeding is kept up until some actual settler buys the land at a high price and enters it under the homestead or other laws. Timber is not cultivated under speculative timber-culture entries, and there is no way of reaching the fraud, except by a personal inspection of the land by officers appointed for that purpose, and not then until some years after entry, if a few acres are occasionally plowed as a pretence of compliance with law.

THE ACT OF MAY 14, 1880.

Fraudulent entries of the public lands have always been the drawback of the public land system, no provision for inspection ever having been made and no guards

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thrown around the different methods of disposal. But entries fraudulently made or procured for the purpose of speculating in relinquishments, is a feature which has developed into greater proportions under the operation of the first section of the act of May 14, 1880.

This section provides that when a relinquishment of a pre-emption, homestead, or timber-culture entry is filed in the local land office, the land shall be held as open to entry without further action by the Commissioner of the General Land Office.

Previous to the passage of this act such relinquishments were forwarded to this office as a basis for the cancellation of the relinquished entry, and the land was not open to another entry until the former one had been canceled.

This proceeding did not prevent the sale of relinquishments of fraudulent entries, but was an impediment to wholesale traffic of that character, both because of the delay involved and because the transferee of the fraudulent entry had no certainty of securing the new entry. The relinquishment gave the purchaser no preference right to enter the land, which was open to entry to the first legal applicant after notice of cancellation was received at the local land office, and it was necessary for the parties to the scheme of transferring the fraudulent entry to keep a close watch for the receipt of the notice of cancellation in order to secure the new entry.

The first section of the act of May 14, 1880, removed all impediments to the easy and successful consummation of this class of frauds. Under the operation of this section the making and procurement of false, fictitious, and fraudulent filings and entries for the sole purpose of speculating in relinquishments of such entries and filings, has been organized into an established business of great extent. The necessary papers are prepared and signed and attested in blank in advance of township surveys, and as soon as the plats of survey are filed in the local land offices much of the lands in such townships are at once covered with the bogus claims, and then the operators have exclusive control of the land. The newspapers are filled with their advertisements of "relinquishments for sale," and settlers and persons seeking lands are compelled to go to these speculators and buy off the fraudulent claims before they can make legal settlement or entry of land so covered up and controlled.

As an example of this class of fraudulent entry and relinquishment, I inclose herewith copies of three duplicate homestead receipts, each bearing a relinquishment dated on the same day on which the entries were made, thus conclusively proving the fraudulent character of the transaction. These relinquishments were sold to other parties on the 3d of the present month.

Relinquishments are always made to the United States. The last party purchasing a relinquishment presents it at the land office simultaneously with his own application to enter the land. This secures an exclusive right of entry to the holder of the relinquishment, and it is this facility for which he pays, and it is the profit to be derived from selling such facility that inspires and promotes the making of fraudulent entries in the original instances.

THE DESERT LAND LAWS.

Desert land entries are restricted to lands which, without irrigation, will not produce some agricultural crop, and the amount of land permitted to be entered by any one person is limited to 640 acres.

The party making a desert entry pays 25 cents per acre at the time of application, and the remaining one dollar upon making final proof of compliance with law, which proof may be made within the period of three years. The abuses are that lands not desert in character are frequently entered, that the limitation of quantity is evaded by collusive entries, which are afterwards assigned to the real party in interest, and that the lands are held for various purposes of speculation, rather than for the objects contemplated by the law.

THE TIMBER LAND LAWS.

The timber land act of 1878 applies only to the States of California, Oregon, and Nevada, and to Washington Territory.

In other States and Territories timber lands are largely appropriated through fraudulent pre-emption and commuted homestead entries made in the interest and by the procurement of parties desiring to obtain the use or control of the timber. There is no special provision for the disposal of timber lands other than the act of 1878.

The conditions of that act are that the lands shall be valuable chiefly for timber, but unfit for cultivation; that no one person or association shall be permitted to enter more than 160 acres; that the entry shall not be made for speculation, nor for the benefit of any other person than the party making the entry. The applicant is required to swear, among other things, that he has made no contract or agreement by which the title he may receive from the United States shall inure in whole or part to the benefit of any person except himself. These provisions are widely evaded. It

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is understood that large operators cause their employés and other persons to make the necessary affidavit, enter the lands, and then convey to their employers or principals. In this manner large tracts of timber land in California, Nevada, Oregon, and Washington Territory are controlled by single persons and firms, contrary to the intendment of the statute.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. THOMAS RYAN,
House of Representatives.

FAILURE OF OFFICIAL EFFORTS TO EFFECT NECESSARY CHANGES.

The earnest efforts made by those officially charged with the administration of the public land laws and system to effect the repeal of the pre-emption laws, and the amendment of other settlement laws, in the interest of actual settlers, has resulted in nothing effective, save the placing on file in the Departments, the courts, and in Congress of a mass of evidence showing that the most glaring and unblushing frauds are perpetrated every day by scores of men and women, and the officers of the Government, through the failure of legislation, are powerless to prevent or suppress them. The pre-emption homestead and timber culture laws have become, in many instances, a premium for perjury and a reward for dishonesty.

CIRCULAR INSTRUCTIONS RELATIVE TO ENTRIES UNDER THE PRE-EMPTION LAWS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 20, 1883.

To REGISTERS and RECEIVERS:

GENTLEMEN: You are instructed to deliver to applicants for land under the pre-emption acts a copy of this circular, and to especially call the attention of the applicant to the requirements of the law under which the application is made.

RESIDENCE OF APPLICANT.

1. The applicant *must* in *every case* state in his application his place of *actual residence,* and the *post office address* to which notices of contest or other proceedings relative to his entry shall be sent.

SECOND FILINGS AND ENTRIES.

2. A party making a legal filing or entry under any one of the foregoing acts exhausts his right under that act and cannot thereafter make another filing or entry under said act.

ALTERATIONS IN APPLICATIONS.

3. Applications to amend filings or entries should be filed with the register and receiver and be by them transmitted for the consideration of this office. Registers and receivers will not change an entry or filing so as to describe another tract or change a date after the same has been recorded.

RELINQUISHMENTS.

4. Entries and filings made for the purpose of holding the land for speculation and the sale of relinquishments are illegal and fraudulent, and every effort in the power ot the Government will be exerted to prevent such frauds and to detect and punish the perpetrators.

5. The first section of the act of May 14, 1880, provides that when a pre-emption claimant shall file a written relinquishment of his claim in the land office, the land covered by such claim shall be held as open to settlement and entry without further action on the part of the Commissioner of the General Land Office.

6. This act refers to *bona fide* relinquishments of *bona fide* entries. An entry fraudulent in its inception is not an entry capable of being relinquished. It is an entry to be canceled upon a proper showing of the facts and circumstances of the case, whereupon the land will become subject to proper entry by the first legal applicant.

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7. Purchasers of relinquishments of fraudulent filings or entries should understand that they purchase at their own risk so far as the United States is concerned, and must seek their own remedies under local laws against those who, by imposing such relinquishments upon them, have obtained their money without valuable consideration.

SETTLERS ON UNSURVEYED LANDS.

8. Pre-emption settlers on unsurveyed lands are allowed three months after the filing of the township plat of survey within which to put their claims on record. Accordingly no party will be permitted to make *final proof* in any case until after the expiration of said three months.

* * * * * * *

THE PRE-EMPTION LAW.

41. The qualifications required of a pre-emptor are that he (or she) shall be a citizen of the United States (or have declared an intention to become such); over twenty-one years of age or the head of a family; an actual inhabitant of the tract claimed; and not be the proprietor of 320 acres of land in any State or Territory.

42. A person who has removed from land of his own to reside on public land in the same State or Territory, or who has previously exercised his pre-emption right, is not a qualified pre-emptor.

43. Lands included in any reservation, or within the limits of an incorporated town, or selected as the site of a city or town, or actually settled and occupied for purposes of trade and business and not for agriculture, or on which there are any known salines or minerals, are not subject to pre-emption.

44. If the land is surveyed, but has not been "offered," the declaratory statement must be filed within three months from date of settlement. If upon "offered" land, the filing must be made within thirty days.

45. If the land is unsurveyed at the time of settlement, the declaratory statement must be filed within three months after the date of filing the township plat in the local office.

46. Failure to file a declaratory statement within the time prescribed makes the land liable to the claim of an adverse settler who does file notice of his intention at the proper time.

47. The land-office fee for filing a declaratory statement is $2, except in the Pacific States and Territories, where the fee is $3.

48. A pre-emption filing can be made only by an actual settler on the land. A filing without settlement is illegal, and no rights are acquired thereby.

49. The existence of a pre-emption filing on a tract of land does not prevent another filing to be made of the same land, subject to any valid rights acquired by virtue of the former filing and actual settlement, if any.

50. On *offered* lands proof and payment must be made within twelve months from date of settlement.

51. If the land is *unoffered*, proof and payment may be made within thirty-three months from date of settlement.

52. A failure to make proof and payment as prescribed by law renders the land subject to appropriation by the first legal applicant.

53. The requirements of actual inhabitancy and improvement must be observed as strictly under the pre-emption law as under the homestead law.

54. Failure to inhabit and improve the land in good faith, as required by law, renders the claim subject to contest and the entry to investigation and cancellation.

55. Final proof in pre-emption cases must be made to the satisfaction of the register and receiver, whose decision, as in other cases, is subject to examination and review by this office.

56. Publication of notice to make proof is required as in homestead cases.

57. The final affidavit must be made before the register or receiver, or before the clerk of a court of record in the county and State or Territory where the land is situated. If in an unorganized county the proof may be made in a similar manner in any adjacent county in the same State or Territory.

58. The pre-emptor is required to make oath that he has not previously exercised his pre-emption right; that he is not the owner of 320 acres of land; that he has not settled upon and improved the land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use; that he has not made any contract or agreement, directly or indirectly, in any way or manner, with any person whomsoever, by which the title he may acquire from the United States shall inure in whole or in part to the benefit of any person except himself.

59. Any person swearing falsely *forfeits all right to the land and to the purchase-money paid*, besides being liable to prosecution under the criminal laws of the United States,

* * * * * * *

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CAUTION TO APPLICANTS.

Persons making filings or entries under the * * * pre-emption acts are cautioned that the laws authorize entries to be made only for the use and benefit of the party making the same, and that entries or filings are not allowed by law to be made for the benefit of others nor for speculation, but all entries must be made in good faith and the requirements of law must be honestly and faithfully complied with.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Approved.

H. M. TELLER.
Secretary.

See sections 2246, 5392, 5393, 5440 and 5449 Revised Statutes of the United States for oaths and penalties..

RELINQUISHMENTS, JOINT ENTRIES, SECOND FILINGS, AND INSANE PRE-EMPTORS.

Pre-emption filings may be relinquished by the claimants in writing before the register or receiver of the proper district land office, or the relinquishment may be executed by the claimant on the back of the declaratory statement-receipt, duly witnessed and acknowledged in the manner requisite under the laws of the State or Territory in which the land is situated for the transfer of real estate. After relinquishment filed in the district land office, the tract embraced in the filing will be held subject to the claim of any other settler, according to the first section, act of May 14, 1880. If the receipt is lost, or from any other cause cannot be produced, the relinquishment must be accompanied by the affidavit of the party showing the fact.

When two or more settlers on unsurveyed land are found upon survey to be residing upon, or to have valuable improvements upon, the same smallest legal subdivision, they may make joint entry of such tract, and separate entries of the residue of their claims. This joint entry may be made in pursuance of contract between the parties, or without it. (Revised Statutes, section 2274.)

Should the settler in either of the aforesaid cases die before establishing his claim within the period limited by law, the title may be perfected by the executor, administrator, or one of the heirs, by making the requisite proof of settlement and paying for the land, the entry to be made in the name of "the heirs" of the deceased settler, and the patent will be issued accordingly. The legal representatives of the deceased pre-emptor are entitled to make the entry at any time within the period during which the pre-emptor would have been entitled to do so had he lived.

Section 2261 of the Revised Statutes prohibits the second filing of a declaratory statement by any pre-emptor qualified at the date of his first filing, where said filing has been in all respects legal. Where the first filing, however, is illegal, from any cause, not the willful act of the party, he has the right to make a second and legal filing.

Provision is made by act of Congress of June 8, 1880, whereby the rights of pre-emption claimants becoming insane may be proved up, and their claims perfected by any person duly authorized to act for them during their disability.

1. Such claims must have been initiated in full compliance with law, by persons who were citizens, or had declared their intention to become citizens, and were in other respects duly qualified.

2. The party for whose benefit the act shall be invoked must have become insane subsequent to the initiation of his claim, and the act will not be construed to cure a failure to comply with the law when such failure occurred prior to such insanity.

3. Claimant must have complied with the law up to the time of becoming insane, and proof of compliance will be required to cover only the period prior to such insanity.

4. The final proof must be made by a party whose authority to act for the insane person during such disability shall be duly certified under seal of the proper probate court.

Pre-emptors may, when desiring, change their filings to homestead entries. (See "*Homesteads,*" herein.)

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PRE-EMPTIONS.

To December 1, 1883.

Any pre-emptor can apply for and enter at any United States district land office one quarter section of one hundred and sixty acres of public lands, also in the States of Alabama, Mississippi, Florida, Louisiana, and Arkansas.

Entries are admitted under sections 2257 to 2288 of the Revised Statutes of the United States, upon "offered" and "unoffered" lands, and upon any of the unsurveyed lands belonging to the United States to which the Indian title is extinguished, although in the case of unsurveyed lands no definite proceedings can be had as to the completion of the title until after the surveys shall have been extended and officially returned to the district land office.

A pre-emptor—may be heads of families, widows, or single persons over the age of twenty-one, who are citizens of the United States, or who have declared their intention to become citizens, as required by the naturalization laws—need not be a citizen. This does not include Indians, except such as have ceased their tribal relations and been declared citizens by treaties or acts of Congress.

The right of pre-emption, formerly extended by act of Congress of March 3, 1853, for one quarter section, or 160 acres, at the price of $2.50 per acre, to the alternate United States or reserved sections along the line of railroads, is continued by the Revised Statutes, sections 2257, 2559, and 2279.

HOW PAID FOR.

Pre-emptors in final payment for lands can use cash, military bounty land warrants, agricultural college scrip, or private claim scrip under act of January 28, 1879.

LIST OF FORMS USED IN PRE-EMPTION ENTRIES.

Declaratory statement.
Receipt for declaratory statement, register's and receiver's.
Notice of intention to make final proof.
Notice for publication of intention to make final proof.
Certificate as to posting notice.
Proof of publication of notice; affidavit of publisher or foreman of newspaper in which published.
Affidavit required of claimant.
Proof: testimony of claimant.
Proof: testimony of two witnesses taken separately.
Non-mineral affidavit of claimant.
Application, with register's certificate of payment.
Register's certificate for patent.
Record; status of case made by register and receiver.

CONTESTS.

For proceedings in case of contest, or objection to claimant proving up and paying for his or her claim, see "Rules of Practice, General Land Office," approved December 20, 1803; "Contests and Hearings," published in addenda to Chapter VI herein.

FORMS AND BLANKS USED IN PRE-EMPTION ENTRIES.

The pre-emptor, as the first step after settlement, files, in person or otherwise, in the district land office, where blanks are furnished free, one of the following declaratory statements:

[No. 4-535.]

Pre-emption declaratory statement for unoffered lands.

When lands are surveyed and unoffered the pre-emptor must file this statement within three months from settlement. Final proof must be made and land paid for within thirty-three months from date of settlement.

I,——— ———, of——, being ——, have, on the —— day of ——, A. D. 18—, settled and improved the —— quarter of section No. ——, in township No. ——, of range No.

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——, in the district of lands subject to sale at the land-office at ——, and containing —— acres, which land has not yet been offered at public sale, and thus rendered subject to private entry; and I do hereby declare my intention to claim the said tract of land as a pre-emption right under section 2259 of the Revised Statutes of the United States.

Given under my hand this —— day of ——, A. D. 18—.

——— ———.

In presence of ——— ———

[No. 4-534.]

Pre-emption declaratory statement for offered lands.

Where the lands have been offered at public sale the pre-emptor must file this statement within thirty days from settlement. Final proof must be made and land paid for within one year from date of settlement.

I, ——— ———, of ——, being ——, have, since the 1st day of ——, A. D. 18—, settled and improved the —— quarter of section No. ——, in township No. ——, of range No. ——, in the district of lands subject to sale at the land office at——, and containing —— acres, which land *had been rendered subject to private entry* prior to my settlement thereon; and I do hereby declare my intention to claim the said tract of land as a pre-emption right, under section 2259 of the Revised Statutes of the United States.

Given under my hand this —— day of ——, A. D. 18—.

——— ———.

In presence of ——— ———.

PRE-EMPTORS ON UNSURVEYED LANDS.

On unsurveyed lands, settlers must file one or the other of the above statements within three months after the township plat in which their land lies, is filed in the district land office.

[No. 4-536.]

Register and Receiver's Receipt and Notice.

$——. LAND OFFICE AT ———,
(*Date*) ———, 188-.

Mr. ——— ——— has this day paid —— dollars, the register's and receiver's fees, to file a declaratory statement, the receipt whereof is hereby acknowledged.

——— ———, *Receiver.*

No. ——.

Mr. ——— ——— having paid the fees, has this day filed in this office his declaratory statement, No. ——, for ——, section ——, township ——, of range ——, containing —— acres, settled upon ——, 18—, being —— offered.

Under the provisions of the pre emption laws, the time within which final proof is required to be made on unoffered lands expires in thirty-three months from date of settlement, or from date of filing of township plat in district land office in case of settlement on unsurveyed lands, and on offered lands in twelve months from date of settlement; and under act of March 3, 1879, notice of intention to prove up must be given by publication in a newspaper, to be designated by the register, for a period of thirty days, or in five consecutive issues of said paper, which notice must also contain the names of the witnesses by whom the necessary facts will be established.

Notice is, therefore, hereby given that this pre-emption filing expires on ——, 188-, after which date the tract will be subject to the claim of any other qualified party.

Very respectfully,

——— ———, *Register.*

See note in red ink, which registers and receivers will read and explain thoroughly to persons making application for lands where the affidavit is made before either of them.

Timber land embraced in a homestead, or other entry not consummated, may be cleared in order to cultivate the land and improve the premises, *but for no other purpose.*

If, after clearing the land for cultivation, there remains more timber than is required for improvement, there is no objection to the settler disposing of the same. But the question whether the land is being cleared of its timber *for legitimate purposes* is a question *of fact* which is liable to be raised at any time. If the timber is cut and removed *for any other purpose* it will subject the entry to cancellation, and the person who cut it will be *liable to civil suit* for recovery of the value of said timber, *and also to criminal prosecution* under Section 2461 of the Revised Statutes.

PROCEEDINGS TO PERFECT TITLE BY FINAL PAYMENT AFTER EXPIRATION OF LEGAL TIME, AS ABOVE NOTED.

Payment for acreage can be made, provided sufficient improvements have been made and cultivation necessary be shown, at the expiration of six months.

The pre-emptor files with the register of his district the following notice, which notice will be published by the register in a newspaper to be by him designated as

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nearest the land, once a week for six weeks, at the applicant's expense, a deposit being first made:

[No. 4-348.]

Notice of intention to make final proof.

LAND OFFICE AT ——,
(*Date*) ——, 188-.

I, —— ——, of ——, who made pre-emption declaratory statement No. ——, for the —— ——, do hereby give notice of my intention to make final proof to establish my claim to the land above described, and that I expect to prove my residence and cultivation before —— ——, at ——, —— —, 188-, by two of the following witnesses:

—— ——, of ——.
—— ——, of ——.
—— ——, of ——.
—— ——, of ——.

——.
(*Signature of claimant.*)

LAND OFFICE AT ——,
(*Date*) ——, 188-.

Notice of the above application will be published in the ——, printed at ——, which I hereby designate as the newspaper published nearest the land described in said application.

——, *Register.*

NOTICE TO CLAIMANT.—Give time and place of proving up, and name and title of the officer before whom proof is to be made; also, give names and post-office addresses of four neighbors, *two* of whom must appear as your witnesses.

The officer then issues the following:

[No. 4-347.]

Notice for publication.

LAND OFFICE AT ——,
(*Date*) ——, 188-.

Notice is hereby given that —— —— has filed notice of intention to make final proof before —— ——, at ——, on —— —, 188-, on homestead application No. —— (or pre-emption declaratory statement No. ——), for the —— ——.
He names as witnesses —— ——, of ——, and —— ——, of ——.

——, *Register.*

NOTE.—This notice must also be posted in a conspicuous place in the land office for a period of thirty days prior to date of final proof.

Pre-emptor or homestead applicant may join in one notice for publication.

[No. 4-347½.]

CONSOLIDATED NOTICE FOR PUBLICATION.

LAND OFFICE AT ——,
(*Date*) ——, 188-.

Notice is hereby given that the following named settlers have filed notice of intention to make final proof on their respective claims before —— ——, at ——, on —— —, 188-, viz:

—— ——, on homestead application No. ——, for the —— ——.

Witnesses: —— ——, of ——, and —— ——, of ——.

—— ——, on pre-emption declaratory statement No. ——, for the —— ——.

Witnesses: —— ——, of ——, and —— ——, of ——.

——, *Register.*

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[No. 4-227.]

CERTIFICATE AS TO THE POSTING OF NOTICE.

LAND OFFICE AT ——,
(*Date*) ——, 18—.

I, —— ——, register, do hereby certify that a notice, a printed copy of which is hereto attached, was by me posted in a conspicuous place in my office for a period of thirty days, I having first posted said notice on the —— day of ——, 188—.

—— ——, *Register.*

NOTE.—Proof of publication must be filed with final papers.

[No. 4-061.]

AFFIDAVIT REQUIRED OF PRE-EMPTION CLAIMANT OR APPLICANT.

May be made before register or receiver or clerk of court of record.

I, —— ——, claiming the right of pre-emption, under section 2259 of the Revised Statutes of the United States, to the —— of section No. ——, of township No. ——, of range No. ——, subject to sale at ——, do solemnly —— that I have never had the benefit of any right of pre-emption under said section; that I am not the owner of 320 acres of land in any State or Territory of the United States, nor have I settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to my own exclusive use or benefit; and that I have not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whomsoever, by which the title which I may acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except myself.

—— ——.

I, —— ——, of the land office at ——, do hereby certify that the above affidavit was subscribed and sworn to before me this —— day of ——, A. D. 188—.

[No. 4-375.]

PRE-EMPTION PROOF.

TESTIMONY OF CLAIMANT OR APPLICANT.

May be made before register or receiver or clerk of court of record.

—— ——, being called as a witness in —— own behalf in support of —— pre-emption claim to the ——, testifies as follows:

Question 1. What is your name? (Be careful to give it in full, correctly spelled, in order that it may be here written exactly as you wish it written in the patent which you desire to obtain.)

Answer. ——.

Ques. 2. What is your age?

Ans. ——.

Ques. 3. Are you the head of a family, or a single person; and, if the head of a family, of whom does your family consist?

Ans. ——.

Ques. 4. Are you a native-born citizen of the United States? If not, have you declared your intention to become a citizen, and have you obtained a certificate of naturalization?*

Ans. ——.

Ques. 5. Is the land embraced in your pre-emption claim, above described, included within the limits of an incorporated town; or has it been selected as the site of a city or town, and actually settled and occupied for purposes of trade and business?

Ans. ——

Ques. 6. Are there any indications of coal, salines, or minerals of any kind on this land? (If so, state what they are, and whether the springs or mineral deposits are valuable.)

Ans. ——.

Ques. 7. Is the land more valuable for agricultural than mineral purposes?

Ans. ——.

Ques. 8. What is your post-office address?

Ans. ——.

*In case the party has been naturalized, or has only declared his intention to become a citizen, a certified copy of his certificate of naturalization or declaration of intention, as the case may be, must be furnished.

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Ques. 9. Are you the owner of 320 acres of land in any State or Territory?
Ans. ——.
Ques. 10. Have you left or abandoned a residence on land of your own in this —— to reside upon the land above described?
Ans. ——.
Ques. 11. Have you ever filed a pre-emption declaratory statement for other land than that above described? (If so, give, as nearly as you can, the date thereof and description of the land.)
Ans. ——.
Ques. 12. Have you heretofore made a pre-emption entry?
Ans. ——.
Ques. 13. Have you settled upon and improved the land for which you now apply to sell the same on speculation?
Ans. ——.
Ques. 14. Have you given any mortgage on this land, and have you made any agreement to sell the same?
Ans. ——.
Ques. 15. When did you make settlement on the land, and what constituted your first act of settlement?
Ans. ——.
Ques. 16. What improvements, if any, were on the land at date of your settlement? (If any, state who owned them, and whether they now belong to you.)
Ans. ——
Ques. 17. What improvements have you made on this land subsequent to your first act of settlement? (Describe them, and state the total value of the improvements owned by you thereon.)
Ans. ——.
Ques. 18. When did you first establish your residence upon the land?
Ans. ——.
Ques. 19. Have you resided upon the land ever since?
Ans. ——
Ques. 20. What use have you made of the land?
Ans. ——.
Ques. 21. How much of the land, if any, has been broken and cultivated since your settlement?
Ans. ——.
I hereby certify that each question and answer in the foregoing testimony was read to the claimant before —— signed —— name thereto, and that the same was subscribed and sworn to before me this —— day of ——, 188–.

——— ———,

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

TITLE LXX.—CRIMES.—CH. 4.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter, be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See sec. 1750.)

[No. 4-374.]

(The testimony of two witnesses, in this form, taken separately, required in each case.)

PRE-EMPTION PROOF.

TESTIMONY OF WITNESS.

May be made before register or receiver or clerk of court of record.

——— ———, being called as a witness in support of the pre-emption claim of ——— ——— to the ———, testifies as follows:
Question 1. What is your post-office address?
Answer. ———.

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Ques. 2 What is your occupation?
Ans. ——.
Ques. 3. Are you well acquainted with ——— ———, the claimant in this case, and how long have you known ——?
Ans. ——.
Ques. 4. How old do you know or believe claimant to be?
Ans. ——.
Ques. 5. Is claimant the head of a family, or a single person; and, if the head of a family, of whom does the family consist?
Ans. ——.
Ques. 6. Is claimant a native-born citizen of the United States? (If not, state, if you can, what steps —— has taken to be naturalized.)
Ans. ——.
Ques. 7. Are you acquainted with the land above described?
Ans. ——.
Ques. 8. Do you live in the vicinity of the land?
Ans. ——.
Ques. 9. Is this land within the limits of an incorporated town, or has it been selected as the site of a city or town, and actually settled and occupied for purposes of trade and business?
Ans. ——.
Ques. 10. Are there any indications of coal, salines, or minerals of any kind on this land? (If so, state what they are, and whether the springs or mineral deposits are valuable.)
Ans. ——.
Ques. 11. Is the land more valuable for agricultural than mineral purposes?
Ans. ——.
Ques. 12. Is the claimant the owner of 320 acres of land in any State or Territory? (State your knowledge in this regard.)
Ans. ——.
Ques. 13. Has the claimant left or abandoned a residence on land of —— own in this —— to reside upon the land above described? (State your knowledge in this regard?
Ans. ——.
Ques. 14. Has the claimant ever filed a pre-emption declaratory statement for other land than that above described, or has —— heretofore made a pre-emption entry? (State your knowledge in this regard.)
Ans. ——.
Ques. 15. Do you know whether the claimant has given any mortgage on this land, or made any agreement to sell the same? (State your knowledge in this regard.)
Ans. ——.
Ques. 16. When did claimant first make settlement on the land, and what constituted his first act of settlement?
Ans. ——.
Ques. 17. What improvements does the claimant possess on the land, and what is the value of the same?
Ans. ——.
Ques. 18. When did claimant first establish a residence upon the land?
Ans. ——.
Ques. 19. Has claimant resided upon the land continuously ever since?
Ans. ——.
Ques. 20. For what purpose has the land been used by claimant?
Ans. ——.
Ques. 21. How much of the said land, if any, has been broken and cultivated since the claimant made settlement thereon?
Ans. ——.
Ques. 22. Is it your belief that ——— ——— has acted in good faith in the settlement and improvement of the said land under the pre-emption laws? Have you any knowledge to the contrary?
Ans. ——.
Ques. 23. Are you interested in this claim?
Ans. ——.

——— ———.

I hereby certify that witness is a person of respectability; that each question and answer in the foregoing testimony was read to —— before ——, signed —— name thereto, and that the same was subscribed and sworn to before me this —— day of ——, 188–.

——— ———,
———.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it

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is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law:

TITLE LXX.—CRIMES.—CH. 4.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter, be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See sec. 1750.)

NON-MINERAL AFFIDAVIT.

The claimant or applicant now files a

Non-mineral affidavit.

COUNTY OF ——,
—— *of* ——, *ss*:

—— ——, being duly sworn according to law, deposes and says that he is the identical —— who is an applicant for Government title to the ——; that he is well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that his knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to his knowledge, any placer, cement, gravel, or other valuable mineral deposit; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title to mineral land, but with the object of securing said land for agricultural purposes.

—— ——.

Subscribed and sworn to before me this —— day of ——, A. D. 188–, and I hereby certify that the foregoing affidavit was read to the said —— —— previous to his name being subscribed thereto; and that deponent is a respectable person to whose affidavit full faith and credit should be given.

—— ——.

APPLICATION.

The claimant now signs the following application, which is certified to by the register and filed with the receiver:

No.——. LAND OFFICE AT ——,
(*Date*) ——, 188–.

I, —— ——, of —— County, ——, do hereby apply to purchase the —— section ——, in township —, of range —, containing —— acres according to the returns of the surveyor-general, for which I have agreed with the register to give at the rate of —— per acre.

I, —— ——, register of the land office at ——, do hereby certify that the lot above described contains —— acres, as mentioned above, and that the price agreed upon is —— per acre.

—— ——, *Register.*

RECEIVER'S RECEIPT FOR PAYMENT.

(Issued in duplicate).

The receiver then issues the following:

No. ——. RECEIVER'S OFFICE AT ——,
(*Date*) ——, 188–.

Received from —— ——, —— County, ——, the sum of —— dollars and —— cents; being in full for the —— quarter of section No. —, in township No. —, of range No. —, containing —— acres and —— hundredths, at $—— per acre.

—— ——, *Register.*

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REGISTER'S CERTIFICATE FOR PATENT.

(*See title "Patents," below.*)

The register now issues to the claimant a certificate for patent.

No. ——.] LAND OFFICE AT ——,
(*Date*) —— —, 188–.

It is hereby certified that, in pursuance of law, —— ——, —— County, State of ——, on this day purchased of the register of this office the lot or —— of section No. —, in township No. —, of range No. —, containing —— acres, at the rate of —— dollar and —— cents per acre, amounting to —— dollars and —— cents, for which the said —— —— has made payment in full as required by law.

Now, therefore, be it known that, on presentation of this certificate to the Commissioner of the General Land Office, the said —— —— shall be entitled to receive a patent for the lot above described.

—— ——, *Register.*

RECORD OR STATUS OF EACH CASE.

The register and receiver will make for each and every case a record or brief of each pre-emption case, which is filed and returned with each case.

RECORD FILED WITH THE CASE.

(To be used in all cases of pre-emption entry.)

UNITED STATES LAND OFFICE AT ——,
(*Date*) —— —, 18—.

In the matter of the pre-emption claim of —— —— to ——.

Declaratory statement No. —, for ——, filed on the —— day of ——, 188–, alleging settlement on the —— day of ——, 188–, and reported in the —— offered series.

Plat of survey filed in this office on the —— day of ——, 188–.

There are no adverse claims of record except ——.

REMARKS.

Under this head, if the land is within the limits of a railroad grant, the date of withdrawal should be given; and if the land has been returned by the surveyor-general or withdrawn by order of the Commissioner as mineral, the fact should be noted.

—— ——, *Register.*
—— ——, *Receiver.*

PATENTS.

[From circular of General Land Office, October 1, 1880.]

Parties interested in the issue of pre-emption and other patents are further advised that, in a decision of the honorable Assistant Secretary of the Interior, of July 27, 1880, in the case of Horace Whitaker *ex rel.* Nathan H. Garretson *v.* The Southern Pacific Railroad Company and Wesley M. Slater, the following instructions are promulgated:

* * * "I think it is not a correct practice to issue a pre-emption patent to an assignee in any case. The law as to the issuance of patents is well stated in the case of McGarrahan *v.* New Idria Co. (49 Cal., 335), thus: 'Neither the President, however, nor any officer, has other power * * * to sign or to cause the seal of the Land Office to be affixed to patents than such as is conferred by statute of the United States.' (See also Stoddard *v.* Chambers, 2 How., 318; McGarrahan *v.* Mining Co., *supra;* sections 450 and 453 of the Revised Statutes; and act of June 19, 1878, 20 Stat., 183.) I find nothing in the pre-emption law requiring the issuance of patents to assignees of pre-emptors, and the labor of examining into assignments ought not to be assumed by your office, to say nothing of the evils that may result from issuing patents to assignees in pre-emption cases. The same doctrine applies to all cases of the issuance of patents except where the statutes expressly recognize the right of an assignee to take patent in his own name."

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SALINE LANDS.

TO JUNE 30, 1882.

[See Chapter XI, pages 217, 218, and 1247.]

No changes since June 30, 1880.

[Official Circular.]

SALINE LANDS—HOW RENDERED SUBJECT TO DISPOSAL.

IN EFFECT DECEMBER 1, 1883.

* * * * * * *

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, *October* 1, 1880.

The act of Congress of January 12, 1877, provides a mode of proceeding by which public lands indicated, by the filed notes of survey or otherwise, to be *saline in character* may be rendered subject to disposal.

Should *prima facie* evidence that certain tracts are saline in character be filed with the register and receiver of the proper land district, they will designate a time for a hearing at their office, and give notice to all parties in interest, in order that they may have ample opportunity to be present with their witnesses.

At the hearing the witnesses will be thoroughly examined with regard to the true character of the land, and whether the same contains any known mines of gold silver, cinnabar, lead, tin, copper, or other valuable mineral deposit, or any deposit of coal.

The witnesses will also be examined in regard to the extent of the saline deposits upon the given tracts, and whether the same are claimed by any person; if so, the names of the claimants and the extent of their improvements must be shown.

The testimony should also show the agricultural capacities of the land, what kind of crops, if any, have been raised thereon, and the value thereof. The testimony should be as full and complete as possible, and, in addition to the leading points indicated above, everything of importance bearing upon the question of the character of the land should be elicited at the hearing.

The register and receiver will transmit the testimony to this office with their joint opinion thereon. When the case comes before this office, such a decision will be rendered in regard to the character of the land as the law and the facts may warrant.

Should the given tracts be adjudged agricultural, they will be subject to disposal as such. Should the tracts be adjudged *saline lands*, the register and receiver will be instructed to offer the same for sale, after public notice, at the local land office of the district in which the same shall be situated, and to sell said tract or tracts to the highest bidder for cash, at a price not less than $1.25 per acre.

In case said lands fail to sell when so offered, the same will be subject to private sale at such land office for cash, at a price not less than $1.25 per acre, in the same manner as other public lands are sold, and already indicated herein.

The provisions of this act do not apply to any lands within the Territories, nor to any within the States of Mississippi, Louisiana, Florida, California, and Nevada, none of which have had a grant of salines by act of Congress. * * *

SWAMP AND OVERFLOWED LANDS.

[See Chapter XII, pages 219 to 222, inclusive, and 1248.]

TO JUNE 30, 1882.

Total acres selected from date of first law to June 30, 1882, 70,006,769.41.

The Commissioner of the General Land Office, in his report for 1882, says:

An increasing demand is being made by the States to which the swamp-land grant applies, and their grantees, for a final adjustment of the claims arising thereunder. The principal cause for this demand is found in the fact that the public lands are being rapidly exhausted, and parties are seeking swamp lands as an investment, and in many cases settlers are purchasing them from the States and reclaiming them for homes. It is a well-known fact that thousands of acres of land that were so swampy or overflowed at the date of the principal grant (September 28, 1850) as to be thereby rendered unfit for cultivation, have since been reclaimed, and are now among the most valuable lands for agricultural purposes found in our country.

Again, the special appropriations by Congress for three years past for this work have contributed largely to stimulate the parties in interest to present their claims for

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settlement; as prior to such appropriations this office labored under great embarrassment in prosecuting the work, especially that portion arising under the indemnity act of March 2, 1855, as extended by act of March 3, 1857.

SWAMP LANDS SELECTED BY STATES TO JUNE 30, 1882.

Statement exhibiting the quantity of land selected for the several States under acts of Congress approved March 2, 1849, September 28, 1850 (Revised Statutes of the United States, section 2479), and March 12, 1860 (Revised Statutes of the United States, section 2490), up to and ending June 30, 1882.

States.	Third quarter of 1881.	Fourth quarter of 1881.	First quarter of 1882.	Second quarter of 1882.	Year ending June 30, 1882.	Total since date of grant.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama						479, 514. 44
Arkansas						8, 652, 472. 93
California	1, 401. 40	20, 021. 75			21, 423. 15	1, 757, 856. 02
Florida						15, 656, 859. 23
Illinois			170, 190. 64		170, 190. 64	3, 437, 661. 29
Indiana						1, 354, 732. 50
Iowa						3, 449, 720. 18
Louisiana (act of 1849)	13, 890. 92				13, 890. 92	10, 893, 992. 71
Louisiana (act of 1850)						554, 084. 24
Michigan						7, 273, 844. 72
Minnesota	29, 894. 84	35, 194. 86	3, 433. 26	7, 666. 67	76, 189. 63	3, 910, 341. 93
Mississippi						3, 070, 645. 29
Missouri						4, 719, 256. 00
Ohio						54, 458. 14
Oregon						174, 205. 92
Wisconsin	366, 338. 02				366, 338. 02	4, 567, 123. 87
Total	411, 525. 18	55, 216. 61	173, 623. 90	7, 666. 67	648, 032. 36	70, 006, 769. 41

(SWAMP AND OVERFLOWED LANDS APPROVED, 55,769,172.03 ACRES.)

Statement exhibiting the quantity of land approved to the several States under acts of Congress approved March 2, 1849, September 28, 1850 (Revised Statutes of the United States, section 2749), and March 12, 1860 (Revised Statutes of the United States, section 2490), up to and ending June 30, 1882.

States.	Third quarter of 1881.	Fourth quarter of 1881.	First quarter of 1882.	Second quarter of 1882.	Year ending June 30, 1882.	Total since date of grant.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama						400, 434. 78
Arkansas			92. 70	3, 960. 97	4, 053. 67	7, 638, 944. 41
California	1, 401. 40	30, 021. 75			31, 423. 15	1, 623, 824. 34
Florida		11, 163. 69		42, 961. 00	54, 124. 69	14, 900, 917. 51
Illinois				120. 00	120. 00	1, 493, 179. 43
Indiana						1, 264, 833. 13
Iowa	80. 00				80. 00	925, 293. 30
Louisiana (act of 1849)	19, 802. 70		46, 229. 37	13, 890. 92	79, 922. 90	8, 418, 192. 15
Louisiana (act of 1850)			1, 629. 24		1, 629. 24	243, 689. 13
Michigan		160. 00	120. 00		280. 00	5, 722, 174. 73
Minnesota		1, 349. 31			1, 349. 31	2, 243, 964. 90
Mississippi						3, 068, 642. 31
Missouri	11. 62		2, 154. 91		2, 166. 53	4, 457, 370. 29
Ohio						25, 660. 71
Oregon				20, 160. 65	20, 160. 65	25, 821. 50
Wisconsin	143, 829. 66	32, 680. 00			176, 510. 17	3, 316, 229. 41
Total	165, 125. 38	75, 375. 26	50, 226. 22	81, 093. 54	371, 820. 40	55, 769, 172. 03

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(SWAMP LANDS PATENTED, 53,877,356.36 ACRES.)

Statement exhibiting the quantity of land patented to the several States under acts of Congress approved September 28, 1850 (Revised Statutes of the United States, section 2479), act of March 12, 1860 (Revised Statutes of the United States, section 2490), and also the quantity certified to the State of Louisiana, under act approved March 2, 1849.

States.	Third quarter of 1881.	Fourth quarter of 1881.	First quarter of 1882.	Second quarter 1882.	Year ending June 30, 1882.	Total since date of grant.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama						395, 315. 09
Arkansas						7, 130, 766. 32
California		1, 561. 40			1, 561. 40	1, 415, 115. 11
Florida		70, 084. 08		43, 951. 51	114, 035. 59	*14, 849, 220. 56
Illinois				71. 59	71. 59	†1, 454, 828. 03
Indiana						‡1, 257, 588. 41
Iowa	80. 00	40. 00	40. 00		160. 00	§1, 175, 631. 80
Louisiana (act of 1849)	19, 802. 70		46, 229. 37	13, 890. 92	79, 922. 99	8, 418, 192. 15
Louisiana (act of 1850)						217, 973. 91
Michigan	360. 85		80. 00		440. 85	‖5, 659, 817. 99
Minnesota			172, 408. 24	67, 054. 85	239, 463. 09	2, 231, 708. 08
Mississippi		173, 536. 01	187, 367. 85		360, 903. 86	3, 042, 287. 02
Missouri			4, 838. 48	3, 294. 76	8, 133. 24	¶3, 339, 999. 30
Ohio						25, 640. 71
Oregon				20, 160. 65	20, 160. 65	24, 610. 19
Wisconsin		167, 202. 08			167, 202. 08	**3, 238, 661. 69
Total	20, 243. 55	412, 423. 57	410, 963. 94	148, 424. 28	992, 055. 34	53, 877, 356. 36

* 50,144.15 acres of this contained in indemnity patents under act of March 2, 1855.
† 2,309.07 acres of this contained in indemnity patents under act of March 2, 1855.
‡ 4,880.20 acres of this contained in indemnity patents under act of March 2, 1855.
§ 321,468.23 acres of this contained in indemnity patents under act of March 2, 1855.
‖ 18,903.93 acres of this contained in indemnity patents under act of March 2, 1855.
¶ 43,700.64 acres of this contained in indemnity patents under act of March 2, 1855.
** 34,910.75 acres of this contained in indemnity patents under act of March 2, 1855.

UNITED STATES SWAMP LAND LAWS.

IN EFFECT DECEMBER 1, 1883.

Owing to the large interests involved and the possibilities of litigation growing out of alleged frauds in obtaining title to swamp lands from the United States, and also on account of its historical value, the following circular is given in full:

REGULATIONS AND DECISIONS THEREUNDER.

GENERAL LAND OFFICE, *April* 18, 1882.

As soon as practicable after the passage of the swamp land grant of September 28, 1850, viz, on the 21st November, 1850, the Commissioner transmitted to the governors of the respective States to which the grant applied copies of office circular setting forth the provisions of said act, giving instructions thereunder, and allowing the States to elect which of two methods they would adopt for the purpose of designating the swamp lands, viz:

1st. The field-notes of Government survey could be taken as the basis for selections, and all lands shown by them to be swamp or overflowed within the meaning of the act, which were otherwise vacant and unappropriated September 28, 1850, would pass to the States.

2d. The States could select the lands by their own agents and report the same to the United States surveyor-general with proof as to the character of the same.

The following States elected to make the field-notes of survey the basis for determining what lands passed to them under the grant, viz: Michigan, Minnesota, and Wisconsin.

The authorities of the following States elected to make their selections by their own agents and present proof that the lands selected were of the character contemplated by the swamp grant, viz: Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Mississippi, Missouri, Ohio, and Oregon.

The authorities of California did not adopt either method, and the passage of the act of July 23, 1866, rendered such action on their part unnecessary.

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In Louisiana the selections under the grant of March 2, 1849, forming the bulk of the selections in said State, are made in accordance with the terms of said act by deputy surveyors, under the direction of the United States surveyor-general, at the expense of the State. Lands claimed under the act of September 28, 1850, are selected by agents of the State, and proof of the character of the land is furnished.

All lands properly selected and reported to this office as swamp are placed of record in books especially prepared for that purpose. Thereafter the selections are compared with the other records of the office, and lists of such lands as are shown to be swamp or overflowed within the meaning of the act and that are otherwise free from conflict are made out by this office and are submitted to the Secretary of Interior with the recommendation that the same be approved.

When the lists have been approved by the Secretary and returned to this office duplicate copies of the same are made out, one of which is transmitted to the governor of the State, with the statement that on receipt of his request patent will issue to the State for the lands. The other list is transmitted to the register and receiver of the land office in which the lands are situated, and they are requested to examine the same with the records of their office and report any conflicts found.

Upon receipt of reply to the letters of this office as above patents issue to the State for all the lands embraced in said lists, so far as they are free from conflict.

Under the provisions of the act of March 2, 1849, granting swamp lands to the State of Louisiana, a certified copy of the list approved by the Secretary of the Interior, transmitted to the governor, has the force and effect of a patent.

The "list" referred to in section 2 of the act of September 28, 1850, is held to be the copy of the list approved by the Secretary of the Interior sent to the governor, upon which his request for patent is based.

The following are the swamp land laws, regulations, and decisions:

AN ACT to aid the State of Louisiana in draining the swamp lands therein.

March 2, 1849, 9 Stat., p. 352, ch. lxxxvii.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to aid the State of Louisiana in constructing the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands, which may be or are found unfit for cultivation, shall be, and the same are hereby, granted to that State.

Certain swamp lands granted to State of Louisiana.

SEC. 2. *And be it further enacted,* That as soon as the Secretary of the Treasury shall be advised, by the governor of Louisiana, that that State has made the necessary preparation to defray the expenses thereof, he shall cause a personal examination to be made under the direction of the surveyor-general thereof, by experienced and faithful deputies, of all the swamp lands therein which are subject to overflow and unfit for cultivation; and a list of the same to be made out and certified by the deputies and surveyor-general, to the Secretary of the Treasury, who shall approve the same, so far as they are not claimed or held by individuals, and on that approval, the fee simple to said lands shall vest in the said State of Louisiana, subject to the disposal of the legislature thereof: *Provided, however,* That the proceeds of said lands shall be applied exclusively, as far as necessary, to the construction of the levees and drains aforesaid.

How said lands shall be selected.

Proceeds of lands, how to be applied.

SEC. 3. *And be it further enacted,* That in making out a list of these swamp lands, subject to overflow and unfit for cultivation, all legal subdivisions, the greater part of which is of that character, shall be included in said list; but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom: *Provided, however,* That the provisions of this act shall not apply to any lands fronting on rivers, creeks, bayous, water courses, &c., which have been surveyed into lots or tracts under the acts of third March, eighteen hundred and eleven, and twenty-fourth May, eighteen hundred and twenty-four: *And provided further,* That the United States shall in no manner be held liable for any expense incurred in selecting these lands and making out the lists thereof, or for making any surveys that may be required to carry out the provisions of this act.

How selection is to be made when only part of a subdivision is swamp land.

Proviso as to land on bayous, &c.

Approved March 2, 1849.

AN ACT to enable the State of Arkansas and other States to reclaim the "swamp lands" within their limits.

Sept. 28, 1850, 9 Stat., p. 519, ch. lxxxiv.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the State of Arkansas to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands, made unfit thereby for cultivation which shall re-

Swamp and overflowed lands unfit for cultivation granted to Arkansas.

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main unsold at the passage of this act, shall be, and the same are hereby, granted to said State.

Secretary of Interior to make out list and plats of said land, and when requested to grant a patent vesting the same in the State of Arkansas.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Interior, as soon as may be practicable after the passage of this act, to make out an accurate list and plats of the lands described as aforesaid, and transmit the same to the governor of the State of Arkansas, and, at the request of said governor, cause a patent to be issued to the State therefor; and on that patent, the fee simple to said lands shall vest in the said State of Arkansas, subject to the disposal of the legislature thereof: *Provided, however*, That the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied, exclusively, so far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid.

Proviso.

When the greater part of a subdivision is unfit for cultivation, it shall be included in said plats; if the greater part be not of that character, it shall be excluded.

SEC. 3. *And be it further enacted*, That in making out a list and plats of the land aforesaid, all legal subdivisions, the greater part of which is "wet and unfit for cultivation," shall be included in said list and plats; but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

SEC. 4. *And be it further enacted*, That the provisions of this act be extended to, and their benefits be conferred upon, each of the other States of the Union in which such swamp and overflowed lands, known as designated as aforesaid, may be situated.

Approved September 28, 1850.

CONSTRUCTION OF ACTS OF 1849 AND 1850.

Swamp grant a grant *in presenti*.

The grant of swamp lands, under acts of March 2, 1849, and September 28, 1850, is a grant *in presenti*. See United States Supreme Court decisions, Railroad Company *vs.* Fremont County (9 Wallace, 89); Railroad Company *vs.* Smith (*id.*, 95); Martin *vs.* Marks (7 Otto, 345); decisions of Secretary of the Interior, December 23, 1851 (1 Lester's L. L., 549), April 25, 1862, and opinion of Attorney-General, Nov. 10, 1858 (1 Lester's L. L., 564).

Act of 1850 only granted swamp lands to States then in the Union.

The act of September 28, 1850, did not grant swamp and overflowed lands to States admitted into the Union after its passage. See decision of Secretary Interior, August 17, 1858; Commissioner G. L. O., May 2, 1871 (Copp's L. L., 474), affirmed by Secretary June 1, 1871, and Commissioner G. L. O., January 19, 1874 (Copp's L. L., 473), affirmed by Secretary July 9, 1875.

When method of determining swamp lands is agreed upon, State and Government both bound by same.

A State having elected to take swamp land by field notes and plats of survey is bound by them, as is also the Government. See Secretary's decisions, October 4, 1855 (1 Lester's L. L., 553), August 1, 1859 (*id.*, 571), December 4, 1877 (4 Copp's L. O., 149), and September 19, 1879.

10 Stat., p. 634, act Mar. 2, 1855, ch. cxlvii.

AN ACT for the relief of purchasers and locators of swamp and overflowed lands.

Patents to issue for swamp lands to purchasers and locators prior to issuing of patents to the States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States cause patents to be issued, as soon as practicable, to the purchaser or purchasers, locator or locators, who have made entries of the public lands claimed as swamp lands, either with cash, or with land warrants, or with scrip, prior to the issue of patents to the State or States, as provided for by the second section of the act approved September twenty-eight, eighteen hundred and fifty, entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," any decision of the Secretary of the Interior or other officer of the Government of the United States, to the contrary notwithstanding:

Provision for the case of a sale by a State prior to its obtaining a patent.

Provided, That in all cases where any State, through its constituted authorities, may have sold or disposed of any tract or tracts of said land to any individual or individuals prior to the entry, sale, or location of the same, under the pre-emption or other laws of the United States, no patent shall be issued by the President for such tract or tracts of land, until such State, through its constituted authorities, shall release its claim thereto, in such form as shall be prescribed by the Secretary of the Interior: *And provided further*, That if such State shall not, within ninety days from the passage of this act, through its constituted authorities, return to the General Land Office of the United States a list of all the lands sold as aforesaid, together with the dates of such sale, and the named of the purchasers, the patents shall be issued immediately thereafter, as directed in the foregoing section.

List of such sales to be returned.

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SEC. 2. *And be it further enacted,* That upon the proof, by the authorized agent of the State or States, before the Commissioner of the General Land Office, that any of the lands purchased were swamp lands, within the true intent and meaning of the act aforesaid, the purchase money shall be paid over to the said State or States; and where the lands have been located by warrant or scrip, the said State or States shall be authorized to locate a quantity of like amount, upon any of the public lands subject to entry, at one dollar and a quarter per acre, or less, and patents shall issue therefor, upon the terms and conditions enumerated in the act aforesaid: *Provided, however,* That the said decisions of the Commissioner of the General Land Office shall be approved by the Secretary of the Interior.

Indemnity to the States when they lose swamp lands under this act.

Approved March 2, 1855.

AN ACT to confirm to the several States the swamp and overflowed lands selected under the act of September twenty-eight, eighteen hundred and fifty, and the act of the second March, eighteen hundred and forty-nine.

March 3, 1857, 11 Stat., p. 251, ch. cxvii.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the selection of swamp and overflowed lands granted to the several States by the act of Congress approved September twenty-eight, eighteen hundred and fifty, entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," and the act of the second of March, eighteen hundred and forty-nine, entitled "An act to aid the State of Louisiana in draining the swamp lands therein," heretofore made and reported to the Commissioner of the General Land Office, so far as the same shall remain vacant and unappropriated, and not interfered with by an actual settlement under any existing law of the United States, be and the same are hereby confirmed, and shall be approved and patented to the said several States, in conformity with the provisions of the act aforesaid, as soon as may be practicable after the passage of this law: *Provided, however,* That nothing in this act contained shall interfere with the provisions of the act of Congress entitled "An act for the relief of purchasers and locators of swamp and overflowed lands," approved March the second, eighteen hundred and fifty-five, which shall be and is hereby continued in force, and extended to all entries and locations of lands claimed as swamp lands made since its passage.

Approved March 3, 1857.

CONSTRUCTION AND RULES AS TO INDEMNITY.

The claim of the States for indemnity for swamp lands sold or located subsequent to September 28, 1850, and prior to March 3, 1857, is not barred by failure of said States to have selected the lands prior to March 3, 1857. See Attorney-General's opinion of April 20, 1866 (2 Lester, p. 382), adopted by the Department April 23, 1866.

Swamp lands for which indemnity is claimed may be selected at any time.

Under provisions of act of Congress approved March 2, 1855, as extended by act of March 3, 1857, indemnity proof must be taken by the State before an agent from the General Land Office, after the land for which indemnity is claimed shall have first been examined in the field by said agent. See Secretary's decision June 6, 1878 (5 Copp's L. O., p. 125.)

Agent from G. L. O. must examine land before indemnity proof is made by State.

Rules and regulations adopted by the General Land Office, with the approval of the Secretary of the Interior, in regard to the proof required in claims for indemnity, under the act of March 2, 1855, *extended by the act of March* 3, 1857 (*sections* 2482, 2483, *and* 2484, *Revised Statutes of the United States*), "*for swamp and overflowed lands*" *sold by the United States prior to March* 3, 1857.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., August 12, 1878.

In order to dispose of the claims for indemnity provided for by the act of Congress approved March 2, 1855, entitled "An act for the relief of purchasers and locators of swamp and overflowed lands," which act was extended by the act of March 3, 1857 (as revised, now sections 2482, 2483, and 2484 of the Revised Statutes of the United States), the following rules and regulations in regard to the "due proof" to be made to the Commissioner of the General Land Office, under the second section of said first mentioned act (as revised, now section 2082, Revised Statutes of the United States), in order to obtain the indemnity aforesaid, are adopted:

The governor, or other duly authorized officer or agent, of the State claiming indemnity will be required to furnish this office with a list of the lands for which indemnity

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is claimed. As soon as practicable after the receipt of this list an agent will be appointed to make an examination in the field of each of the tracts therein described, and secure such reliable information as to the character thereof as can be obtained from personal examination and observation, and by inquiry of the owner or resident thereon, if any there be, and of persons residing in the vicinity having personal knowledge of the past and present character of the land. Upon the completion of this examination at least thirty days' notice will be given the State, or claimants under the State, of the time and place when and where testimony will be received touching the character of the lands described in the lists filed in this office.

At the times and places thus fixed the agent of this office will attend for the purpose of examining witnesses and adopting such other measures as may be necessary to protect the interests of the Government.

The evidence offered by the State, or its agent, as to the character of the land, must be the testimony of at least two respectable and disinterested persons who have personal and exact knowledge of the condition of the land during a series of years extending to the date of the swamp grant (September 28, 1850).

Where the testimony of witnesses having a knowledge of the condition of the land at the date of the grant cannot be obtained, the evidence of at least two respectable and disinterested persons, who have a knowledge of the land during a series of years extending as near to the date of the grant as possible, may be presented; but before presenting this secondary evidence the State agent should file his own affidavit setting forth fully and satisfactorily the reasons for the failure to present the testimony of the first-mentioned class of witnesses, and also setting forth that the witnesses whose testimony he offers have the best knowledge of the land extending nearest to September 28, 1850, of any that can be obtained.

The testimony of each witness should not only show that at the time when he first knew the land the greater part of each forty-acre tract, or other smallest legal subdivision, was swamp or overflowed within the meaning of the grant, but it must be full and explicit on the following points:

The cause of the swampy character or overflow, with the time of the year and the length of time such was the condition of the land, and how much or what proportion of the tract was thus rendered unfit for cultivation in its natural condition;

The nature and extent of the means necessary to reclaim the land;

The kinds of timber, plants, shrubs, grasses, &c., growing on the land, and whether or not plowing and the removal of timber or other natural growth would not have caused the land to become dry enough for cultivation without ditching, draining, or protection from overflow;

The names of water-courses, lakes, &c., on or near the land, with a description of the size of the same, and, where not on the tract, the direction and distance from it;

The general character of the adjacent and surrounding lands;

The present condition of the land, and in case any changes have taken place within the knowledge of the witnesses the nature and cause of such changes, with a full description of such artificial means of reclamation as have had any effect on the characacter of the land, and all other facts known to the witnesses which may tend to show the true condition of the land.

The witnesses should be required to state facts, not opinions, and their testimony should be as full and complete and as to every fact within their knowledge as if it were needed to establish the character of the land to the satisfaction of a judge or jury.

Ex parte affidavits will not be considered, and all testimony must be taken in the presence of the agent of this office.

Depositions may be taken before any officer authorized by law to administer oaths; provided that if taken before an officer other than the clerk of a court of record having a seal, the official character of such offer shall be established by the certificate of the clerk of the proper court of record under the official seal thereof.

In all cases the disinterestedness of the witnesses must be established under oath, and the credibility of the witnesses must be certified to by the officer taking the depositions, or established by the oath of witnesses to whose credibility he certifies.

In cases where the agent of this office shall be satisfied, from the previous examination in the field, that any tract or tracts are of the character contemplated by the swamp grant, the testimony of two witnesses, as above mentioned, will be deemed sufficient proof; but in cases where said agent shall not be so satisfied from the previous examination in the field, he will take measures to secure such additional evidence as may be necessary to fully determine the character of the land, by obtaining the testimony of the owner or occupant of the land, or, if those persons have testified, other well-informed persons residing in the vicinity of the land, allowing the agent of the State full opportunity to cross-examine such witnesses should he desire to do so.

If the agent of this office shall be in doubt as to the amount of a particular tract which is swampy or overflowed, he will have a survey and plat made of the tract by a competent surveyor, in order that the exact amount of swampy or overflowed land in the tract may be shown.

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After the testimony is taken the agent will make a full report to this office upon each of the tracts upon which testimony is taken, together with his opinion as to the real character of each of said tracts.

These regulations will supersede all former regulations; but cases where proof has heretofore been taken and filed in this office will be examined and determined upon such proof, if it is found to be in strict accordance with the regulations existing at the time of taking the same.

J. A. WILLIAMSON,
Commissioner.

DEPARTMENT OF THE INTERIOR,
August 20, 1878.

Approved.

A. BELL,
Acting Secretary.

In States where the field notes of survey govern in adjusting claims for lands under the act of 1850 said notes are the basis for adjusting claims for indemnity. (Secretary's decision of April 17, 1880.)

AN ACT to extend the provisions of "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits" to Minnesota and Oregon, and for other purposes. 12 Stat., p. 3, act March 12, 1860, ch. v.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act of Congress entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," approved September twenty-eight, eighteen hundred and fifty, be and the same are hereby extended to the States of Minnesota and Oregon: *Provided,* That the grant hereby made shall not include any lands which the Government of the United States may have reserved, sold, or disposed of (in pursuance of any law heretofore enacted) prior to the confirmation of title to be made under the authority of the said act.

Provisions of act of 1850 extended to Minnesota and Oregon.

SEC. 2. *And be it further enacted,* That the selection to be made from lands already surveyed in each of the States, including Minnesota and Oregon, under the authority of the act aforesaid, and of the act to aid the State of Louisiana in draining the swamp lands therein, approved March second, one thousand eight hundred and forty-nine, shall be made within two years from the adjournment of the legislature of each State at its next session after the date of this act, and, as to all lands hereafter to be surveyed, within two years from such adjournment, at the next session, after notice by the Secretary of the Interior to the governor of the State that the surveys have been completed and confirmed.

Selections under said act, and the act of 1849, when to be made.

Approved March 12, 1860.

Provisions of sec. 2 repealed as to all States except Minnesota and Oregon by enactment in Revised Statutes. See sec. 5596.

RULINGS.

The grant of swamp lands to the States of Oregon and Minnesota was a grant *in presenti,* and the land so granted cannot be otherwise disposed of by the Government. See Secretary's decisions, April 15, 1880. Crowley *vs.* State of Oregon (7 Copp's L. O., 28), and the State of Oregon *vs.* United States, June 4, 1880 (*id.,* 53).

Swamp grant to Oregon and Minnesota a grant *in presenti.*

Status of lands within the meander lines of shallow bodies of water at date of survey that might have been temporarily overflowed considered. See Secretary's decision, December 2, 1874 (Copp's Land Laws, 475.)

Shallow bodies of water.

CHAP. CCXIX.—AN ACT to quiet land titles in California. 14 Stat., p. 218, July 23, 1866.

* * * * * * *

SEC. 4. *And be it further enacted,* That in all cases where township surveys have been, or shall hereafter be made under authority of the United States, and the plats thereof approved, it shall be the duty of the Commissioner of the General Land Office to certify over to the State of California, as swamp and overflowed, all the lands represented as such upon such approved plats, within one year from the passage of this act, or within one year from the return and approval of such township plats.

Where township surveys have been made, and plats approved, swamp and overflowed lands to be certified to State within one year.

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Segregation maps, &c., of swamp and overflowed land, made by State, to be examined, &c.

The Commissioner shall direct the United States surveyor-general for the State of California to examine the segregation maps and surveys of the swamp and overflowed lands made by said State, and where he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly, and forward to the General Land Office for approval: *Provided*, That in segregating large bodies of land notoriously and obviously swamp and overflowed, it shall not be necessary to subdivide the same, but to run the exterior lines of such body of land. In case such State surveys are found not to be in accordance with the system of United States surveys, and in such other townships as no survey has been made by the United States, the Commissioner shall direct the surveyor-general to make segregation surveys upon application to said surveyor-general by the governor of said State, within one year of said application, of all the swamp and overflowed land in such townships, and to report the same to the General Land Office, representing and describing what land was swamp and overflowed under the grant, according to the best evidence he can obtain. If the authorities of said State shall claim as swamp and overflowed any land not represented as such upon the map or in the returns of the surveyors, the character of such land at the date of the grant, September twenty-eight, eighteen hundred and fifty, and the right to the same, shall be determined by testimony to be taken before the surveyor-general, who shall decide the same, subject to the approval of the Commissioner of the General Land Office.

If found to conform to United States surveys.

If found not to conform.

If State claims, as swamp, &c., lands, any not so represented in map, character of land how to be determined.

List of lands selected and of swamp, &c., lands claimed by State to be sent to General Land Office.

SEC. 5. *And be it further enacted*, That it shall be the duty of the Commissioner of the General Land Office to instruct the officers of the local land offices, and the surveyor-general, immediately after the passage of this act, to forward lists of all selections made by the State referred to in section one of this act, and lists and maps of all swamp and overflowed lands claimed by said State or surveyed as provided in this act, for final disposition and determination, which final disposition shall be made by the Commissioner of the General Land Office without delay.

Act March 5, 1872, 17 Stat., p. 37, ch. xxxix.

AN ACT for the relief of Lucas, O'Brien, Dickinson, and other counties in the State of Iowa.

Selections of swamp lands in certain counties in Iowa to be received, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office is hereby authorized and required to receive, and examine the selections of swamp-lands in Lucas, O'Brien, and Dickinson and such other counties in the State of Iowa, as formerly presented their selections to the surveyor-general of the district including that State, and allow or disallow said selections, and indemnity provided for according to the acts of Congress in force touching the same at the time such selections were made, without prejudice to legal entries or the rights of *bona fide* settlers under the homestead and pre-emption laws of the United States prior to the date of this act.

Approved March 3, 1872.

Act December 27, 1872, 17 Stat., p. 404, ch. xvii.

AN ACT to quiet the title to certain lands in the State of Missouri.

Whereas by an act of the Congress of the United States, approved on the twenty-eighth day of September, eighteen hundred and fifty, the State of Missouri, with other States, acquired title to all swamp and overflowed lands within their limits; that the State of Missouri, by an act of its general assembly, approved February twenty-third, eighteen hundred and fifty-three, passed the title thus acquired to the several counties in which said lands were situated, for the purpose and to the end that the same should be drained and reclaimed as provided by said act of Congress; and that after the donation as aforesaid, a commissioner was appointed, charged with the duty to select and locate such swamp-lands, who did make such selections and locations in said county of Scott and State of Missouri, making due report of the same, which report was, by proper authority, approved, and the lands so located patented by the Government of the United States to the State of Missouri, and on the twenty-ninth day of April, eighteen hundred and seventy, by said State to said county of Scott; and whereas said commissioner, in his report, described other lands situated in said county as unsurveyed swamp lands, and that in the year eighteen hun-

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dred and sixty said lands were ordered to be surveyed by the General Government, which survey was approved by the surveyor-general of Missouri on the second day of July, eighteen hundred and sixty-one; and that by act of Congress approved March the twelfth, eighteen hundred and sixty, said county was given two years in which to present its claim and make proof to its title to said lands, which could not be done, owing to the existence of civil war then afflicting the people of said county; and whereas said county, believing further time would be given to make said claim and proof, did sell to actual settlers the greater portion of said lands, which purchasers, relying on said title, have made, in many instances, permanent and valuable improvements: Therefore,

Certain swamp, &c., lands granted to Scott County, Missouri.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the lands above referred to be, and the same are hereby, granted to the county of Scott, in the State of Missouri, which lands, in the aggregate, amount to four thousand four hundred and ten and seventy-one hundreths acres, and described as follows: Parts of sections one, two, three, eleven, twelve, thirteen, twenty-four, and twenty-five, all in township number twenty-seven, range 12: *Provided*, That nothing in this act shall prejudice the rights of any homestead or other entry made, by any person whatsoever, under the laws of the United States on said lands.

Existing rights not affected.

Approved December 27, 1872.

AN ACT authorizing and requiring the issuance of a patent for certain lands to the county of Scott, in the State of Missouri.

18 Stat., p. 282, act June 23, 1874, ch. 484.

Whereas, by the act of Congress of the United States entitled "An act to quiet the title to certain lands in the State of Missouri," approved December twenty-seventh, eighteen hundred and seventy-two, certain lands therein mentioned were granted to the county of Scott, in the State of Missouri, which were not specifically described; and

Whereas, no provision for the issuance of a patent for said lands was made in said act: Therefore,

Patent to issue to Scott County, Missouri, for certain lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Commissioner of the General Land Office to cause a patent to be issued to said county of Scott, in the State of Missouri, for all the lands included in that portion of township numbered twenty-seven north of range twelve east, of the fifth principal meridian lying east of Little River, as the same appears on the plat of survey on file in the General Land Office: *Provided*, That nothing in this act shall prejudice the rights of any person claiming any of said lands by virtue of any homestead, pre-emption, or other entry made under the laws of the United States.

Not to prejudice rights of homestead, pre-emption, or other claimants.

Approved June 23, 1874.

AN ACT for the relief of actual settlers on lands claimed to be swamp and overflowed lands in the State of Missouri.

19 Stat., p. 334, ch. 99.

Purchasers of lands in Missouri as swamp lands to have priority to pre-empt or homestead, if land not in fact swamp.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases in the State of Missouri where lands have heretofore been selected and claimed as swamp and overflowed lands by said State, and the various counties therein, by virtue of any act of Congress, and said lands have been withheld from market in consequence thereof by the General Government, and the said State and counties have sold said lands to actual settlers, and said settlers have improved the same to the value of one hundred dollars; said settlers, their heirs, assigns, and legal representatives, who have continued to reside thereon, shall have priority of right to pre-empt or homestead all such lands as may be rejected by the United States as not being in fact swamp and overflowed lands; and it shall be the duty of the Secretary of the Interior to make such rules and regulations as may be necessary to carry into effect the provisions of this act: *Provided*, That nothing herein contained shall prejudice the rights of any person who may have made actual settlement upon such lands under the pre-emption or homestead laws prior to the passage of this act.

Approved February 23, 1875.

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CIRCULAR IN RELATION TO PROOF REQUIRED TO OBTAIN RELIEF FOR ACTUAL SETTLERS UPON REJECTED SWAMP LANDS IN THE STATE OF MISSOURI.

DEPARTMENT OF THE INTERIOR,
General Land Office, March 23, 1875.

GENTLEMEN: Annexed is an act of Congress approved February 23, 1875, "for the relief of actual settlers on lands claimed to be swamp and overflowed lands in the State of Missouri."

In order to enable persons entitled thereto to avail themselves of the provisions of this act the following regulations are prescribed, with the approval of the Secretary of the Interior.

In addition to compliance with existing regulations governing entries under the pre-emption and homestead laws, claimants must establish the following facts:

1st. That the land was duly selected as swamp land and withheld from market in consequence of such selection.

2d. Purchase in good faith from the State or county, with settlement upon, and improvement of the land, to the value of one hundred dollars.

3d. That the purchaser from the State or county, or his heirs, assigns, or legal representatives, has continued to reside thereon.

4th. That the claim of the State under the swamp land grant has been rejected for the reason that the land was not in fact swamp and overflowed.

All pre-emption settlements and homestead entries made prior to February 23, 1875, where the requirements of law have been fully complied with, will take precedence of claims presented under this act.

S. S. BURDETT.
Commissioner.

REGISTERS and RECEIVERS *of U. S. Land Offices in the State of Missouri.*

Approved:

C. DELANO,
Secretary.

19 Stat., p. 395, act March 3, 1877, ch. 116.

AN ACT granting to the State of Missouri all lands therein selected as swamp and overflowed lands.

Swamp and overflowed lands to Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands in the State of Missouri selected as swamp and overflowed lands, and regularly reported as such to the General Land Office, and now withheld from market as such, so far as the same remain vacant and unappropriated and not interfered with by any pre-emption, homestead, or other claim under any law of the United States, and the claim whereto has not been heretofore rejected by the Commissioner of the General Land Office, or other competent authority, be, and the same are hereby, confirmed to said State, and all title thereto vested in said State; and it is hereby made the duty of the Secretary of the Interior to cause patents to issue for the same.

Patents to issue.

Approved March 3, 1877.

[PUBLIC—No. 97.]

21 Stat., p. 171, chap. 171.

AN ACT to confirm certain entries and warrant locations in the former Palatka military reservation in Florida.

Homestead entries of confirmed swamp-land selections in Palatka military reservation in Florida confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases in which lands lying within the limits of the former Palatka military reservation in Florida have been entered by settlers under the homestead laws, and their entries are found to conflict with selections by the State of Florida under the grant of swamp lands by act of Congress of September twenty-eighth, eighteen hundred and fifty, which are confirmed by the act of March third, eighteen hundred and fifty-seven, and in which said settlers have in good faith complied with the requirements of the homestead laws, their entries be, and the same are hereby, confirmed, on the State filing with the Commissioner of the General Land Office its relinquishment of all claim thereto; and the State shall thereupon be entitled to select in lieu thereof an equal quantity of land from any of the vacant and unappropriated public lands of the United States in Florida, and patents shall be issued to the State for the lands so selected in lieu of the tracts taken by the settlers.

Other lands to be patented to the State.

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SEC. 2. That in all cases in which lands lying within said reservation have been entered at private entry or located by military land-warrants, and which conflict with said selections, the same are also hereby confirmed on the State relinquishing all claim thereto, and the State shall thereupon be entitled to indemnity in the same manner as indicated in the first section of this act.

Cash entries and warrant locations also confirmed and indemnity allowed the State.

Approved June 9, 1880.

PUBLISHED DECISIONS RELATIVE TO SWAMP AND OVERFLOWED LANDS.

APPROVAL, EFFECT OF:
Secretary Interior, September 18, 1855, 1 Lester, 553.
Secretary Interior, January 14, 1856, 1 Lester, 554.
Secretary Interior, December 29, 1857, 1 Lester, 557.
Secretary Interior, October 24, 1858, 1 Lester, 562.
Secretary Interior, June 25, 1859, 1 Lester, 569.
Secretary Interior, July 22, 1859, 1 Lester, 570.

ARKANSAS:
Secretary Interior, October 24, 1858, 1 Lester, 562.
Secretary Interior, November 1, 1858, 1 Lester 563.
Secretary Interior, June 25, 1859, 1 Lester, 569.
Secretary Interior, May 5, 1877, 4 Copp's L. O., 63.
Commissioner General Land Office, December 21, 1853, 1 Lester, 551.

CALIFORNIA:
Attorney-General, March 4, 1878, 5 Copp's L. O., 12.
Secretary Interior, December 5, 1871, Copp's L. L., 453.
Secretary Interior, April 19, 1877, 4 Copp's L. O., 92.
Secretary Interior, December 21, 1877, 4 Copp's L. O., 150.
Secretary Interior, December 28, 1877, 5 Copp's L. O., 22.
Secretary Interior, December 12, 1878, 6 Copp's L. O., 29.
Secretary Interior, July 15, 1879, 6 Copp's L. O., 108.

CONFIRMATION:
Secretary Interior, December 29, 1857, 1 Lester, 557.
Secretary Interior, January 8, 1858, 1 Lester, 551.
Secretary Interior, November 1, 1858, 1 Lester, 563.
Secretary Interior, December 10, 1858, 1 Lester, 567.
Secretary Interior, July 23, 1859, 1 Lester, 570.
Secretary Interior, December 5, 1871, Copp's L. L., 453.
Secretary Interior, December 21, 1877, 4 Copp's L. O., 150.
Secretary Interior, May 2, 1878, 6 Copp's L. O., 76.
Secretary Interior, July 15, 1879, 6 Copp's L. O., 108.

EFFECT OF GRANT:
Attorney-General, March 4, 1878, 5 Copp's L. O., 12.
Secretary Interior, November 20, 1855, 1 Lester, 521.
Secretary Interior, January 14, 1856, 1 Lester 554.
Secretary Interior, June 21, 1856, 1 Lester 555.
Secretary Interior, December 2, 1876, 3 Copp's L. O., 172.
Secretary Interior, April 19, 1877, 4 Copp's L. O., 92.
Secretary Interior, December 4, 1877, 4 Copp's L. O., 149.
Secretary Interior, December 21, 1877, 4 Copp's L. O., 150.
Secretary Interior, May 2, 1878, 5 Copp's L. O., 124.
Secretary Interior, April 15, 1880, 7 Copp's L. O., 28.
Secretary Interior, June 4, 1880, 7 Copp's L. O., 53.
Secretary Interior, June 28, 1880, 7 Copp's L. O., 70.
Secretary Interior, May 3, 1881, 8 Copp's L. O., 21.

ENTRIES AND LOCATIONS OF:
Secretary Interior, January 14, 1856, 1 Lester, 554.
Secretary Interior, November 18, 1856, 1 Lester, 556.
Secretary Interior, October 13, 1876, 3 Copp's L. O., 119.
Secretary Interior, January 6, 1879, 5 Copp's L. O., 179.

FLORIDA:
Secretary Interior, December 9, 1878, 7 Copp's L. O., 9.

ILLINOIS:
Secretary Interior, November 20, 1855, 1 Lester, 521.
Secretary Interior, May 2, 1878, 5 Copp's L. O., 124.
Secretary Interior, May 2, 1878, 6 Copp's L. O., 76.
Secretary Interior, April 5, 1880, 7 Copp's L. O., 27.
Secretary Interior, June 28, 1880, 7 Copp's L. O., 70
Commissioner General Land Office, February 17, 1879, 7 Copp's L. O., 9.

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INDEMNITY:
Attorney-General, July 25, 1877, 4 Copp's L. O., 92.
Secretary Interior, July 7, 1855, 1 Lester, 552.
Secretary Interior, February 2, 1874, Copp's L. L., 480.
Secretary Interior, May 2, 1878, 5 Copp's L. O., 124.
Secretary Interior, December 9, 1878, 7 Copp's L. O., 9.
Secretary Interior, April 6, 1880, 7 Copp's L. O., 28.
Secretary Interior, June 28, 1880, 7 Copp's L. O., 70.
Commissioner General Land Office, February 17, 1879, 7 Copp's L. O., 9.
IOWA:
Secretary Interior, August 24, 1876, 3 Copp's L. O., 84.
LOUISIANA:
Secretary Interior, January 14, 1856, 1 Lester, 554.
Secretary Interior, May 3, 1881, 8 Copp's L. O., 21
MINNESOTA:
Secretary Interior, September 9, 1876, 3 Copp's L. O., 99.
Secretary Interior, December 4, 1877, 4 Copp's L. O., 149.
OREGON:
Secretary Interior, December 2, 1874, Copp's L. L., 475.
Secretary Interior, October 13, 1876, 3 Copp's L. O., 119.
Secretary Interior, December 2, 1876, 3 Copp's L. O., 172.
Secretary Interior, January 6, 1879, 5 Copp's L. O., 179.
Secretary Interior, April 15, 1880, 7 Copp's L. O., 28.
Secretary Interior, June 4, 1880, 7 Copp's L. O., 53.
PATENT:
Secretary Interior, January 8, 1858, 1 Lester, 558.
Secretary Interior, October 24, 1858, 1 Lester, 562.
Secretary Interior, November 1, 1858, 1 Lester, 562.
REGISTER OF LAND OFFICE:
Secretary Interior, September 6, 1856, 1 Lester, 339.
SELECTION, FORCE AND EFFECT OF, ETC.:
Secretary Interior, January 15, 1856, 1 Lester, 555.
Secretary Interior, November 1, 1858, 1 Lester, 563.
Secretary Interior, April 20, 1859, 1 Lester, 568.
Secretary Interior, May 21, 1859, 1 Lester, 569.
Secretary Interior, October 13, 1876, 3 Copp's L. O., 119.
Secretary Interior, April 5, 1880, 7 Copp's L. O., 27.
Commissioner General Land Office, November 21, 1850, 1 Lester, 543.
Commissioner General Land Office, December 21, 1853, 1 Lester, 551.
Commissioner General Land Office, January 22, 1858, 1 Lester, 559.
Commissioner General Land Office, January 5, 1872, Copp's L. L., 483.
(NOTE.—In cases of selections of swamp and overflowed lands made now the requirements in regard to proof of the swampy character of the lands claimed are substantially the same as those in the regulations in regard to proof in support of claims to indemnity, herein published.)
STATE, WHEN ESTOPPED FROM CLAIMING:
Secretary Interior, August 24, 1876, 3 Copp's L. O., 84.
Secretary Interior, September 9, 1876, 3 Copp's L. O., 99.
Secretary Interior, May 5, 1877, 4 Copp's L. O., 63.
STATUTES, EFFECT OF REVISION OF:
Attorney General, July 25, 1877, 4 Copp's L. O., 92.
Secretary Interior, June 28, 1880, 7 Copp's L. O., 70.
SURVEY:
Secretary Interior, December 5, 1871, Copp's L. L., 453.
Secretary Interior, December 12, 1878, 6 Copp's L. O., 29.
Commissioner General Land Office, February 22, 1855, 1 Lester, 718.
SWAMPY CHARACTER, PROOF OF:
Secretary Interior, October 4, 1855, 1 Lester, 553.
Secretary Interior, November 18, 1856, 1 Lester, 556.
Secretary Interior, August 12, 1858, 1 Lester, 561.
Secretary Interior, December 10, 1858, 1 Lester, 567.
Secretary Interior, May 21, 1859, 1 Lester, 569.
Secretary Interior, August 1, 1859, 1 Lester, 571.
Secretary Interior, October 13, 1876, 3 Copp's L. O., 119.
Secretary Interior, December 21, 1877, 4 Copp's L. O., 150.
Secretary Interior, December 28, 1877, 5 Copp's L. O., 22.
Secretary Interior, January 6, 1879, 5 Copp's L. O., 179.
WISCONSIN:
Secretary Interior, October 4, 1855, 1 Lester, 553.
Secretary Interior, August 1, 1859, 1 Lester, 571.

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DECISIONS OF UNITED STATES AND STATE COURTS.

In addition to those herein cited, reference is made to the following decisions of United States and State courts, cited in the "United States land laws, local and temporary," compiled by the "commission on the codification of existing laws relating to the survey and disposition of the public domain," vol. 1, pp. lvii and lviii.

EFFECT OF GRANT:
American Emigrant Company *vs.* County of Wright (7 Otto, 339).
American Emigrant Company *vs.* County of Adams (10 Otto, 61).
Supervisors, &c., *vs.* State's Attorney (31 Ill., 68).
Grantham *vs.* Atkins (63 Ill., 359).
Thompson *vs.* Prince (67 Ill., 281).
Keller *vs.* Brickey (78 Ill., 133).
Busch *vs.* Donohue (31 Mich., 481).
Dole *vs.* Turner (34 Mich., 405).
Barrett *vs.* Brooks (21 Iowa, 144).
Fremont County *vs.* B. M. R. R. Co. (22 Iowa, 91).
Boynton *vs.* Miller (42 Iowa, 579).
C., R. I. and P. R. R. Co. *vs.* Brown (40 Iowa, 333).
American Emigrant Company *vs.* C., R. I. and P. R. R. Co. (47 Iowa, 515).
Fletcher *vs.* Pool (20 Ark., 100).
Branch *vs.* Mitchell (29 Ark., 422).
Ringe *vs.* Rotan (29 Ark., 56).
H. and St. J. R. R. Co. *vs.* Smith (40 Mo., 310).
Foster *vs.* Evans (51 Mo., 39).
Clarkson *vs.* Buchanan (53 Mo., 563).
Campbell *vs.* Wortman (58 Mo., (258).
Masterson *vs.* Marshall (65 Mo., 94).
Gaston *vs.* Stott (5 Oreg., 48).
Owens *vs.* Jackson (9 Cal., 322).
Summers *vs.* Dickinson (9 Cal., 354).
Kile *vs.* Tubbs (23 Cal., 431).
Keeran *vs.* Griffith (27 Cal., 87).
Keeran *vs.* Allen (33 Cal., 542).
Wright *vs.* Carpenter (47 Cal., 436).
Thompson *vs.* Thornton (50 Cal., 142).
Sutton *vs.* Fassett (51 Cal., 12).

EXECUTION OF TRUST BY STATE:
American Emigrant Company *vs.* County of Wright (7 Otto, 339).
American Emigrant Company *vs.* County of Adams (10 Otto, 61).
State *vs.* Hastings (11 Wis., 448).
Barrett *vs.* Brooks (21 Iowa, 144).
Keltner *vs.* Story County (23 Iowa, 35).
Page County *vs.* B. and M. R. R. Co. (40 Iowa, 520).
Dunklin Co. *vs.* District Court (23 Mo., 449).
Kimball *vs.* Reclamation Fund Commissioners (45 Cal., 344).

INDEMNITY:
American Emigrant Company *vs.* County of Adams (10 Otto, 61).
Fletcher *vs.* Pool (20 Ark., 100).

PATENTS:
French *vs.* Fyan *et al.* (3 Otto, 169).
Smith *vs.* Goodell (67 Ill., 450).
Attorney-General *vs.* Thomas (31 Mich., 365).
Gaston *vs.* Stott (5 Oreg., 48).
Owens *vs.* Jackson (9 Cal., 322).
Summers *vs.* Dickerson (9 Cal., 554).
People *vs.* Stratton (25 Cal., 242).
Keeran *vs.* Griffith (27 Cal., 87).
Carder *vs.* Baxter (28 Cal., 99).
Robinson *vs.* Forrest (29 Cal., 317).
Keeran *vs.* Griffith (31 Cal., 462).
Randall *vs.* Fay (32 Cal., 354).
Keeran *vs.* Allen (33 Cal., 542).
Keeran *vs.* Griffith (34 Cal., 580).
Kimball *vs.* Reclamation Fund Commissioners (45 Cal., 344).
Reed *vs.* Caruthers (47 Cal., 181).
Mahew *vs.* Richardson (50 Cal., 333).

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PURCHASERS FROM STATE:
American Emigrant Co. *vs.* County of Adams (10 Otto, 61).
People *vs.* State Treasurer (7 Mich., 365).
Remeau *vs.* Mills (24 Mich., 15).
Attorney General *vs.* Smith (31 Mich., 359).
Attorney General *vs.* Thomas (31 Mich., 365).
Davis *vs.* Filer (40 Mich., 310).
Barden *vs.* Smith (7 Wis., 439).
Mowry *vs.* Smith (10 Wis., 509).
Conklin *vs.* Hawthorn (29 Wis., 476).
Rogers *vs.* Voss (6 Iowa, 405).
Gwyn *vs.* Decatur (9 Iowa, 278).
Calvin *vs.* McCosky (9 Iowa, 585).
Wilson *vs.* McLernam (20 Iowa. 30).
Spitel *vs.* Scofield (43 Iowa, 571).
State *vs.* Register (48 Mo., 59).
Owens *vs.* Jackson (9 Cal., 322).
Montgomery *vs.* Carson (16 Cal., 189).
Kile *vs.* Tubbs (23 Cal., 431).
People *vs.* Morrill (26 Cal., 336).
Thornton *vs.* Thompson (28 Cal., 602).
McNear *vs.* Hutchinson (31 Cal., 177).
Taylor *vs.* Underhill (40 Cal., 569).
Kimball *vs.* Reclamation Fund Commissioners (45 Cal., 344).
Cox *vs.* Jones (47 Cal., 412).
Edwards *vs.* Estell (48 Cal., 194).
Allen *vs.* Dale (50 Cal., 80).
Ringston *vs.* Guth (50 Cal., 86).
Mahen *vs.* Richardson (50 Cal., 333).
Keena *vs.* Doherty (51 Cal., 3).
Farran *vs.* Board of Supervisors (51 Cal., 307).
Yoakum *vs.* Brewer (52 Cal., 373).

EDUCATIONAL LAND GRANTS BY THE UNITED STATES TO PUBLIC-LAND AND OTHER STATES.

TO JUNE 30, 1882 AND 1883.

[See Chapter XIII, pages 223 to 231, and 1249.]

For changes in the areas as set out in the above chapter to June 30, 1883, see page 1249.

IMPORTANT CHANGE IN THE AGRICULTURAL COLLEGE LAW.

The following act, approved March 3, 1883, materially changed the acts of July 2, 1862, and the amendatory acts:

[PUBLIC—No. 53.]

AN ACT to amend an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth section of the act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July second, eighteen hundred and sixty-two, be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That all moneys derived from the sale of lands aforesaid by the States to which the lands are apportioned, and from the sales of land-scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks; or the same may be invested by the States having no State stocks, in any other manner after the legislatures of such States shall have assented thereto, and engaged that such funds shall yield not less than five per centum upon the amount so invested and that the principal thereof shall forever remain unimpaired: *Provided,* That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may provided in section five of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be without excluding other scientific and classical studies, and including military tactics, to teach such

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branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

Approved, March 3, 1883.

AGRICULURAL COLLEGE SCRIP.

[Official: General Land Office.]

* * * * * * *

This scrip may be used—

First. In the location of land at "*private entry*," but when so used is only applicable to lands not mineral which may be subject to private entry at $1.25 per acre, and is restricted to a technical "*quarter section*"—that is, land embraced by the quarter section lines indicated on the official plats of survey; or it may located on a *part* of a "quarter section," where such part is taken as in full for a quarter; but it cannot be applied to different subdivisions to make an area equivalent to a quarter section. The manner of proceeding to acquire title with this class of paper is the same as in cash and warrant cases, the fees to be paid being the same as on warrants. The location of this scrip at private entry is restricted to *three* sections in *each township* of land, and *one million acres* in *any one State*.

Second. In payment of pre-emption claims, in the manner and under the same rules and regulations as govern the pre-emption of military land warrants; this, too, without regard to the limitation as to the quantity located in the township or in any State.

Third. In payment for homesteads commuted under section 2301 of the Revised Statutes of the United States. * * *

FORMS USED AND PROCEDURE IN DISTRICT LAND OFFICE.

In pre-emption entries or commutation of homesteads, proving up, agricultural-college scrip can be used in place of cash; when so used, the forms used in chapter X, addenda "Pre-emptions", are used, with the addition of an "excess receipt by the receiver," if any there be, and a "certificate of location," signed by register and receiver.

In cash entries on offered land, when a person buys the land outright without settlement, the scrip is used in lieu of cash (see "Existing methods of disposition," chapter XXXII, and addenda).

LAND BOUNTIES FOR MILITARY AND NAVAL SERVICES.

[See Chapter XIV, pages 232 to 237, and 1250.]

TO JUNE 30, 1882.

The grants for military and naval land bounties from the origin of these laws to June 30, 1882, amount to 61,058,110 acres, as follows:

Statement under acts of 1847, 1850, 1852, *and* 1855 *showing the issues and locations from the commencement of operations under said acts to June* 30, 1882.

Grade of warrants.	Number issued.	Acres embraced thereby.	Number located.	Acres embraced thereby.	Number outstanding.	Acres embraced thereby.
Act of 1847:						
160 acres	80,669	12,907,040	79,013	12,642,080	1,656	264,960
40 acres	7,583	303,320	7,072	282,880	511	20,440
Total	88,252	13,210,360	86,085	12,924,960	2,167	285,400
Act of 1850:						
160 acres	27,439	4,390,240	26,814	4,290,240	625	100,000
80 acres	57,712	4,616,960	56,249	4,499,920	1,463	117,040
40 acres	103,971	4,158,840	100,612	4,024,480	3,359	134,360
Total	189,122	13,166,040	183,675	12,814,640	5,447	351,400

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Statement under acts of 1847, 1850, 1852, *and* 1855, *&c.*—Continued.

Grade of warrants.	Number issued.	Acres embraced thereby.	Number located.	Acres embraced thereby.	Number outstanding.	Acres embraced thereby.
Act of 1852:						
160 acres	1,223	195,680	1,192	190,720	31	4,960
80 acres	1,698	135,840	1,662	132,960	36	2,880
40 acres	9,066	362,640	8,877	355,080	189	7,560
Total	11,987	694,160	11,731	678,760	256	15,400
Act of 1855:						
160 acres	114,688	18,350,080	109,043	17,446,880	5,645	903,200
120 acres	96,988	11,638,560	90,519	10,862,280	6,469	776,280
100 acres	6	600	5	500	1	100
80 acres	49,439	3,955,120	47,981	3,838,480	1,458	116,640
60 acres	359	21,540	310	18,600	49	2,940
40 acres	540	21,600	466	18,640	74	2,960
10 acres	5	50	3	30	2	20
Total	262,025	33,987,550	248,327	32,185,410	13,698	1,802,140

SUMMARY.

Act of 1847	88,252	13,210,360	86,085	12,924,960	2,167	285,400
Act of 1850	189,122	13,166,040	183,675	12,814,640	5,447	351,400
Act of 1852	11,987	694,160	11,731	678,760	256	15,400
Act of 1855	262,025	33,987,550	248,327	32,185,410	13,698	1,802,140
Total	551,386	61,058,110	529,818	58,603,770	21,568	2,454,340

Outstanding warrants June 30, 1882, 21,568, embracing 2,454,340 acres.

CIRCULAR RESPECTING THE LOCATION AND ASSIGNMENT OF BOUNTY LAND WARRANTS.

IN EFFECT, DECEMBER 1, 1883.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
July 20, 1875.

TO REGISTERS AND RECEIVERS OF THE UNITED STATES LAND OFFICES:

GENTLEMEN: Section 2414 of the Revised Statutes of the United States, which statutes embrace all laws, general and permanent in their nature, in force on the 1st day of December, 1873, provides that "All warrants for military bounty lands which have been or may hereafter be issued under any law of the United States, and all valid locations of the same which have been or may hereafter be made, are declared to be assignable by deed or instrument of writing, made and executed according to such form and pursuant to such regulations as may be prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owner of the warrant or location."

Under the authority conferred by the said section, the following *compilation* of rules and regulations governing the assignment of bounty-land warrants is prepared for the guidance of registers and receivers of district offices in ascertaining the title to such warrants when the same are presented in payment of entries of public lands, and for the information of all concerned

To avoid, as far as possible, complications of land titles arising in consequence of the location of fraudulent or imperfectly assigned warrants, registers and receivers *are peremptorily enjoined to refuse all warrants* presented when the assignments thereof do not accord in every *essential particular* with the rules herein prescribed; and in all cases *when the question of title is in doubt* they must decline to receive the warrants until the holders thereof have submitted the *same to this office* for examination, and have obtained a favorable decision thereon.

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I.—OF ASSIGNMENTS.

1. No assignment of a warrant executed *prior to the date of the issue thereof* can be recognized by this office.—Revised Statutes, section 2436.

2. The assignment is required to be *indorsed*, as far as practicable, upon the warrant transferred. Should it be found unecessary in any case to write the entire assignment on a separate paper, *which can only occur when prior assignments have filled entirely the blank space on the warrant*, it must be *so* attached as to show unmistakably that the warrant assigned was in the hands of the party making the transfer. In such cases the signature of the assignor must be affixed in the presence of the officer before whom it is acknowledged, who must certify that at the date of the assignment the warrant was presented by and in possession of the assignor. (See Form No. 5.)

3. The same requirement must be observed in the preparation and acknowledgment of powers of attorney *to sell or l ocate* bounty-land warrants.

4. Blank assignments are *void*, and will not be recognized by this office. The name of an assignee should be written in the assignment before the warrant is sent to the *local or General* Land Office.

5. Each assignment must be attested by *two subscribing witnesses;* the *mark* of a *witness* will not be respected.

6. Parties in interest as assignees are not recognized as legal attesting witnesses to an asignment; neither can an officer take an acknowledgment of an assignment to himself.

7. The execution of assignments is required to be *acknowledged* by the assignor, in the presence of a register or receiver of a land office, a judge or clerk of a court of record—when authorized to take acknowledgments—a notary public, justice of the peace, a commissioner of deeds resident in the State from which he derives his appointment, or a commissioner of a circuit court of the United States, who shall certify to the fact of the acknowledgment, and to the identity of the assignor; and the *official seal* of said court, notary public, or commissioner shall be affixed to the certificate. When the acknowledgment is taken before a justice of the peace, or other officer *without an official seal* (except a register or receiver of a land office), it must be accompanied by an additional certificate, under seal of the proper authority, establishing the *official character* of the person before whom the acknowledgment was made and the *genuineness of his signature.* (See Form No. 15.)

Powers of attorney must be acknowledged in like manner.

8. Assignments executed by *unmarried females* must be accompanied by evidence that they have attained the age of twenty-one years; and when married women assign, their husbands must unite with them in making the transfer.

9. Assignments executed by a commissioner, or other designated person, alleged to be acting under a decree of court, must be accompanied by a duly certified copy of such decree, in which all the proceedings had in the case should be recited, and from which it must appear that due notice of the pending suit had been given, by publication or otherwise, to all the parties interested.

10. Where *two* assignments exist, executed by the same party but made in favor of different individuals, the person first named as assignee must execute a transfer in favor of the second grantee, whether the assignment to him had been completed or not.

11. When the name of a person has been *inadvertently* inserted in an assignment of a warrant, and *erased* therefrom, there should be filed an affidavit, duly authenticated, from such person, stating that his name had been *erroneously* written in said transfer, and erased with his *knowledge and consent*, and that he claims *no right or interest* in the warrant; when such person cannot be found, the title of the party whose name has been written over the erasure will not be respected by this office until the validity thereof has been satisfactorily affirmed by a court of competent jurisdiction. When the name of a *bona fide assignee* has been erased from a transfer, an assignment from said assignee to the present holder of the warrant will be required to perfect the chain of title to the warrant.

12. When the assignment of a warrant is executed in a foreign country, and the acknowledgment thereof taken by an officer authorized by the laws thereof to perform such duties, the attestation of the American consul in such country should be obtained as to the official character and genuineness of the signature of the person before whom the acknowledgment of the said assignment was made; or if the official character, &c., of such foreign magistrate is attested by a consular agent of such foreign government residing in this country, his official character must be certified by the diplomatic representative of such Government in the United States. When such assignments are executed in a foreign language, duly authenticated translations thereof must be furnished. Secretaries of legation and consular officers of the United States are authorized to take acknowledgments, but they must certify the same under their *official seals.*

13. When the persons named as warrantees are described in the warrant as being

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minors, their assignments thereof must be accompanied by satisfactory evidence that they had attained their majority at the date of the transfer.

14. When an assignment has been *executed* and *witnessed*, but not acknowledged, it may be proved in open court, but a certified transcript of the proceedings in the case must be attached to the warrant; when, however, such assignment has not been *properly attested*, it must be made *anew*.

15. When an assignment is made by an Indian residing among the whites, the prescribed form will be adopted, with this single addition, that the officer taking the acknowledgment shall certify that the Indian is capable of contracting, also the amount paid to him for the warrant, and that he saw the same paid to the Indian.

16. Where it is made by an Indian holding tribal relations, his identity and ability to contract must be certified by the superintendent of Indian Affairs, or Indian agent, either of his own knowledge, or on the testimony of the chiefs, certifying to the amount paid for said warrant, that the same was paid in his presence, and that the transaction was fair and regular. In either case, if the amount paid is not a fair consideration, the assignment will be disregarded.

17. Where a warrant for the services of an Indian is issued, or descends to minors who no longer retain their tribal relations, it must be located or sold by a guardian duly appointed and authorized by the proper court for that purpose.

Where the minor or minors retain there tribal relations, the agent or superintendent must certify that they are entitled to the warrant under the laws, usages, and customs of the tribe; and when sold or located, that it was done by the guardian or such proper representative as, according to said laws, usages, and customs, was fully authorized.

In all cases where the signature of the superintendent or Indian agent is herein required, the genuineness of the signature of that officer must be attested by the Commissioner of Indian Affairs.

18. Prior to June 3, 1858, military land warrants were regarded as *real estate*, consequently a transfer of such warrant before that date by an *administrator;* must be accompanied by evidence that the same was made in pursuance of an order of court for the sale of the real estate of the decedent.

But by the act of June 3, 1858, which was re-enacted by section 2444 of the Revised Statutes, bounty-land warrants were declared to be *personal chateles*, and as such to be assignable by the warrantees, by their widows in certain cases, by their heirs or devisees, or by the *legal representatives* of the deceased claimant, "for the use of the heirs or legatees only."

It follows that the right to assign inures to the assignees of the vendors named above, and to their heirs, devisees, or legal representatives; but these latter are *not* required to assign "for the use of the heirs only."

19. Where a warrant has been issued in the name of a deceased soldier who had applied therefor before his death, the title thereto is declared by the said section 2444, Revised Statutes, to vest in the *widow*, if there be one, and if there be no widow, then in the *heirs or legatees* of the claimant.

20. If the claimant died and left a widow, who also was deceased before the issue of the warrant, then the title thereto vests in heirs or legatees of the warrantee.

21. To make a warrant issued in the name of a deceased person available, it should be accompanied by a certificate, under seal, from the proper court having probate jurisdiction, showing the fact of the death of the warrantee at a *specified date*, and stating whether he left a *widow*, giving her name if there was one. If there was no widow, the said certificate should state whether the warrantee died testate or intestate, and give the names of all his heirs-at-law, specifying such as are *adults* and such as are *minors*.

22. If it shall appear from such certificate that the warrantee died *before* the issue of the warrant and left a *widôw*, the assignment of such widow, *her* heirs or legal representatives, will be regarded as a sufficient conveyance of the title to the warrant.

23. If the warrantee died *after* the issue of the warrant, or if he died *before* such issue and left no *widow*, the title vests in his heirs-at-law or legatees.

24. If he died *intestate*, his heirs, shown to be such by the required certificate of court, may assign the warrant, the adults for themselves, and the minors by their guardians, who shall file with the warrant a certified copy of their letters of guardianship, or a certificate from the clerk of the proper court stating that such letters had been issued and that they were in force at the date of the assignment.

Or the administrator of the estate of the *deceased warrantee*, who died intestate, may assign the warrant "*for the use of the heirs only,*" upon filing therewith a certified transcript of the letters of administration, or a certificate from the clerk of the proper court that the said letters had been issued, and that they were in force at the date of the assignment. (See Form No. 6.)

25. If the warrantee died *testate*, a certified transcript of the will must accompany the warrant. If the will *specifically* disposes of the warrant, the devisee or devisees may assign, if adults, in the usual form; if minors, by their guardians, as aforesaid. If the will does not *specifically* dispose of the warrant, the executor of the estate of the warrantee

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may assign "*for the use of the heirs or legatees only;*" but in that case a certified transcript of the letters testamentary, or a certificate from the proper authority that such letters had been granted, and were in force at the date of the assignment, must accompany the transfer. (See Form No. 8.)

26. An assignment executed by an *administrator de bonis non with the will annexed* of the estate of the deceased warrantee must be prepared in accordance with the Form No. 8 prescribed to be used by an executor, and accompanied by evidence of his authority to act, as required in the case of an administrator of the estate of a warrantee who had died intestate.

II.—AS TO LOCATIONS.

27. Military bounty-land warrants may be located upon any vacant public lands of the United States that are subject to sale at *private entry*, and they may be used in payment of pre-emption claims, or in commutation of homestead entries, even when the same embraced *unoffered lands*.

28. A warrant issued to several parties, or assigned to three or more persons, cannot be located if assigned by one of the owners to another, or to other persons, so as to invest any one of the parties with a greater interest than any other. In other words, each owner of a warrant, at the time of its location, must have an *equal* share or interest therein.

29. A warrant may be located either at a district land office, or through the agency of this office (Revised Statutes, section 2437). If located at a district office, it must be accompanied by a tender of the fees to which the register and receiver are entitled, and by a written application to locate, containing a description of the trates desired, and signed by the locator or his attorney in fact. If by the latter, his authority to act must be evidenced by a power of attorney, which must be prepared in accordance with Form No. 14, and indorsed, if practicable upon the warrant. (See Rule No. 2.)

30. If the location is made through *this office*, the warrant must be sent to the Commissioner with a request that the same be located in a specified land district, and accompanied by a receipt from the register and receiver for the fees to which they may be severally entitled under section 2238, Revised Statutes.

31. Each warrant is required to be distinctly and separately located upon a *compact* body of land; and if the area of the tract claimed should exceed the number of acres called for in the warrant, the locator must pay for the excess in cash; but if it should fall short, he must take the tract in full satisfaction for his warrant. A person cannot enter a *body of land* with a number of warrants without specifying the particular tract or tracts to which each shall be applied; and for each warrant there must be a distinct location, certificate, and patent.

32. Where the desired tract is subject to entry at a greater minimum than $1.25 per acre, the locator, in addition to the surrendered warrant, must pay in cash the difference between the value of such warrant at $1.25 per acre and that of the said land; or present a warrant of such denomination as will, at its legal value of $1.25 per acre, cover the rated price of the tract, and pay the excess in value of the land, if any, in cash. For example: A tract of 40 acres of land held at $2.50 per acre may be entered by the location of a warrant calling for 40 acres and the payment of $50 in cash; or by locating thereon a warrant for 80 acres, the 40 acres embraced in the entry being received in full satisfaction of the same; or, a tract containing 80 acres rated at $2.50 per acre may be entered by the location of *two* 80-acre warrants, or of *one* for 160 acres, and so on. It will be required, however, in the entry of a tract held at a greater minimum than $1.25 per acre, by the location of *two or more* warrants, that *each warrant* shall be located upon a *specific legal subdivision thereof*, which legal subdivision shall be received in full satisfaction of the warrant surrendered therefor; and that the excess in value of the lands, if any there be, shall in each case be paid in cash. Hence, a tract containing 40 acres or less, of double minimum lands, cannot be entered by the location of *two 40-acre warrants*.

33. A pre-emptor of lands held at $1.25 per acre may enter the tract embraced in his claim by the location of one, two, or more warrants; but each warrant must be applied to a specific subdivision thereof; that is, a warrant for 40 acres must be located upon a described subdivision containing as nearly as possible 40 acres of land; a warrant for 80 acres upon a tract embracing 80 acres, and so on. Where the pre-emption claim is composed of lands subject to entry at a greater minimum than $1.25 per acre the rules set forth in the preceding section will apply.

34. When a subdivision is fractional, a warrant approximating nearest the number of acres embraced therein may be located thereon, but the fractional excess in area must be paid for with cash, and will be conveyed in the same patent with the lands covered by the location of the warrant; a *legal subdivision*, however, other than those entered by the location of the warrant, will not be regarded as a legitimate fractional excess over such location, but will be required to constitute a *separate entry*. Thus a person will not be permitted to make *one entry* of a quarter section of land by the location of a warrant for 120 acres and a cash payment for the remaining subdivision.

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35. Registers and receivers of the local land offices are entitled to the following fees for their services in locating warrants, and the several amounts mentioned must be paid *at the time of location:*

For a 40-acre warrant, $0.50 each to the register and receiver; total, $1.
For a 60-acre warrant, $0.75 each to the register and receiver; total, $1.50.
For an 80-acre warrant, $1 each to the register and receiver; total, $2.
For a 120-acre warrant, $1.50 each to the register and receiver; total, $3.
For a 160-acre warrant, $2 each to the register and receiver; total, $4.

36. In all cases the patent will be transmitted to the local office where the location was made, for delivery by the register, unless the duplicate certificate of location shall have been previously filed in this office with a request that the patent be delivered as requested by the person sending the same; and in no case will the patent be delivered, either by this or the local land office, unless upon receipt of the duplicate certificate of location, or of an affidavit of ownership of the lands conveyed by the patent, and of the loss or destruction of the said duplicate certificate.

III.—MISCELLANEOUS PROVISIONS.

37. Bounty-land warrants for military services, granted under general laws, are issued only by the *Commissioner of Pensions;* and persons supposing themselves entitled to such warrants should address their applications therefor to that officer.

38. Neither bounty-land warrants nor the lands entered therewith are liable to be sold or made subject to the payment of any debt or claim incurred *by the warrantees* until after the issue of the patent. (Revised Statutes, section 2436.)

39. Warrants that may have been *reissued* under the provisions of Revised Statutes, section 2441, are subject to the same rules respecting assignments that apply to original warrants; but, in default of an assignment from the warrantee, a decree of title must be obtained from a court of competent jurisdiction, and a transcript thereof appended to the reissued warrant.

40. When an entry, made by the location of a warrant *properly assigned to the locator,* has been canceled, the warrant will be returned, with a certificate attached thereto authorizing its *relocation* by the said locator or his assignees, without a further payment of location fees. In no case, however, will such a certificate be attached to a warrant the assignments whereof are not such as would receive the approval of this office if presented for that purpose.

41. When a valid entry is withheld from patent on account of the objectionable character of the warrant located thereon, the parties in interest may procure the issue of a patent by filing in the office for the district in which the lands are situate an acceptable substitute for the said warrant. The substitution must be made in the name of *the original locator,* and may consist of a *warrant, cash, or any kind of script legally applicable* to the class of lands embraced in the entry. *Two* warrants cannot be substituted for the *one* originally located, nor will any payment be received that would destroy *the identity* of the entry.

42. A *five-cent internal-revenue stamp* is required to be affixed to each *assignment and certificate*—excepting certificates of acknowledgment—and a *fifty-cent* stamp to each *power of attorney* executed and issued *after* October 1, 1862, and *prior* to October 1, 1872.

43. Each warrant transmitted to this office for the purpose of obtaining the Commissioner's official approval of the assignments thereof must be accompanied by the sum of *one dollar,* the legal fee for a certificate of verification; and each assignment indorsed upon or attached to such warrant must contain the *name of an assignee.*

If a certificate of approval should be attached to the warrant, a blank form of assignment will accompany the same, which may be used in making a subsequent transfer.

S. S. BURDETT,
Commissioner.

FORM No. 1.

For the assignment of a warrant by the warrantee.

For value received I, A B, to whom the within warrant, No. ——, was issued, do hereby sell and assign unto C D, of ——— county, ———, and to his heirs and assignees forever, the said warrant, and authorize him to locate the same and receive a patent therefor.

Witness my hand and seal this —— day of ———, 187—.

A B. [SEAL.]

Attest:
E F.
G H.

See Rules Nos. 2 and 5.

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FORM No. 2.

Of acknowledgment where the vendor is known to the officer taking the same.

STATE OF ———,
——— *County, ss:*

On this —— day of ———, 187—, before me, personally came A B, to me well known, and acknowledged the foregoing assignment to be his act and deed, and I certify that said A B is the identical person to whom the within warrant issued, and who executed the foregoing assignment thereof.

(*Officer's signature.*)

See Rule No. 7.

FORM No. 3.

Of acknowledgment where the vendor is not known to the officer, and his identity has to be proven.

STATE OF ———,
——— *County, ss:*

On this —— day of ———, 187—, before me personally came A B and E F, of the county of ———, in the State of ———, and the said E F, being well known to me as a credible and disinterested person, was duly sworn by me, and on his oath declared and said that he well knows the said A B, and that he is the same person to whom the within warrant issued, and who executed the foregoing assignment; and his testimony being satisfactory evidence to me of that fact, the said A B thereupon acknowledged the said assignment to be his act and deed.

(*Officer's signature.*)

FORM No. 4.

For the assignment of a warrant by the assignee.

For value received I, C D, to whom the within warrant, No. ——, was assigned, do hereby sell and assign unto E F, of ——— county, ———, and to his heirs and assigns forever, the said warrant, and authorize him to locate the same and receive a patent therefor.

Witness my hand and seal this —— day of ———, 187—.

C D. [SEAL.]

Attest:
G H.
I J.

See Rules Nos. 2 and 5.

FORM No. 5.

For the certificate of acknowledgment of an assignment when the same is written on a separate paper and attached to the warrant.

STATE OF ———,
——— *County, ss:*

On this —— day of ———, 187—, before me personally came ———, to me well known, and acknowledged the foregoing assignment to be —— act and deed, and in my presence this day subscribed —— name thereto; and I certify that the said ——— is the identical person to whom the annexed warrant, No. ——, was assigned, and that the said warrant, at the time of making the foregoing assignment, was presented by and in the possession of him, the said ———.

———. [SEAL.]

See Rules Nos. 2 and 7.

FORM No. 6.

For the assignment of a warant by an administrator.

For value received I, A B, administrator of the estate of C D, deceased, who died intestate, to whom the within warrant, No. ——, was issued, do hereby sell and assign, "for the use of the heirs only," unto E F, of ——— county, ———, and to his heirs and assigns forever, the said warrant, and authorize him to locate the same and receive a patent therefor.

Witness my hand and seal this —— day of ———, 187—.

A B, [SEAL.]
Administrator.

Attest:
G H.
I J.

See Rule No. 24.

NOTE.—A certified copy of these letters of administration must accompany this assignment, or a certificate filed from the clerk of the proper court that said letters had been duly issued and *were in force at the date of the assignment.*

If the *date* of the death of the warrantee is not stated in the letters of administration, or other evidence as above mentioned, the same *must* appear in the *clerk's certificate* appended thereto.

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FORM No. 7.

For the acknowledgment.

STATE OF ——,
—— *County, ss:*

On this —— day of ——, 187—, before me personally came —— ——, to me well known, and acknowledged the foregoing assignment to be —— act and deed, and in my presence subscribed —— name thereto; and I certify that the said —— is administrator of the estate of the warrantee ——, deceased, to whom the within warrant, No. ——, was issued, and who executed the foregoing assignment thereof.

Witness my hand and official seal the day and year above written.

(*Officer's Signature.*)

NOTE—In assignments made by an administrator of the estate of a deceased *assignee* the words "*for the use of the heirs only*" may be omitted, but in all other respects the foregoing form of assignment and acknowledgment will be required.

FORM No. 8.

For the assignment of a warrant by an executor.

For value received I, A B, executor of the estate of C D, deceased, who died testate, to whom the within warrant, No. ——, was issued, do hereby sell and assign ("*for the use of the heirs only,*" " or *for the use of the legatees as mentioned in the will,*" as the case may be), unto E F, of —— county, State of ——, and to his heirs and assigns forever, the said warrant, and authorize him to locate the same and receive a patent therefor.

Witness my hand and seal this —— day of ——, 187—.

A B, [SEAL.]
Executor.

Attest:
G H.
I J.

(See Rule No. 25.)

NOTE—A certified copy of the *will*, and also of the *letters testamentary* or other proper evidence, under the seal of said court, showing that said executor was duly appointed and authorized to act as such *at the date of said assignment*, must accompany the same.

If the date of the death of the warrantee is not stated in the *letters testamentary or other* evidence, as above mentioned, it must appear in the *certificate of the clerk* appended thereto, as taken from the records of said court. The certificate of the acknowledgment may be the same as in Form No. 7, except that the word "*executor*" must be used instead of "*administrator.*"

FORM No. 9.

For the assignment and acknowledgment of a warrant by the heirs at law of a deceased warrantee.

For value received we, A B, C D, and E F, the only heirs at law of G H, deceased, to whom the within warrant, No. ——, was issued, do sell and assign unto I J, of, —— county, State of ——, and to his heirs and assigns forever, the said warrant, and authorize him to locate the same and receive a patent therefor.

Witness our hands and seals this —— day of ——, 187—.

—— ——. [SEAL.]
—— ——. [SEAL.]
—— ——. [SEAL.]

Attest:
K L.
M N.

(See Rule No. 24.)

FORM No. 10.

For the acknowledgment.

STATE OF ——,
—— *County, ss:*

On this —— day of ——, 187—, before me personally came A B, C D, and E F, to me well known, and acknowledged the foregoing assignment to be their act and

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deed, and I certify that the said A B, C D, and E F are the identical persons named in the attached certificate * as the only heirs at law of said warrantee, deceased, and who executed the foregoing assignment thereof.

Witness my hand and official seal the day and year above written.

(*Officer's signature.*)

NOTE.—For the evidence of the *death and heirship* above mentioned it will be necessary to procure and attach a certificate, under seal, from a *court* having probate jurisdiction, showing that it has been proven to the satisfaction of said *court*, in *open* court, that said warrantee, E H, is dead, the *date* of his *death*, whether he died testate or intestate; whether or not he left a *widow*, and who are his heirs and *only* heirs at law, with their respective ages. If any of such heirs are *femme coverts*, their husbands must join in the assignment. ☞ This rule will apply *to all* assignments made by married women.

FORM NO. 11.

For the assignment of a warrant by a guardian.

For value received I, A B, guardian of the person and estate of C D, a minor warrantee, to whom the within warrant, No. ———, was issued (or "*a minor heir at law, as mentioned in the attached certificate*—see the note following *Form No.* 10), do hereby sell and assign, *for the benefit of said minor*, unto E F, of the county of ———, State of ———, and to his heirs and assigns forever, the said warrant, and authorize him to locate the same and receive a patent therefor.

Witness my hand and seal this —— day of ———, 187—.

——— ———, [SEAL.]
Guardian.

Attest:
G H.
I J.
(See Rule No. 24.)

FORM NO. 12.

For the acknowledgment.

STATE OF ———,
——— *County, ss:*

On this —— day of ———, 187—, before me personally came ——— ———, to me well known, and acknowledged the foregoing assignment to be his act and deed, and in my presence subscribed his name thereto, and I certify that the said ——— ——— is guardian of the person and estate of said minor, and who executed the foregoing assignment thereof.

Witness my hand and official seal the day and year above written.

(*Officer's signature.*)

NOTE.—A certified copy of the letters of guardianship, or other legal evidence under the seal of the probate *court*, showing that the said guardian was duly appointed and authorized to act as such *at the date of said assignment*, must accompany the same.

FORM NO. 13.

Of a power of attorney to sell a warrant.

Know all men by these presents, that I (*here insert the name of the warrantee or owner of the warrant*), of the county of———, in the State of ———, do hereby constitute and appoint ——— ———, of the county of———, in the State of———, my true and lawful attorney, for me and in my name, to sell and convey the within land warrant, No. ——, for ——— acres, issued under the act of———, 18—.

Witness my hand and seal this —— day of———, 187—.

(*Warrantee's or owner's signature.*) [SEAL.]

Signed in presence of—
A B.
C D.
See Rules Nos. 2 and 3.

NOTE.—The form of acknowledgment of a power of attorney must be the same as for the sale of the warrant, and both must be indorsed upon the warrant if there is sufficient blank space thereon that can be used for that purpose; otherwise, it must be certified to as in the certificate of acknowledgment stated in Form No. 5.

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FORM NO. 14.

For a power of attorney to locate a warrant.

Know all men by these presents, that I (*here insert the name of the warrantee or assignee*), of the county of ———, in the State of ———, do hereby constitute and appoint A B, of the county of ———, in the State of ———, my true and lawful attorney, for me and in my name, to locate land warrant No. ——, for ——— acres of land, which issued under the act of ——, 18—.

Witness my hand and seal this —— day of ———, 187—.

(*Warrantee's or assignee's name.*) [SEAL.]

Signed in presence of—
C D.
E F.

See Rules Nos. 2, 3, and 29.

FORM NO. 15.

Of the certificate of the clerk of the court, judge, or other person who is authorized to certify, under seal, to the official character of the officer who takes acknowledgments of assignments.

STATE OF ———,
——— *County, ss:*

I, A B, clerk of the court ———, in the county and State aforesaid, hereby certify that John Jones, whose genuine signature is affixed to the above acknowledgment, was, at the time of assigning the same, a justice of the peace (*notary public or other officer*), duly authorized by law to take such acknowledgment, and that full faith and credit are due to all his official acts as such.

Given under my hand and the seal of said court this —— day of ———, 187.—

A B, *Clerk.* [SEAL.]

See Rule No. 7.

NOTE.—Where any acknowledgment is taken before a clerk of a court, judge, notary public, or other officer duly authorized by law, with their respective *official seals* affixed, the above certificate will not be required. Nor is such certificate required when the acknowledgment is taken before a register or receiver of a United States land office.

The following sections of the *Revised Statutes of the United States* refer to the assignment of military bounty-land warrants and locations made therewith; and to the application of such warrants to the location of public lands, viz:

Military bounty-land warrants and locations assignable.

22 March, 1852, c. 19, s, 1., v. 10, p. 3.
3 June, 1858, c. 84, s. 2, v. 11, p. 309.

SEC. 2414. All warrants for military bounty lands which have been or may hereafter be issued under any law of the United States, and all valid locations of the same which have been or may hereafter be made, are declared to be assignable by deed or instrument of writing, made and executed according to such form and pursuant to such regulations as may be prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owner of the warrant or location.

Warrants located at $1.25; excess paid in cash.

22 March, 1852, c. 19, s. 1, v. 10, p. 3.

SEC. 2415. The warrants which have been or may hereafter be issued in pursuance of law may be located according to the legal subdivisions of the public lands in one body upon any lands of the United States subject to private entry at the time of such location at the minimum price. When such warrant is located on lands which are subject to entry at a greater minimum than one dollar and twenty-five cents per acre, the locator shall pay to the United States in cash the difference between the value of such warrants at one dollar and twenty-five cents per acre and the tract of land located on. But where such tract is rated at one dollar and twenty-five cents per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

Death of claimant after establishing right and before issuing of warrant.

3 June, 1858, c. 84, s. 1, v. 11, p. 308.

SEC. 2444. When proof has been or hereafter is filed in the Pension Office, during the life-time of a claimant, establishing, to the satisfaction of that office, his right to a warrant for military services, and such warrant has not been, or may not be, issued until after the death of the claimant, and all such warrants as have been heretofore issued subsequent to the death of the claimant, the title to such warrants shall vest in his widow, if there be one, and if there be no widow, then in the heirs or legatees of the claimant; and all military bounty-land warrants issued pursuant to law shall be treated as personal chattels, and may be conveyed by assignment of such widow, heirs, or legatees, or by the legal representatives of the deceased claimant, for the use of such heirs or legatees only.

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SEC. 2277. All warrants for military-bounty lands, which are issued under any law of the United States, shall be received in payment of pre-emption rights at the rate of one dollar and twenty-five cents per acre, for the quantity of land therein specified; but where the land is rated at one dollar and twenty-five cents per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

Military bounty-land warrants receivable for pre-emption payments.

22 March, 1852, c. 19, s. 1, v. 10. p. 3.

SEC. 2436. All sales, mortgages, letters of attorney, or other instruments of writing, going to affect the title or claim to any warrant issued, or to be issued, or any land granted, or to be granted, under the preceding provisions of this chapter, made or executed prior to the issue of such warrant, shall be null and void to all intents and purposes whatsoever; nor shall such warrant, or the land obtained thereby, be in anywise affected by, or charged with, or subject to, the payment of any debt or claim incurred by any officer or soldier, prior to the issuing of the patent.

Sales, mortgages, letters of attorney, &c., made before issue of warrant to be void.

28 Sept., 1850, c. 85, s. 4, v. 9, p. 521.

Sec. 2238. registers and receivers, in addition to their salaries, shall be allowed each the following fees and commissions, namely:

* * * * * * *

Fifth. For locating military bounty-land warrants issued since the eleventh day of February, eighteen hundred and forty-seven, and for locating agricultural college land-scrip, the same commission, to be paid by the holder or assignee of each warrant or scrip, as is allowed for sales of the public lands for cash, at the rate of one dollar and twenty-five cents per acre.

Fees and commissions of register and receiver.

22 March, 1852, c. 19, s. 2, v. 10, p. 4.

2 July, 1862, c. 130, s. 7, v. 12, p. 505.

FORMS USED AND PROCEDURE IN DISTRICT LAND OFFICE.

In pre-emption entries or commutation of homesteads, military bounty-land warrants can be used as cash. Where cash is paid in excess of acreage of warrants, the receiver issues duplicate receipts, one for claimant, one for the files, and a joint certificate of location by register and receiver is issued. (See rules 27 *et seq.*, above, as to details of method of location under settlement or cash purchase laws. See also "Existing Methods of Disposition," chap. XXXII, and addenda.)

TWO, THREE, AND FIVE PER CENT. FUNDS.

[See Chapter XV, pages 238, 239, 1251.]

TO JUNE 30, 1882.

Statement of the amounts which have accrued to the following named States on account of the two, three, and five per cent. upon the net proceeds of the sales of public lands to June 30, 1882, inclusive.

Name of State.	Two per cent.	Three per cent.	Five per cent.	Aggregate.
Alabama	$405,178 81	$607,678 22		$1,012,857 03
Arkansas			$232,317 03	232,317 03
Colorado			9,589 73	9,589 73
Florida			33,162 27	33,162 27
Iowa			626,075 16	626,075 16
Illinois		712,744 82		712,744 82
Indiana		618,277 50		618,277 50
Kansas			346,318 24	346,318 24
Louisiana			315,676 36	315,676 36
Michigan			484,645 04	484,645 04
Minnesota			148,854 92	148,854 92
Mississippi	395,528 64	601,377 86		996,906 50
Missouri	15,587 78	535,836 05		551,423 83
Nebraska			137,685 79	137,685 79
Nevada			8,319 84	8,319 84
Ohio		596,634 10		596,634 10
Oregon			34,911 09	34,911 09
Wisconsin			466,670 51	466,670 51
Total	816,295 23	3,672,548 55	2,844,225 98	7,333,069 76

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FIVE PER CENT. FUND.

The following opinion, by the Hon. A. G. Porter, First Comptroller of the Treasury, as to the claim of the State of Kansas for five per cent. of the net proceeds of sales of public lands within her borders, contains much historical matter pertinent to the subject. It is given in full. The amount held to be due was paid.

[Senate Ex. Doc. No. 185, Forty-sixth Congress, second session.]

Letter from the Secretary of the Treasury, transmitting, in response to resolution of the Senate of the 18th instant, information relative to what action has been taken in the matter of the claim of the State of Kansas for five per centum of the net proceeds of sales of public lands in that State.

MAY 25, 1880.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, *May* 22, 1880.

Hon. WILLIAM A. WHEELER,
President of the Senate:

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate of the 18th instant as follows:

"*Resolved*, That the Secretary of the Treasury be directed to inform the Senate what action has been taken by the Treasury Department in the matter of the claim of the State of Kansas for five per centum of the net proceeds of sales of public lands in that State."

In reply thereto I have to state that the claim has been examined by the accounting officers and the sum of $190,268.27 found to be due the State of Kansas, which cannot be paid without an appropriation by Congress.

A copy of the opinion of the First Comptroller of the Treasury in the case, together with a copy of his letter of the 17th instant upon the subject, which were furnished to the House Appropriation Committee on the 18th instant, are herewith inclosed.

As the claim was allowed subsequent to the date of the annual report of claims made to Congress under the provisions of section 4 of the act June 14, 1878 (20 Stat., 130), it will be included in the report to be made at the next regular session of Congress.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Opinion of the Hon. A. G. Porter, First Comptroller of the Treasury, in the matter of the claim of the State of Kansas for five per centum of the net proceeds of sales of public lands in said State.

TREASURY DEPARTMENT,
FIRST COMPTROLLER'S OFFICE,
Washington, D. C., May 6, 1880.

The State of Kansas has presented a claim against the United States amounting to $190,566.08, being for five per cent. on the net proceeds of sales from the 29th of January, 1861, to the 30th of June, 1877, inclusive, of lands within the limits of that State heretofore embraced in Indian reservations. The reservations were known as the Shawnee Absentee, Miami, Kansas Trust, Kansas Trust and Diminished Reserve, Osage Ceded, Osage Trust and Diminished Reserve, New York Indian, and Cherokee Strip. The entire claim has been allowed by the Commissioner of the General Land Office, and the account is now before this office for examination.

The claim is founded upon the fifth clause of section three of the act for the admission of Kansas into the Union, approved January 29, 1861. That clause enacts that five per centum of the net proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of the State into the Union, after deducting all expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, or for other purposes, as the legislature shall direct.

The clause is subject to the condition that the State shall never interfere with the primary disposal of the soil within the same by the United States, or with any regulations Congress may find necessary for securing the title in the soil to *bona-fide* purchasers thereof, and that the State shall never tax the land or property of the United States therein.

The case turns upon a proper answer to be given to the question, what lands were "public lands lying within said State" within the meaning of this clause?

At the date of the passage of the act there were Indian reservations within the exterior limits of the State which embraced about 13,800,000 acres. Of these lands,

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1,824,000 acres had been assigned to the New York Indians under a stipulation by treaty that the same should never be included within any State or Territory of the Union. Eight hundred thousand acres had been sold in fee to the Cherokee Indians, and formed into a reservation known as the Cherokee Neutral Lands. They were held under an agreement that they were at no future time, without the consent of the Indian owners, to be included within the Territorial limits or jurisdiction of any State or Territory. And 74,937 acres were occupied by the Ottawa tribe of Indians under an engagement similar to that under which the Cherokee Neutral Lands were held. The two last-mentioned reservations have no connection with this account.

The reservation of the New York Indians was ceded to them by the treaty of January 15, 1838 (7 Stat., 550). This treaty granted to them in fee simple 1,824,000 acres of land, being 310 acres for each person, as their numbers were then computed. The grant was made subject to the condition, however, that such of the tribes of the New York Indians as did not agree to remove to the country set apart for their new homes within five years, or such other time as the President might appoint, should forfeit to the United States all interest therein. Only thirty-two of the Indians removed to the reservation and fulfilled the conditions of the treaty. To them were issued certificates of allotment for 10,215.63 acres, which was as nearly 320 acres to each allottee as the location of the allotments would permit. On the 16th of June, 1860, the Secretary of the Interior decided that the remainder of the 1,824,000 acres had been forfeited by the Indians in consequence of their failure to occupy it, and that it was therefore still public land. The State has already received five per cent. of the proceeds of that part of the forfeited tract which has been sold since the admission of the State. The account under examination applies only to the 10,215.63 acres of their reservation, being the alloted lands above mentioned.

A small part of the Indian reservations in the State at the passage of this act consisted of lands the fee simple of which, under the provisions of treaties made by the United States with these tribes, belonged to the tribes occupying them.

The rest of the lands included within Indian reservations were held by the tribes occupying them in the manner in which lands have usually been held by Indians occupying reservations. This title is popularly known as the "Common Indian Title."

In lands of the last-named class, the Indians have no other title than a mere right of occupancy. The fee is in the United States subject only to such right of occupancy. (United States *v.* Cook, 19 Wallace, 591.) The possession, when abandoned by the Indian occupants, attaches itself to the fee without further grant. (*Id.*) So restricted is their estate that, though they may clear the lands of timber to such an extent as may be reasonable for a profitable use for agriculture, and may sell the timber thus removed, they may not sever timber except for this use. They may not sever it for the purpose exclusively of sale. If they do, the severance is wrongful, and the timber, when cut, becomes the absolute property of the United States. (*Id.*)

In the case just cited an action of replevin was maintained by the United States against a purchaser to recover possession of logs thus severed, as having been cut and carried away from public lands of the United States. The court said: "That the United States may maintain an action for cutting and carrying away timber from the public lands was decided in Cotton *v.* The United States. The principles recognized in that case are decisive of the right to maintain this action." "The United States may at its pleasure dispose of these lands to whomever it may choose, subject only to this right of occupancy." (Beecher *v.* Wetherby, 95 U. S. Reports, 517.)

The right of the United States to dispose of the fee of lands occupied by Indians under the common Indian title has always been recognized by the courts of the United States from the foundation of the Government. Thus, a grant of the sixteenth section of the public lands in every township in the State of Wisconsin was held to include whatever became the sixteenth section in every township then embraced in Indian reservations, as such townships and sections should turn out to be, after the Indian occupancy ceased and they had been surveyed. (Beecher *v.* Wetherby, above cited.)

Not only have the courts uniformly decided that lands held by the common Indian title are public lands, but that they are such has been repeatedly assumed in the legislation of Congress. Two only, among many instances, will be cited.

By a resolution of April 10, 1869 (16 Stats., 55), provision was made for the sale to actual settlers of land of the Great and Little Osages; and it was also provided that sections 16 and 36 should be reserved for school purposes "in accordance with the provisions of the act of admission." They were, as part of the "public lands" within the State, and by no other or clearer designation, granted by the act of admission for school purposes.

By an act passed March 2, 1855, entitled "An act to settle certain accounts between the United States and the State of Alabama," the Commissioner of the General Land Office was required to include in the accounts the several reservations under the various treaties with the Chickasaw, Choctaw, and Creek Indians within the limits of

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Alabama, and allow and pay to that State five per centum thereof as in case of sales; and by an act of March 3, 1857, the Commissioner was also directed to state an account between the United States and each of the other States upon the same principles, and to allow and pay to each State such amount as should thus be found due, estimating all lands and permanent reservations at $1 25 an acre.

Not only were the reservations mentioned in this act treated as public lands, but a policy seems to have been adopted by Congress of paying to States in which public lands were situate five per cent. of the estimated value of such as were contained in reservations, where a considerable period might be expected to elapse before the Indian titles would be extinguished.

Lands, therefore, held by Indians in reservations by the common Indian title are public lands. They will pass, subject only to the Indian right of occupancy, by a grant of public lands by the United States; and in the absence of language evincing a different intent, a grant to a State by Congress of five per cent. of the proceeds of sales of the public lands within the State will be held to include five per cent. of the proceeds of sales of lands held by Indians by the common Indian title.

There is a provision in the act for the admission of Kansas that nothing contained in the constitution of the State respecting the boundary thereof shall be construed to impair the rights of person or property pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights by treaty, law, or otherwise, which it would have been competent to make if the act had never passed.

This provision evinces no intent on the part of Congress to exclude Indian lands from the list of public lands, five per centum of the net proceeds of which the act directs shall be paid to the State of Kansas for the purposes therein named. It does not say that Indian lands shall not be held to be public lands within the act; it does not vest in the Indians a title more extensive than they had theretofore possessed; and it precedes the clause which declares that five per centum of the net proceeds of all public lands lying within said State shall be paid to the State for the purposes specified. The provision was meant merely to retain in Congress and the treaty-making power exclusive jurisdiction to make regulations with respect to the property and other rights of Indians within the State without interference by the State. (See opinion of the Attorney-General addressed to the Secretary of the Interior, January 21, 1880.)

The grant of the five per centum having been made, it could not afterwards be revoked. The right of the State became, by the grant, a vested right which Congress could not recall. By treaties, made after the admission of the State with the several tribes who occupied these lands, it was stipulated that the net proceeds of the sales of all but one of the reservations, viz, the Kansas Trust, should be invested by the United States for the benefit of the respective tribes. Without doubt, these treaties, together with subsequent acts of Congress passed to carry out their provisions, entitled these tribes to a sum equal to these net proceeds; but they did not destroy the antecedent right of the State of Kansas to the five per cent. which had been granted when the United States, holding the fee in said lands, had capacity to make the grant, and made it without provision for any subsequent limitation.

The disposition of Congress with respect to lands lying within the States, the primary disposal of which belonged to the United States, seems to have grown more and more liberal as new States have been admitted.

Thus, on the admission of Michigan into the Union, seventy-two sections were set apart for the use and support of a university. Previously, upon the admission of new States, thirty-six sections only had been set apart for a like purpose. On the admission since of each successive new State in which there were public lands seventy-two sections have been set apart for the use of a university.

Prior to the admission of Minnesota one section only in a Congressional township had ever been set apart for the use of schools, but on that State becoming a member of the Union, two sections in each township were reserved for schools, and a similar grant has been made, on its admission, to each succeeding new State.

Before the admission of Michigan four sections had usually been granted for the erection of public buildings at the seat of government. Five sections were given to that State for that purpose, and a like number afterward to the new State of Iowa.

Subsequently, upon the admission of Wisconsin, Oregon, and Kansas, ten sections were granted for a like use, and twenty subsequently to the States of Nevada, Nebraska, and Colorado.

On the admission of Nevada, twenty sections were granted for the erection of a penitentiary. In previous statutes admitting States no grant had been made for such a use. When Nebraska and Colorado were admitted, fifty sections were granted to each for a like object.

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In the light of this legislation and of the clear provisions of the act for admitting Kansas, it would appear to be doing violence to the terms of the act and to the policy of Congress to construe the five per cent. clause to be applicable only to lands to which the Indian title had been extinguished prior to the admission of the State.

The gross amount realized from the sale of the eight reservations included in the present account is $3,866,036.03. The expenses of sale were $54,714.34. The net proceeds, therefore, are $3,811,321.69; five per cent. of which is $190,566.08—the amount reported to this office by the Commissioner of the General Land Office as owing to the State. But from this sum must be deducted five per cent. of the net proceeds of the sale of the New York Indian Reservation. The Indians did not hold the lands included in this reservation by mere right of occupancy. The lands were not public lands, because the United States, before the admission of the State, had granted the fee to said Indians, and had therefore no further estate in them. The United States, in effecting the sale of these lands, acted merely in the capacity of an agent. The State of Kansas cannot set up a claim to five per cent. of the net proceeds of the sales of these lands.

There must also be deducted from the sum allowed by the Commissioner five per cent. of the net proceeds of the sales of the Kansas Trust Reservation. Before the admission of Kansas the United States had engaged by treaty that, when these lands should be sold, the proceeds of the sales should be paid to the Indian occupants. From the time that this engagement was made, the United States became a trustee, holding merely a naked legal title, the beneficial interest being in the Indians. The lands then ceased to be public lands.

The net proceeds of the sale of the New York Indian lands were $3,956.73, five per cent. of which is $197.84. The net proceeds of the sale of the Kansas Trust Reservation were $1,999.48, five per cent. of which is $99.97. This sum, together with the five per cent. upon the net proceeds of the sales of the New York Reservation, being deducted from the amount found due the State by the Commissioner of the General Land Office, a balance remains of $190,268.27, which amount I find to be due to the State of Kansas upon this account.

It has been assumed, in considering this claim, that the clause in the act for the admission of Kansas which declares that five per cent. of the net proceeds of the sales of all public lands lying within said State shall be paid to the State, carried with it an appropriation of that amount. In the acts containing a like provision with respect to sales of public lands in other States, the clause has uniformly been held, in the Treasury Department, to contain an appropriation. Section 3689 of the Revised Statutes, which establishes permanent annual appropriations for the payment to certain States of five per centum of the net proceeds of sales of public lands lying within their limits, treats clauses in the acts for the admission of Wisconsin, Minnesota, Oregon, and Nevada, expressed in precisely the same terms, as carrying an appropriation. That section does not, however, include Kansas in the list of States for which an appropriation is there provided, and it is the only section in those statutes that makes appropriations for payment to States of five per cent. of the proceeds of the public lands therein.

The act for the admission of Kansas does not seem to have entirely escaped the notice of the revisers, for the substance of some of its provisions has been incorporated into their revision.

A question might, therefore, arise whether the five per cent. appropriation in the Kansas act is not repealed by the first clause of section 5596 of said revision. The two sections that are relevant to the question are as follows:

"SEC. 5596. All acts of Congress passed prior to said first day of December, one thousand eight hundred and seventy-three, any portion of which is embraced in any section of said revision, are hereby repealed, and the section applicable thereto shall be in force in lieu thereof; all parts of such acts not contained in such revision having been repealed or superseded by subsequent acts, or not being general and permanent in their nature: *Provided*, That the incorporation into said revision of any general and permanent provision, taken from an act making appropriations, or from an act containing other provisions of a private, local, or temporary character, shall not repeal or in any way affect any appropriation, or any provision of a private, local, or temporary character contained in any of said acts, but the same shall remain in force; and all acts of Congress passed prior to said last-named day, no part of which are embraced in said revision, shall not be affected or changed by its enactment.

"SEC. 5597. The repeal of the several acts embraced in said revision shall not affect any act done, or any act accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal, but all rights and liabilities under said acts shall continue, and may be enforced in the same manner as if said repeal had not been made; nor shall said repeal in any manner affect the right to any office or change the term or tenure thereof."

It will be observed that the reason given in the first section for treating as repealed

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all acts of Congress passed prior to December 1, 1873, any portion of which is embodied in any section of said revision, is that all parts of such acts have been repealed or superseded by subsequent acts or are not general and permanent in their nature. The fact, however, in relation to said appropriation clause in the Kansas act, is that it has never been repealed or superseded by any subsequent act. In a letter written on the 24th of November, 1877, by Chief Justice Waite to Mr. Middleton, late clerk of the Supreme Court of the United States, and by the latter filed in this office, the Chief Justice, after quoting section 5596, says:

"This clause, as is seen, contains not only the repeal but the reason of it. It asserts as such reason the assumed fact that all portions not included in the Revised Statutes of acts which have been partially incorporated therein, either have been repealed or superseded by subsequent acts, or are not general and permanent in their nature. It seems clear from this that if a particular section of an act has neither been repealed nor superseded by subsequent acts nor incorporated into the Revised Statutes, and is general and permanent in its nature, it is not within the reason and ground of the repeal, but has been accidentally overlooked or omitted by the revisers, and should not be regarded as within the intent and meaning of the repealing clause."

The Chief Justice adds that, in an informal manner, he had consulted his brethren upon the matter, and that they concurred with him in this opinion.

Upon the back of the letter is an indorsement made by the Secretary of the Treasury in the following words:

"Upon the clear opinion of the Chief Justice, concurred in, as it seems, by his associates, I think you [First Comptroller Tayler] will be entirely justified in acting upon his construction of the law in passing the accounts referred to. Other omissions in the Revised Statutes covered by the same reasoning have been called to my attention, and, without seeking to strengthen the opinion of the Chief Justice, I only express my concurrence in it."

I feel justified by these opinions, from sources so authoritative, in concluding that if the 5 per cent. appropriation in the Kansas act was not preserved by other clauses in the section above quoted, as I am strongly inclined to think it was, it was at any rate not repealed by the first clause of the first of said sections.

But section 5 of the act approved June 20, 1874 (18 Stat., 110), directs the Secretary of the Treasury to cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury. And the Secretary of the Treasury, on the 20th of April, 1877, decided that the appropriations contained in section 3689, Revised Statutes, came within the operation of this act.

As the amount owing to the State was not ascertained to be due within two fiscal years since the claim accrued, the appropriation from which it would properly be payable has, therefore, been covered into the Treasury.

The fourth section of the act approved June 14, 1878, makes it the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund that may be brought before them within a period of five years. And the Secretary of the Treasury is, by the act, directed to report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.

The amount ascertained to be due to the State of Kansas on the account under examination will, therefore, be reported to the Secretary of the Treasury, under the provisions of the last-mentioned act.

A. G. PORTER,
First Comptroller.

TREASURY DEPARTMENT,
FIRST COMPTROLLER'S OFFICE,
Washington, D. C., May 17, 1880.

Hon. JOHN SHERMAN,
Secretary of the Treasury:

SIR: I have the honor to acknowledge the receipt, by reference to this office, of a letter addressed to you on the 10th instant by Hon. John D. C. Atkins, in relation to the sum of $190,268.27, being five per cent. of the net proceeds of the sales, from January 29, 1861, to June 30, 1877, inclusive, of certain public lands in the State of Kansas, which sum has been found to be due to that State from the United States.

The sum of $190,566.08 was, on the 19th day of April, 1878, ascertained by the Commissioner of the General Land Office to be due upon said account, and the account was transmitted by him to this office for examination and decision thereon.

The account has been carefully examined in this office, and the first-named sum has been found to be owing by the United States to said State. But, because more than

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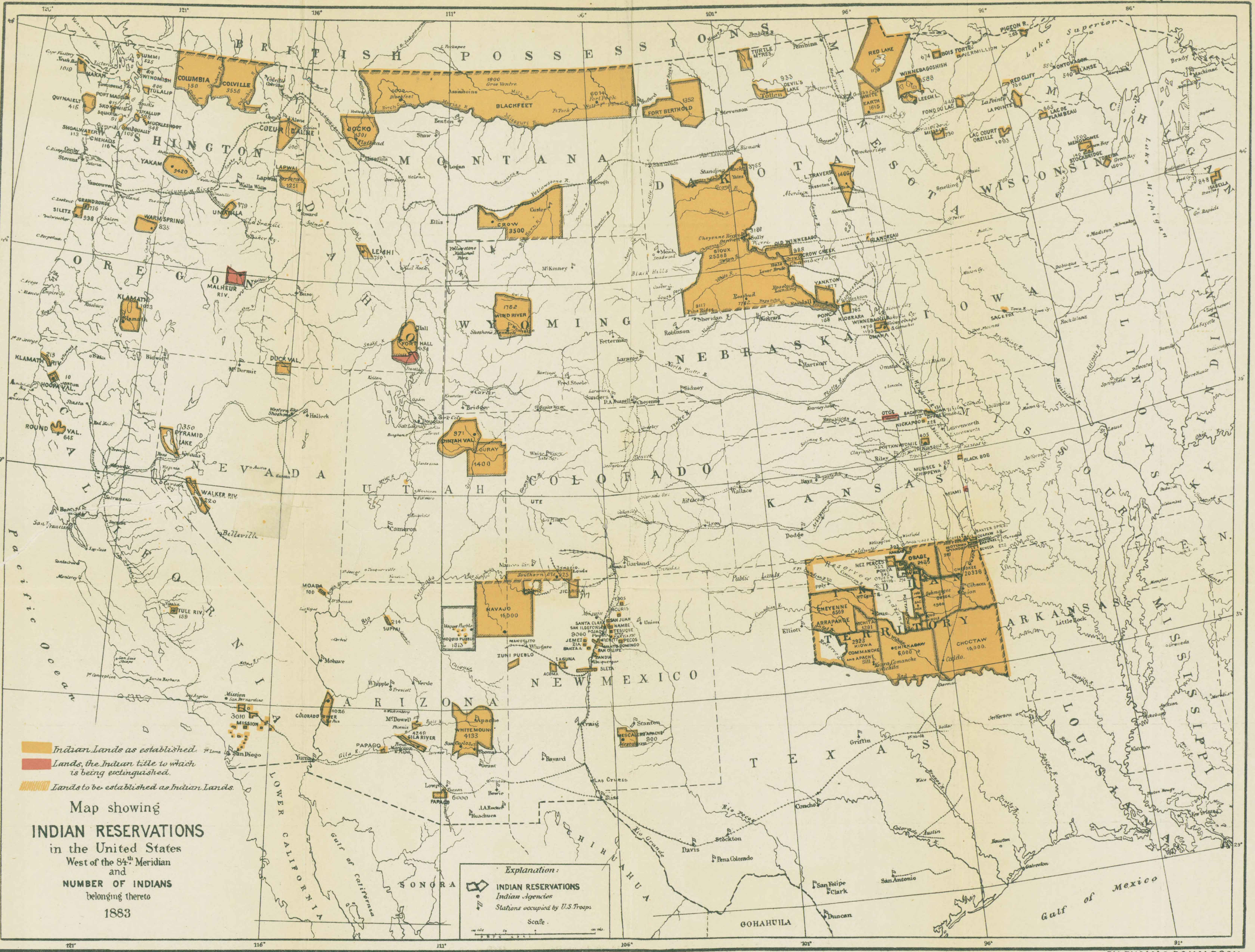

TO ACCOMPANY "PUBLIC DOMAIN"

BY THOMAS DONALDSON.

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two fiscal years have elapsed since the claim accrued, the appropriation out of which it would properly be payable has been covered into the Treasury. A new appropriation, therefore, must be made by Congress before the claim can be paid.

The reasons for the decision made by this office on the examination of said account are fully set forth in the opinion of which a copy is herewith transmitted.

Very respectfully,

A. G. PORTER,
First Comptroller.

TREASURY DEPARTMENT,
FIRST COMPTROLLER'S OFFICE,
Washington, D. C., May 20, 1880.

Hon. JOHN SHERMAN,
Secretary of the Treasury:

SIR: I have received, by reference from your office, a certified copy of Senate resolution of May 18, 1880, inquiring what action has been taken by the Treasury Department in the matter of the claim of the State of Kansas for five per cent. of the net proceeds of sales of certain public lands within that State.

In reply, I have the honor to transmit herewith a copy of my opinion in the case, from which it appears that there is due to said State from the United States the sum of $190,268.27, for the payment of which no appropriation now exists.

Very respectfully,

A. G. PORTER,
First Comptroller.

INDIAN RESERVATIONS FROM THE PUBLIC DOMAIN.

[See Chapter XVI, pages 240-248, and 1251.]

TO JUNE 30, 1882.

NUMBER AND LOCATION OF RESERVATIONS.

The total number of Indian reservations in the United States, June 30, 1882, was 149, two-thirds of the area of which will eventually be restored to the public domain for sale and disposition, after purchase of occupancy title from the Indians, and setting aside portions of the same to be held by the Indians in severalty or otherwise, as may be ordered by Congress.

These reservations contain 143, 525,960 acres, with an estimated population of 259,632 or about 552.80 acres to each Indian, and are situated in the following States and Territories:

The total number of reservations includes the twenty Indian pueblos in New Mexico, sixteen of which have been patented to the Indians; also the Moqui pueblos in Arizona.

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Schedule showing the names of Indian reservations in the United States, agencies, denomination formerly nominating agents, tribes occupying or belonging to the reservation, area of each reservation in square miles and acres, and reference to treaty, law, or other authority by which reservations were established.

[See page 1253.]

Name of reservation.	Agency.	Denomination.	Name of tribe occupying reservation.	Square miles.	Area in acres.	Date of treaty, law, or other authority establishing reserve.
ARIZONA TERRITORY.						
Colorado River (*a*)	Colorado River		Hwalapai (*b*), Kemahwivi (Tantawait), Koahualla, Kokopa (*b*), Mohavi, and Yuma.	470	*c*300, 800	Act of Congress approved March 3, 1865, vol. 13, p. 559; Executive orders, November 22, 1873, November 16, 1874, and May 15, 1876.
Gila River	Pima		Marikopa and Pima	283	*c*181, 120	Act of Congress approved February 28, 1859, vol. 11, p. 401; Executive orders, August 31, 1876, January 10, 1879, June 14, 1879, and May 5, 1882.
Moqui Pueblo	Moqui Pueblo		Moqui (Shinumo)			No reserve.
Papago	Pima		Papaho	109½	*c*70, 080	Executive order, July 1, 1874, and act of Congress approved August 5, 1882, vol. 22, p. 299.
Suppai	Colorado River		Suppai	60	*c*38, 400	Executive orders, June 8, November 23, 1880, and March 31, 1882.
White Mountain	San Carlos		Aravapai, Chilion, Chirikahwa, Koiotero Mienbre, Mogollon, Mohavi, Pinal, Tonto, and Yuma-Apache.	3, 950	2, 528, 000	Executive orders, November 9. 1871, December 14, 1872, August 5, 1873, July 21, 1874, April 27, 1876, January 26, and March 31, 1877.
Total				4, 872½	3, 118, 400	
CALIFORNIA.						
Hoopa Valley	Round Valley	Methodist	Hunsatung, Hupâ, Klamath River, Miskut, Redwood, Saiaz, Sermalton, and Tishtanatan.	140	*c*89, 572	Act of Congress approved April 8, 1864, vol. 13, p. 39; Executive order, June 23, 1876.
Klamath River	None	do	Klamath River	40	25, 600	Executive order, November 16, 1855.
Mission	Mission	do	Coahuila, Diegenes, San Luis Rey, Serranos, and Temekula.	239	152, 960	Executive orders, December 27, 1875, May 15, 1876, May 3, August 25, September 29, 1877, January 17, 1880, March 2, March 9, 1881, June 27, and July 24, 1882.
Round Valley	Round Valley	do	Konkau, Little Lake, Pitt River, Potter Valley, Redwood, Wailakki, and Yuki.	159½	*c*102, 118	Acts of Congress approved April 8, 1864, vol. 13, p. 39, and March 3, 1873, vol. 17. p. 634; Executive orders, March 30, 1870, April 8, 1873, May 18, 1875, and July 26, 1876.
Tule River	Tule River	do	Kawia, Kings River, Monache, Tehon, Tule, and Wichumni.	76	*c*48, 551	Executive orders, January 9, October 3, 1873, and August 3, 1878.
Total				654½	418, 801	

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COLORADO.						
Ute	Southern Ute	Ev. Lutheran	Kapoti, Muachi, and Wiminuchi Ute	1,710	1,094,400	Treaties of October 7, 1863, vol. 13, p. 673, and March 2, 1868, vol. 15, p. 619; act of Congress approved April 29, 1874, vol. 18, p. 36; Executive orders, November 22, 1875, August 17, 1876, February 7, 1879, and August 4, 1882, and act of Congress approved July 28, 1882, vol. 22, p. 178.
Total				1,710	1,094,400	
DAKOTA TERRITORY.						
Crow Creek	Crow Creek and Lower Brulé.	Episcopal	Lower Yanktonai and Minnekonjo Sioux.	318	*d*203,397	Order of Department July 1, 1863 (see annual report, 1863, p. 318); treaty of April 29, 1868, vol. 15, p. 635.
Devil's Lake	Devil's Lake	Catholic	Cuthead, Sisseton, and Wahpeton Sioux.	360	*e*230,400	Treaty of February 19, 1867, vol. 15, p. 505; agreement, September 20, 1872, confirmed in Indian appropriation act approved June 22, 1874, vol. 18, p. 167. (See p. 141–152, Comp. Rev. Stats.)
Flandreau	Santee		Santee Sioux			Land selected by eighty-five Indian families as homesteads, under 6th article of treaty of April 29, 1868, vol. 15, p. 637.
Fort Berthold	Fort Berthold	Congregational	Arickaree, Gros Ventre, and Mandan	4,550	2,912,000	Unratified agreement of September 17, 1851, and July 27, 1866; Executive orders April 12, 1870, and July 13, 1880.
Lake Traverse	Sisseton	do	Sisseton and Wahpeton Sioux	1,435	*d*918,780	Treaty of February 19, 1867, vol. 15, p. 505; agreement, September 20, 1872; confirmed in Indian appropriation act approved June 22, 1874, vol. 18, p. 167. (See p. 141–152, Comp. Rev. Stats.)
Old Winnebago	Crow Creek and Lower Brulé.	Episcopal	Two Kettle and Yanktonai Sioux	652	*d*416,915	Order of Department July 1, 1863 (see annual report, 1863, p. 318; treaty of April 29, 1868, vol. 15, p. 635.
Ponca (*f*)				150	*e*96,000	Treaty of March 12, 1858, vol. 12, p. 997; and supplemental treaty, March 10, 1865, vol. 14, p. 675.
Sioux	Cheyenne River	Episcopal	Blackfeet, Minnekonjo, Sans Arcs, and Two Kettle Sioux.	49,576	*e*31,728,640	Treaty of April 29, 1868, vol. 15, p. 635; and Executive orders, January 11, March 16, and May 20, 1875, and November 28, 1876; agreement ratified by act of Congress approved February 28, 1877, vol. 19, p. 254; Executive orders, August 9, 1879, and January 24, 1882. (Tract set apart by Executive order of January 24, 1882, is situated in Nebraska.)
Do	Crow Creek and Lower Brulé.	do	Lower Brulé and Lower Yanktonai Sioux.			
Do	Pine Ridge (Red Cloud).	do	Northern Arapaho, and Cheyenne and Ogalalla Sioux.			
Do	Rose Bud (Spotted Tail).	do	Minnekonjo, Ogalalla, Upper Brulé, and Wahzahzah Sioux.			
Do	Standing Rock	Catholic	Blackfeet, Unkpapa Lower and Upper Yanktonai Sioux.			
Yankton	Yankton	Episcopal	Yankton Sioux	672½	*d*430,405	Treaties of April 19, 1858, vol. 11, p. 744, and of April 29, 1868, vol. 15, p. 635.
Total				57,713½	36,936,537	

a Partly in California. *b* Not on reservation. *c* Outboundaries surveyed. *d* Surveyed. *e* Partly surveyed. *f* Partly in Arizona.

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Schedule showing the names of Indian reservations in the United States, agencies, denomination formerly nominating agents, &c.—Continued.

Name of reservation.	Agency.	Denomination.	Name of tribe occupying reservation.	Square miles.	Area in acres.	Date of treaty, law, or other authority establishing reserve.
IDAHO TERRITORY.						
Cœur d'Alène	Colville	Catholic	Cœur d'Alène, Kutenay, Pend d'Oreille, and Spokane.	1,150	*a*736,000	Executive orders, June 14, 1867, and November 8, 1873.
Fort Hall	Fort Hall	Methodist	Boisé and Brunau Bannak (Panaiti), and Shoshoni.	1,878	*ab*1,202,330	Treaty of July 3, 1868, vol. 15, p. 673; Executive orders, June 14, 1867, and July 30, 1869; agreement with Indians made July 18, 1881, and approved by Congress July 3, 1882, vol. 22, p. 148.
Lapwai	Nez Percé	Presbyterian	Nez Percé	1,167	*ab*746,651	Treaty of June 9, 1863, vol. 14, p. 647.
Lemhi	Lemhi	Methodist	Bannak (Panaiti), Sheepeater, and Shoshoni.	100	64,000	Unratified treaty of September 24, 1868, and Executive order, February 12, 1875.
Total				4,295	2,748,981	
INDIAN TERRITORY.						
Cheyenne and Arapaho	Cheyenne and Arapaho.	Friends (Orthodox)	Apache, Southern Arapaho, and Northern and Southern Cheyenne.	6,715	*c*4,297,771	Executive order, August 10, 1869; unratified agreement with Wichita, Caddo, and others, October 19, 1872. (See annual report, 1872, p. 101.)
Cherokee	Union	Baptist	Cherokee	7,861	*b*5,031,351	Treaties of February 14, 1833, vol. 7, p. 414, of December 29, 1835, vol. 7, p. 478, and of July 19, 1866, vol. 14, p. 799.
Chickasaw	do	do	Chickasaw	7,267	*c*4,650,935	Treaty of June 22, 1855, vol. 11, p. 611.
Choctaw	do	do	Choctaw (Chahta)	10,450	*c*6,688,000	Do.
Creek	do	do	Creek	5,024	*b*3,215,495	Treaties of February 14, 1833, vol. 7, p. 417, and of June 14, 1866, vol. 14, p. 785, and deficiency appropriation act of August 5, 1882, vol. 22, p. 265. [See annual report, 1882, p. LIV.]
Kansas	Osage	Friends (Orthodox)	Kansas or Kaw	156½	*c*100,137	Act of Congress approved June 5, 1872, vol. 17, p. 228.
Kiowa and Comanche	Kiowa, Comanche, and Wichita.	do	Apache, Comanche (Komantsu), Delaware, and Kiowa.	4,639	*c*2,968,893	Treaty of October 21, 1867, vol. 15, pp. 581 and 589.
Modoc	Quapaw	do	Modok	6	*c*4,040	Agreement with Eastern Shawnees made June 23, 1874 (see annual report, 1882, p. 271), and confirmed in Indian appropriation act approved March 3, 1875, vol. 18, p. 447.
Oakland or Nez Percé	Ponca, Pawnee, and Otoe.		Joseph's band of Nez Percé	142	*c*90,711	Act of Congress approved May 27, 1878, vol. 20, p. 74.
Osage	Osage	Friends (Orthodox)	Great and Little Osage and Quapaw	2,297	*c*1,470,059	Article 16, Cherokee treaty of July 19, 1866, vol. 14, p. 804; order of Secretary of the Interior, March 27, 1871; act of Congress approved June 5, 1872, vol. 17, p. 228.

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Otoe	Ponca, Pawnee, and Otoe.	Friends	Otoe and Missouria	202	c129, 113	Act of Congress approved March 3, 1881, vol. 21, p. 381; order of the Secretary of the Interior, June 25, 1881.
Ottawa	Quapaw	Friends (Orthodox)	Ottawa of Blanchard's Fork and Roche de Bœuf.	23	b14, 860	Treaty of February 23, 1867, vol. 15, p. 513.
Pawnee	Ponca, Pawnee, and Otoe.	Friends	Pawnee (Pâni)	442	c283, 020	Act of Congress approved April 10, 1876, vol. 19, p. 29. (Of this 230,014 acres are Cherokee and 53,006 acres are Creek lands.)
Peoria	Quapaw	Friends (Orthodox)	Kaskaskia, Miami, Peoria, Piankasha, and Wea.	78½	c50, 301	Treaty of February 23, 1867, vol. 15, p. 513.
Ponca	Ponca, Pawnee, and Otoe.		Ponca	159	c 101, 894	Acts of Congress approved August 15, 1876, vol. 19, p. 192; March 3, 1877, vol. 19, p. 287; May 27, 1878, vol. 20, p. 76; and March 3, 1881, vol. 21, p. 422.
Pottawatomie	Sac and Fox	Friends (Orthodox)	Absentee Shawnee (Shawano), and Pottawatomie.	900	c575, 877	Treaty of February 27, 1867, vol. 15, p. 531; act of Congress approved May 23, 1872, vol. 17, p. 159.
Quapaw	Quapaw	do	Kwapa	88½	c56, 685	Treaties of May 13, 1833, vol. 7, p. 424, and of February 23, 1867, vol. 15, p. 513.
Sac and Fox	Sac and Fox	do	Mexican Kickapoo, Otoe, Ottawa, Sac (Sauk) and Fox of the Missouri and of the Mississippi, including Mokohoko's band. (d)	750	c479, 667	Treaty of February 18, 1867, vol. 15, p. 495.
Seminole	Union	Baptist	Seminole	312½	b200, 000	Treaty of March 21, 1866, vol. 14, p. 755. (See Creek agreement February 14, 1881 (annual report, 1882, p. LIV), and deficiency act of August 5, 1882, vol. 22, p. 265.)
Seneca	Quapaw	Friends (Orthodox)	Seneca	81	c51, 958	Treaties of February 28, 1831, vol. 7, p. 348, of December 29, 1832, vol. 7, p. 411, and of February 23, 1867, vol. 15, p. 513.
Shawnee	do	do	Eastern Shawnee (Shawano)	21	c13, 048	Treaties of July 20, 1831, vol. 7, p. 351, of December 29, 1832, vol. 7, p. 411, of February 23, 1867, vol. 15, p. 513, and agreement with Modocs, made June 23, 1874 (see annual report, 1882, p. 271), confirmed by Congress in Indian appropriation act approved March 3, 1875, vol. 18, p. 447.
Wichita	Kiowa, Comanche, and Wichita.	do	Comanche (Komantsu), Delaware, Ion-ie, Kaddo, Kichai, and Tawakanay, Wako, and Wichita.	1, 162	c743, 610	Treaty of July 4, 1866, with Delawares. (Art. 4, vol. 14, p. 794.) Unratified agreement, October 19, 1872. (See annual report, 1872, p. 101.)
Wyandotte	Quapaw	do	Wyandotte	33½	c21, 406	Treaty of February 23, 1867, vol. 15, p. 513.
				3, 562	c2, 279, 618	Cherokee lands between Cimarron River and one hundredth meridian.
				165	c105, 456	Cherokee unoccupied lands embraced within Arapaho and Cheyenne treaty reservation (treaty of October 28, 1867, vol. 15, p. 593), east of Pawnee reservation.
				5, 684	c3, 637, 770	Cherokee unoccupied lands embraced within Arapaho and Cheyenne treaty reservation (treaty of October 28, 1867, vol. 15, p. 593), west of Pawnee reservation.

a Partly surveysd. b Outboundaries surveyed. c Surveyed. d Not on reservation.

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Schedule showing the names of Indian reservations in the United States, agencies, denomination formerly nominating agents, &c.—Continued.

Name of reservation.	Agency.	Denomination.	Name of tribe occupying reservation.	Square miles.	Area in acres.	Date of treaty, law, or other authority establishing reserve.
				1, 067	*a*683, 139	Creek lands embraced within Arapaho and Cheyenne treaty reservation (treaty of October 28, 1867, vol. 15, p. 593), north of Cimarron River, exclusive of Pawnee reservation.
				2, 571½	*a*1, 645, 890	Unoccupied Creek and Seminole ceded lands east of ninety-eighth meridian.
				2, 362	*a*1, 511, 576	Unoccupied Chickasaw and Choctaw leased lands west of the north fork of the Red River.
Total				64, 222	41, 102, 280	
IOWA.						
Sac and Fox	Sac and Fox		Pottawatomi Sac (Sauk) and Fox of the Mississippi and Winnebago.	1	*a*692	By purchase. (See act of Congress approved March 2, 1867, vol 14, p. 507.) Deeds November, 1876.
Total				1	692	
KANSAS.						
Black Bob	None		Black Bob's band of Shawnee (Shawano), straggling Pottawatomi.	52	*a*33, 393	Treaty of May 10, 1854, vol. 10, p. 1053.
Chippewa and Munsee	Pottawatomie and Great Nemaha.	Friends (Orthodox)	Chippewa and Munsi	6½	*a*4, 395	Treaty of July 16, 1859, vol. 12, p. 1105.
Kickapoo	do	Friends (Orthodox)	Kickapoo	32	*a*20, 273	Treaty of June 28, 1862, vol. 13, p. 623.
Miami	do		Miami *b*	3½	*a*2, 328	Treaty of June 5, 1854, vol. 10, p. 1093, acts of Congress approved March 3, 1873, vol. 17, p. 631, of May 15, 1882, vol. 22, p. 63, and of June 27, 1882, vol. 22, p. 116.
Pottawatomie	do	Friends (Orthodox)	Prairie band of Pottawatomi	121	*a*77, 358	Treaties of June 5, 1846, vol. 9, p. 853; of November 15, 1861, vol. 12, p. 1191; treaty of relinquishment, February 27, 1867, vol. 15, p. 531.
Total				215	137, 747	
MICHIGAN.						
Isabella	Mackinac	Methodist	Chippewas of Saginaw, Swan Creek, and Black River.	17½	*a*11, 097	Executive order, May 14, 1855; treaties of August 2, 1855, vol. 11, p. 633, and of October 18, 1864, vol. 14, p. 657.
L'Anse	do	do	L'Anse and Vieux de Sert bands of Chippewas of Lake Superior.	82½	*a*52, 684	Treaty of September 30, 1854, vol. 10, p. 1109.

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Ontonagon	do	do	Ontonagon band of Chippewas of Lake Superior.	4	a2,551	Sixth clause, second article, treaty of September 30, 1854, vol. 10, p. 1109; Executive order, September 25, 1855.
Total				104	66,332	
MINNESOTA.						
Bois Forte	La Pointe c	Congregational	Boisé Fort band of Chippewas	168	107,509	Treaty of April 7, 1866, vol. 14, p. 765.
Fond du lac	do	do	Fond du Lac band of Chippewas of Lake Superior.	156	a100,121	Treaty of September 30, 1854, vol. 10, p. 1109; act of Congress, approved May 29, 1872, vol. 17, p. 190.
Grand Portage (Pigeon River).	do	do	Grand Portage band of Chippewas of Lake Superior.	81	d51,840	Treaty of September 30, 1854, vol. 10, p. 1109.
Leech Lake	White Earth (consolidated).	Episcopal	Pillager and Lake Winnebagoshish bands of Chippewas.	148	e94,440	Treaties of February 22, 1855, vol. 10, p. 1165, of May 7, 1864, vol. 13, p. 693, of March 19, 1867, vol. 16, p. 719; Executive orders, November 4, 1873, and May 26, 1874.
Mille Lac	do	do	Mille Lac and Snake River f bands of Chippewa.	95	a61,014	Treaties of February 22, 1855, vol. 10, p. 1165, and article 12, of May 7, 1864, vol. 13, pp. 693, 695.
Red Lake	do	do	Red Lake and Pembina bands of Chippewas.	5,000	d3,200,000	Treaty of October 2, 1863, vol. 13, p. 667.
Vermillion Lake	La Pointe c	Congregational	Boisé Fort band of Chippewas	2	‡1,080	Executive order, December 20, 1881.
White Earth	White Earth (consolidated).	Episcopal	Chippewas of the Mississippi, Gull Lake, Pembina, Otter Tail, and Pillager Chippewas.	1,705	a1,091,523	Treaty of March 19, 1867, vol. 16, p. 719; Executive order, March 18, 1879.
Winnebagoshish (White Oak Point).	do	do	Lake Winnebagoshish and Pillager bands of Chippewas, and White Oak Point band of Mississippi Chippewas.	500	e320,000	Treaty of February 22, 1855, vol. 10, p. 1165; Executive orders, October 29, 1873, and May 26, 1874.
Total				7,855	5,027,527	
MONTANA TERRITORY.						
Blackfeet	Blackfeet	Methodist	Blackfeet, Blood, and Piegan	33,830	21,651,200	Treaty of October 17, 1855, vol. 11, p. 657; unratified treaties of July 18, 1866, and of July 13 and 15, and September 1, 1868; Executive orders, July 5, 1873, and August 19, 1874; act of Congress approved April 15, 1874, vol. 18, p. 28; Executive orders, April 13, 1875, and July 13, 1880.
Do	Fort Peck	do	Assinaboine, Brulé, Santee, Teton, Unkpapa, and Yanktonai Sioux.			
Do	Fort Belknap		Gros Ventre, Assinaboine, and River Crow.			
Crow	Crow	Methodist	Mountain and River Crow	7,364	4,713,000	Treaty of May 7, 1868, vol. 15, p. 649; agreement made June 12, 1880, and approved by Congress April 11, 1882, vol. 22, p. 42; and agreement made August 22, 1881, approved by Congress July 10, 1882, vol. 22, p. 157.
Jocko	Flathead	Catholic	Flathead, Kutenay, and Pend d'Oreille.	2,240	1,433,600	Treaty of July 16, 1855, vol. 12, p. 975.
Total				43,434	27,797,800	

a Surveyed. b Indians in Indian Territory. c In Minnesota and Wisconsin. d Outboundaries surveyed. e Partly surveyed. f Not on reservation.

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Schedule showing the names of Indian reservations in the United States, agencies, denomination formerly nominating agents, &c.—Continued.

Name of reservation.	Agency.	Denomination.	Name of tribe occupying reservation.	Square miles.	Area in acres.	Date of treaty, law, or other authority establishing reserve.
NEBRASKA.						
Iowa *a*	Pottawatomie and Great Nemaha.	Friends	Iowa	25	*b*116, 000	Treaties of May 18, 1854, vol. 10, p 1074, and of March 6, 1861, vol. 12, p. 1171.
Niobrara	Santee	do	Santee Sioux	180	*c*115, 076	Act of Congress approved March 3, 1863, vol. 12, p. 819; 4th paragraph, sec. 6, treaty of April 29, 1868, vol. 15, p. 637; Executive orders, February 27, July 20, 1866, November 16, 1867, August 31, 1869, and December 31, 1873.
Omaha	Omaha and Winnebago.	do	Omaha	224	*c*143, 225	Treaty of March 16, 1854, vol. 10, p. 1043; selections by Indians with President's approval, May 11, 1855; treaty of March 6, 1865, vol. 14, p. 667; acts of Congress, approved June 10, 1872, vol. 17, p. 391, and of June 22, 1874, vol. 18, p. 170; deed to Winnebago Indians, dated July 31, 1874, and act of Congress, approved August 7, 1882, vol. 22, p. 341.
Otoe *a*	None	do	Otoe and Missouria *d*	69	*ec*44, 093	Treaty of December 9, 1854, vol. 11, p. 605; acts of Congress, approved June 10, 1872, vol. 17, p. 391, and of August 15, 1876, vol. 19, p. 208, and of March 3, 1881, vol. 21, p. 380.
Sac and Fox *a*	Pottawatomie and Great Nemaha.	do	Sac (Sauk) and Fox of the Missouri	12½	*f*c8, 014	Treaties of May 18, 1854, vol. 10, p. 1074, and of March 6, 1861, vol. 12, p. 1171; acts of Congress approved June 10, 1872, vol. 17, p. 391, and August 15, 1876, vol 19, p. 208.
Winnebago	Omaha and Winnebago.	do	Winnebago	171	*c*109, 844	Act of Congress approved February 21, 1863, vol. 12, p. 658; treaty of March 8, 1865, vol. 14, p. 671; act of Congress approved June 22, 1874, vol. 18, p. 170; deed from Omaha Indians, dated July 31, 1874.
Total				681½	436, 252	
NEVADA.						
Duck Valley *g*	Western Shoshone		Western Shoshone	380	243, 200	Executive order, April 16, 1877.
Moapa River	Nevada	Baptist	Kai-bab-bit, Kemahwivi (Tantawait), Pawipit, Pai Ute, and Shiwits.	2	*h*1, 000	Executive orders, March 12, 1873, and February 12, 1874; act of Congress approved March 3, 1875, vol. 18, p. 445; selection opproved by Secretary of Interior, July 3, 1875.
Pyramid Lake	do	do	Pah-Ute (Paviotso)	503	*h*322, 000	Executive order, March 23, 1874.
Walker River	do	do	do	498	*h*318, 815	Executive order, March 19, 1874.
Total				1, 383	885, 015	

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NEW MEXICO TERRITORY.						
Jicarilla Apache	Mescalero and Jicarilla.	Presbyterian	Jicarilla Apache	480	307,200	Executive order, September 21, 1880.
Mescalero Apache (Fort Stanton).	do	do	Mescalero and Mimbre Apache	738	472,320	Executive orders, May 29, 1873, February 2, 1874, October 20, 1875, and May 19, 1882.
Navajo *j*	Navajo	do	Navajo	8,544	*i*5,468,160	Treaty of June 1, 1863, vol. 15, p 667, and Executive orders, October 29, 1878, and January 6, 1880.
Pueblo: Jemez	Pueblo	do	Pueblo	1,081	*h*17,510	Confirmed by United States patents in 1864, under old Spanish grants; acts of Congress approved December 22, 1858, vol. 11, p. 374, and June 21, 1860, vol. 12, p. 71. (See General Land Office Report for 1876, p. 242, and for 1880, p. 658.)
Acoma					*h*95,792	
San Juan					*h*17,545	
Picuris					*h*17,461	
San Felipe					*h*34,767	
Pecos					*h*18,763	
Cochiti					*h*24,256	
Santo Domingo.					*h*74,743	
Taos					*h*17,361	
Santa Clara					*h*17,369	
Tesuque					*h*17,471	
San Ildefonso					*h*17,293	
Pojoaque					*h*13,520	
Zia					*h*17,515	
Sandia					*h*24,187	
Isleta					*h*110,080	
Nambe					*h*†13,586	
Laguna					*h*125,225	
Santa Ana					*h*†17,361	
Zuni	Pueblo	do	Pueblo	336	215,040	Executive order, March 16, 1877. (Area of original Spanish grant 17,581.25 acres.)
Total				11,179	7,154,525	
NEW YORK.						
Allegany	New York		Onondaga, Seneca, and Tonawanda	47½	*h*30,469	Treaties of September 15, 1797, vol. 7, p. 601, and of May 20, 1842, vol. 7, p. 587.
Cattaraugus	do		Cayuga, Onondaga, Seneca, Tonawanda, and Tuscarora.	34	*h*21,680	Treaties of September 15, 1797, vol. 7, p. 601, June 30, 1802, vol. 7, p. 70, and of May 20, 1842, vol. 7, p. 587. (See annual report, 1877, p. 164.)
Oil Spring	do		Seneca	1	640	By arrangement with the State of New York. (See annual report, 1877, p. 166.)
Oneida	do		Oneida	½	288	Treaty of November 11, 1794, vol. 7, p. 44, and arrangement with the State of New York. (See annual report, 1877, p. 168.)
Onondaga	do		Oneida, Onondaga, and Tonawanda	9½	6,100	Do.

a In Kansas and Nebraska. *b* Includes 5,120 acres in Kansas. *c* Surveyed. *d* Partly surveyed. *e* Includes 9,002.98 acres in Kansas.
f Includes 2,862.93 acres in Kansas. *g* Partly in Idaho. *h* Outboundaries surveyed. *i* Indians in Indian Territory. *j* Partly in Arizona.

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Schedule showing the names of Indian reservations in the United States, agencies, denomination formerly nominating agents, &c.—Continued.

Name of reservation.	Agency.	Denomination.	Name of tribe occupying reservation.	Square miles.	Area in acres.	Date of treaty, law, or other authority establishing reserve.
NEW YORK.						
Saint Regis	do		Saint Regis	23	14,640	Treaty of May 31, 1796, vol 7, p. 55. (See annual report, 1877, p. 168.)
Tonawanda	do		Cayuga and Tonawanda band of Senecas.	11¾	*a*7,549	Treaties of September 15, 1797, vol. 7, p. 601, and November 5, 1857, vol. 12, p. 991; purchased by Indians, and held in trust by the comptroller of New York; deed dated February 14, 1862. (See also annual report, 1877, p. 165.)
Tuscarora	do		Onondaga and Tuscarora	7¾	5,000	Treaty of January 15, 1838, vol 7, p. 551, and arrangement (grant and purchase) between the Indians and the Holland Land Company. (See annual report, 1877, p. 167.)
Total				135	86,366	
NORTH CAROLINA.						
Qualla Boundary and other lands.	Eastern Cherokee		Eastern band of North Carolina Cherokee.	78 24	*a*50,000 *a*15,211	Held by deed to Indians under decision of United States circuit court for western district of North Carolina, entered at November term, 1874, confirming the award of Rufus Barringer and others, dated October 23, 1874, and act of Congress approved August 14, 1876, vol. 19, p. 139, and deeds to Indians from Johnston and others, dated October 9, 1876, and August 14, 1880. (See also H. R. Ex. Doc., No. 196, Forty-seventh Congress, first session.)
Total				102	65,211	
OREGON.						
Grand Ronde	Grand Ronde	Catholic	Kalapuya, Klakama, Luckiamute, Molele, Neztucca, Rogue River, Santiam, Shasta, Tumwater, and Umqua	96	*b*61,440	Treaties of January 22, 1855, vol 10, p. 1143, and of December 21, 1855, vol 12, p. 982; Executive order, June 30, 1857.
Klamath	Klamath	Methodist	Klamath, Modok, Pai-Ute, Walpape, and Yahuskin band of Snake (Shoshoni).	1,650	*c*1,056,000	Treaty of October 14, 1864, vol. 16, p. 707.
Malheur	None		Pai-Ute and Snake (Shoshoni) *d*	648	414,720	Executive orders, March 14, 1871, September 12, 1872, May 15, 1875, January 28, 1876, July 23, 1880, and September 13, 1882.
Siletz	Siletz	Methodist	Alsiya, Coquell, Kusa, Rogue River, Skoton-Shasta, Saiustkla, Sinslaw, Tootootna, Umqua, and thirteen others.	351½	*c*225,000	Unratified treaty, August 11, 1855; Executive orders, November 9, 1855, and December 21, 1865; and act of Congress approved March 3, 1875, vol. 18, p. 446.

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Umatilla	Umatilla	Catholic	Cayuse, Umatilla, and Walla-Walla	420	c268,800	Treaty of June 9, 1855, vol 12, p. 945, and act of Congress approved August 5, 1882, vol. 22, p. 297.
Warm Springs	Warm Springs	United Presbyterian.	John Day, Pi-Ute, Tenino, Warm Springs, and Wasko.	725	464,000	Treaty of June 25, 1855, vol. 12, p. 963.
Total				3,890½	2,489,960	
UTAH TERRITORY.						
Uinta Valley	Uintah	Presbyterian	Gosi Ute, Pavant, Uinta Yampa, and Grand River Ute.	3,186	ca2,039,040	Executive order, October 3, 1861; act of Congress approved May 5, 1864, vol. 13, p. 63.
Uncompahgre	Ouray	Unitarian	Tabequache Ute	2,988	1,912,320	Executive order, January 5, 1882.
Total				6,174	3,951,360	
WASHINGTON TERRITORY.						
Chehalis	Nisqually, Skokomish, and Tulalip.		Klatsop, Tsihalis, and Tsinuk	6½	b4,225	Order of the Secretary of the Interior, July 8, 1864.
Columbia			Chief Moses and his people	4,675½	2,992,240	Executive orders, April 19, 1879, and March 6, 1880.
Colville	Colville	Catholic	Cœur d'Alène, Colville, Kalispelm, Kinikane, Lake Methau, Nepeelium, Pend d'Oreille, San Poel, and Spokane.	4,615	2,953,600	Executive orders, April 9, July 2, 1872, and January 18, 1881.
Lummi (Chah choo-sen)	Nisqually, Skokomish, and Tulalip.		Dwamish, Etakmur, Lummi, Snohomish, Sukwamish, and Swiwamish.	19½	b12,312	Treaty of Point Elliott, January 22, 1855, vol. 12, p. 927; Executive order, November 22, 1873.
Makah	Neah Bay and Quinaielt.	Methodist	Kwillehiut and Makah	36	23,040	Treaty of Neah Bay, January 31, 1855, vol 12, p. 939; Executive orders, October 26, 1872, January 2 and October 21, 1873.
Muckleshoot	Nisqually, S'Kokomish, and Tulalip.		Muckleshoot	5	b3,367	Executive orders, January 20, 1857, and April 9, 1874.
Nisqually	do		Muckleshoot, Niskwalli, Puyallup, Skwawksnamish, Stailakoom, and five others.	7½	b4,717	Treaty of Medicine Creek, December 26, 1854, vol. 10, p. 1132; Executive order January 20, 1857.
Port Madison	do		Dwamish, Etakmur, Lummi, Snohomish, Sukwamish, and Swiwamish	11½	b7,284	Treaty of Point Elliott, January 22, 1855, vol. 12, p. 927; order of the Secretary of the Interior, October 21, 1864.
Puyallup	do		Muckleshoot, Niskwalli, Puyallup, Skwawksnamish, Stailakoom, and five others.	28	b8,062	Treaty of Medicine Creek, December 26, 1854, vol. 10, p. 1132; Executive orders, January 20, 1857, and September 6, 1873.

a Out boundaries surveyed. b Surveyed. c Partly surveyed. d Not on reservation.

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Name of reservation.	Agency.	Denomination.	Name of tribe occupying reservation.	Square miles.	Area in acres.	Date of treaty, law, or other authority establishing reserve.
WASHINGTON TERRITORY.						
Quinaielt	Neah Bay and Quinaielt.	Methodist	Hoh, Kweet, Kwillehiut, and Kwinaiutl.	350	224,000	Treaties of Olympia, July 1, 1855, and January 25, 1856, vol. 12, p. 971; Executive order, November 4, 1873.
Shoalwater	Nisqually, Skokomish, and Tulalip.		Shoalwater and Tsihalis	½	*a*335	Executive order, September 22, 1866.
Skokomish	do		Klallam, Skokomish, and Twana	8	*a*4,987	Treaty of Point-no-Point, January 26, 1855, vol. 12, p. 933; Executive order, February 25, 1874.
Snohomish or Tulalip	do		Dwamish, Etakmur, Lummi, Snohomish, Sukwamish, and Swiwamish.	35	*a*22,490	Treaty of Point Elliott, January 22, 1855, vol. 12, p. 927; Executive order, December 23, 1873.
Squaxin Island (Klah-che-min).	do		Niskwalli, Puyallup, Skwawksnamish, Stailakoom, and five others.	2½	*a*1,494	Treaty of Medicine Creek, December 26, 1854, vol. 10, p. 1132.
Swinomish (Perry's Island).	do		Dwamish, Etakmur, Lummi, Snohomish, Sukwamish, and Swiwamish.	11	*a*7,195	Treaty of Point Elliott, January 22, 1855, vol. 12, p. 927; Executive order, September 9, 1873.
Yakama	Yakama	Methodist	Yakama	1,250	*b*800,000	Treaty of Walla Walla, June 9, 1855, vol. 12, p. 951.
Total				11,061½	7,079,348	
WISCONSIN.						
Lac Court Oreilles	La Pointe§	Congregational	Lac Court d'Oreille band of Chippewas of Lake Superior.	108	*a*69,136	Treaty of September 30, 1854, vol. 10, p. 1109, lands withdrawn by General Land Office, November 22, 1860, April 4, 1869. (See report by Secretary of the Interior, March 1, 1873.) Act of Congress approved May 29, 1872, vol. 17, p. 190.
Lac de Flambeau	do	do	Lac de Flambeau band of Chippewas of Lake Superior.	109	*a*69,824	Treaty of September 30, 1854, vol. 10, p. 1109, (lands selected by Indians). (See report of Superintendent Thompson, November 14, 1863, and report to Secretary of the Interior, June 22, 1866.) Act of Congress approved May 29, 1872, vol. 17, p. 190.
La Pointe (Bad River)	do	do	La Pointe band of Chippewas of Lake Superior.	194½	*a*124,333	Treaty of September 30, 1854, vol. 10, p. 1109.
Red Cliff	do	do	La Pointe band (Buffalo Chief) of Chippewas of Lake Superior.	22	*a*13,993	Treaty of September 30, 1854, vol. 10, p. 1109; Executive order, February 21, 1856. (See report of Superintendent Thompson, May 7, 1863.) (Lands withdrawn by General Land Office, May 8 and June 3, 1863.)
Menomonee	Green Bay	do	Menomonee	362	*a*231,680	Treaties of October 18, 1848, vol. 9, p. 952, of May 12, 1854, vol. 10, p. 1064, and of February 11, 1856, vol. 11, p. 679.

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Oneida	do	do	Oneida	102½	c65, 540	Treaty of February 3, 1838, vol. 7, p. 566.
Stockbridge	do	do	Stockbridge	18	a11, 520	Treaties of November 24, 1848, vol. 9, p. 955, of February 5, 1856, vol. 11, p. 663, and of February 11, 1856, vol. 11, p. 679; act of Congress approved February 6, 1871, vol. 16, p. 404.
Total				916	586, 026	
WYOMING TERRITORY.						
Wind River	Shoshone	Episcopal	Northern Arapaho and Eastern band of Shoshoni.	3, 660	b2,342, 400	Treaty of July 3, 1868, vol. 15, p. 673; acts of Congress approved June 22, 1874, vol. 18, p. 166, and December 15, 1874, vol. 18, p. 291.
Total				3, 660	2, 342, 400	
Grand total				224, 259	143, 525, 960	

a Surveyed. *b* Partly surveyed. *c* Outboundaries surveyed.

NOTE.—The spelling of the tribal names in the column "Name of tribe occupying reservation" has been submitted to Maj. J. W. Powell, and revised by him where the correct name of such tribe is known. In many cases corrupted names have come into such general use as to make it impolitic to change them.

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Table of population of various Indian tribes.

Name of agency and tribe, June 30, 1883.	Population.
ARIZONA.	
Colorado River Agency.	
Mohave	812
Chimehuevis	214
Moquis Pueblo Agency.	
Moquis Pueblo	1,813
Pima, Maricopa, and Papago Agency.	
Pima	3,908
Maricopa	331
Apache	10
Papago	*a*6,000
San Carlos Agency.	
White Mountain Apache	*a*626
San Carlos Apache	*a*835
Coyotero Apache	*a*859
Tonto Apache	*a*615
Southern Apache	*a*179
Apache Yuma	*a*324
Apache Mohave	*a*695
Indians in Arizona not under an agent.	
Hualapai	*a*620
Yuma	*a*930
Mohave	*a*700
Suppai	*a*214
CALIFORNIA.	
Hoopa Valley Agency.	
Hoopa	510
Mission Agency.	
Serranos	381
Dieguenos	731
Coahuila	778
San Luis Rey	1,120
Round Valley Agency.	
Concow	152
Little Lake	188
Redwood	30
Ukie / Wylackie	219
Potter Valley	31
Pit River	25
Tule River Agency.	
Tule and Tejon	159
Wichumni, Kaweah, and King's River	*e*540
Indians in California not under an agent. (a)	
Indians in—	
Sierra County	12
Eldorado County	193
Mendocino County	1,240
Shasta County	1,037
Yolo County	47
Tehama County	157

Name of agency and tribe.	Population.
CALIFORNIA—Continued.	
Indians in—	21
Solano County	330
Lassen County	353
Colusa County	224
Humboldt County	162
Marin County	339
Sonoma County	522
Butte County	508
Plumas County	91
Placer County	64
Napa County	12
Sutter County	272
Amador County	98
Nevada County	774
Lake County	
Klamaths—	64
Regua ranch	19
Wirks-wah ranch	22
Hoppa ranch	4
Wakel ranch	15
Too-rup ranch	18
Sah-sil ranch	32
Ai-yolch ranch	39
Sur-per ranch	
COLORADO.	
Southern Ute Agency.	
Muache, Capote, and Weeminuche Utes	925
DAKOTA.	
Cheyenne River Agency.	
Blackfeet Sioux	239
Sans Arc Sioux	776
Minneconjou Sioux	1,399
Two Kettle Sioux	774
Crow Creek Agency.	
Lower Yanktonnais Sioux	988
Devil's Lake Agency.	
Sisseton Sioux	370
Wahpeton Sioux	353
Cut Head Sioux	210
Fort Berthold Agency.	
Arickarees	672
Gros Ventre	454
Mandans	226
Lower Brulé Agency.	
Lower Brulé Sioux	1,558
Pine Ridge Agency.	
Ogalalla Sioux	8,117
Rosebud Agency.	
Brulé Sioux / Loafer Sioux / Wahzahzah Sioux / Two Kettle Sioux / Northern Sioux / Mixed Sioux	*a*7,762

a From report of 1881.

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Table of population of various Indian tribes.—Continued.

Name of agency and tribe, June 30, 1883.	Population.
DAKOTA.—Continued.	
Sisseton Agency.	
Sisseton and Wahpeton Sioux	1,466
Standing Rock Ageney.	
Lower Yanktonnais Sioux	954
Upper Yanktonnais Sioux	593
Blackfeet Sioux	689
Uncapapa Sioux	1,519
Yankton Agency.	
Yankton Sioux	1,977
IDAHO.	
Fort Hall Agency.	
Bannock	490
Shoshone	1,161
Lemhi Agency.	
Shoshone, Bannack, and Sheepeater	750
Nez Percé Agency.	
Nez Percé	1,251
Indians in Idaho not under an agent.	
Pend d'Oreille and Kootenais	600
INDIAN TERRITORY.	
Cheyenne and Arapaho Agency.	
Cheyenne	4,255
Arapahoe	2,314
Kiowa, Comanche, and Wichita Agency.	
Kiowa	1,176
Wichita	214
Towaconie	152
Keechie	78
Waco	49
Penetheka Comanche	165
Delaware	80
Caddo	553
Apache	340
Comanche	1,407
Osage Agency.	
Osage	1,950
Kaw	285
Quapaw	200
Otoe Agency.	
Otoe and Missouria c	274
Pawnee Agency.	
Pawnee	1,251
Ponca Agency.	
Ponca	542
Nez Percé	322

Name of agency and tribe.	Population.
INDIAN TERRITORY—Continued.	
Quapaw Agency.	
Seneca	322
Wyandotte	287
Eastern Shawnee	72
Miami (Western)	59
Peoria, Pea, and Piankeshaw	144
Modoc	97
Quapaw	48
Ottawa	115
Sac and Fox Agency.	
Sac and Fox of the Mississippi	442
Absentee Shawnee	721
Pottawatomie (Citizen)	480
Mexican Kickapoo	418
Iowa	86
Mokohoko band Sac and Fox wandering in Kansas	90
Union Agency.	
Chickasaw	6,000
Choctaw	16,000
Cherokee	20,336
Creek	15,000
Seminole	2,700
IOWA.	
Sac and Fox Agency.	
Sac and Fox	350
KANSAS.	
Pottawatomie and Great Nemaha Agency.	
Pottawatomie	405
Kickapoo	228
Chippewa and Munsee	65
Sac and Fox of Missouri	70
Iowa	131
MICHIGAN.	
Mackinac Agency.	
Pottawatomies	a295
Chippewa of Saginaw, Swan Creek, and Black River	a2,500
Ottawa and Chippewa	6,000
Chippewa of Lake Superior	a1,000
MINNESOTA.	
White Earth Agency.	
Mississippi Chippewa	865
Otter Tail, Pillager, Chippewa	539
Pembina Chippewa	211
Red Lake Chippewa	1,179
Pillager Chippewa at Lake Winnebagoshish	170
Pillager Chippewa, Leech Lake	1,108
Pillager at Cass Lake	310

a From report of 1881.

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Table of population of various Indian tribes.—Continued.

Name of agency and tribe, June 30, 1883.	Population.
MONTANA.	
Blackfeet Agency.	
Blackfeet, Blood, and Piegan	6,000
Crow Agency.	
Crow	3,500
Flathead Agency.	
Flathead	136
Pend d'Oreille	820
Kootenais	435
Fort Belknap Agency.	
Gross Ventre	950
Assinaboine	850
Fort Peck Agency.	
Assinaboine	1,300
Yanktonnai Sioux	3,800
Santee Sioux	600
Ogalalla and Teton Sioux	314
NEBRASKA.	
Santee and Flandreau Agency.	
Ponca	168
Santee Sioux	762
Santee Sioux at Flandreau	340
Winnebago and Omaha Agency.	
Winnebago	1,476
Omaha	1,193
NEVADA.	
Nevada Agency.	
Pi-Ute	3,461
Pah Ute	570
Western Shoshone Agency.	
Western Shoshone	500
Indians wandering in Nevada	a3,300
NEW MEXICO.	
Mescalero and Jicarilla Agency.	
Mescalero Apache	900
Jicarilla Apache	717
Navajo Agency.	
Navajo	a16,000
Pueblo Agency.	
Pueblo	9,060
NEW YORK.	
New York Agency.	
Allegany reserve — Seneca	826
Allegany reserve — Onondaga	110
Allegany reserve — Tonawanda	9
Cattaraugus reserve — Seneca	1,412
Cattaraugus reserve — Onondaga	48
Cattaraugus reserve — Cayuga	156
Cattaraugus reserve — Tuscarora	4
Cattaraugus reserve — Tonawanda	14
Oneida reserve — Oneida	186
Corn-planter reserve — Seneca	83

Name of agency and tribe.	Population.
NEW YORK.—Continued.	
New York Agency.—Continued.	
Onondaga reserve — Onondaga	335
Onondaga reserve — Tonawanda	3
Onondaga reserve — Oneida	67
St. Regis reserve — St. Regis	785
Tonawanda reserve — Tonawanda band of Seneca	597
Tuscarora reserve — Tuscarora	425
Tuscarora reserve — Onondaga	51
NORTH CAROLINA.	
Eastern Cherokee in North Carolina, South Carolina, Georgia, and Tennessee	a2,200
OREGON.	
Grand Ronde Agency.	
Clackama	34
Rogue River	80
Umpqua	97
Remnants of other tribes	525
Klamath Agency.	
Klamath	707
Modoc	151
Snake	165
Siletz Agency.	
Alsea	98
Chasta Costa	55
Chetco	69
Tootootna	83
Coos	73
Umpqua	20
Coquell	114
Euehre	40
Galise Creek	37
Joshua	44
Klamath	46
Sixes	53
Macnootna	40
Neztucca	37
Nultanatna	33
Rogue River	53
Salmon River	18
Sinslaw	85
Umatilla Agency.	
Walla Walla	373
Cayuse	348
Umatilla	158
Warm Springs Agency.	
Warm Springs	430
Wasco	254
Tenino	77
John Day	49
Pi-Ute	25
Indians in Oregon not under agent.	
Indians roaming on Columbia River	800
TEXAS.	
Tonkawa Special Agency.	
Lipan, 6; Tonkawa, 98; Mixed, 4	108

a From report of 1881.

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Table of population of various Indian tribes—Continued.

Name of agency and tribe, June 30, 1883.	Population.
TEXAS—Continued.	
Indians in Texas not under an agent.	
Alabama, Cushatta, and Muskokee	290
UTAH.	
Ouray Agency.	
Ute	1,400
Uintah Valley Agency.	
Uintah Ute	*a*430
White River Ute	*a*541
Indians in Utah not under agent.	
Pah-Vant	134
Goship Ute	256
WASHINGTON.	
Colville Agency.	
Colville	670
Lake	333
O'Kanagan	330
San Poel	400
Methow	315
Spokane	685
Coeur d'Alène	425
Calispel	400
Neah Bay Agency.	
Makah	701
Quillehute	318
Puyallup, Nisqually, &c., Agency.	
Chehalis	116
Puyallup	598
Nisqually	105
Squaxin	91
Upper Cowlitz	71
Lower Cowlitz	56
Olympia	12
South Bay	15
Mud Bay	26
Gig Harbor	8
Quinaielt Agency.	
Quinaielt	145
Queet	84
Hoh	64
Chehalis and Gray's Harbor	122
Shoalwater Bay	113
S'Kokomish Agency.	
S'Klallam	450
S'Kokomish or Twana	225
Tulalip Agency.	
D'Wamish and allied tribes	2,805
Yakama Agency.	
Yakama, Klikitat, Pisquouse, Wenatshapam, Seapcat, Klinquit, Pi-Ute, and others	3,420

Name of agency and tribe.	Population.
WASHINGTON—Continued.	
Indians in Washington Territory not under an agent.	
Moses's band on Columbia Reservation	150
WISCONSIN.	
Green Bay Agency.	
Oneida	1,500
Stockbridge	140
Menomonee	1,500
La Point Agency.	
Chippewa at Red Cliff	730
Chippewa at Bad River	740
Chippewa at Lac Courte d'Oreilles	1,093
Chippewa at Fond du Lac	449
Chippewa at Grand Portage	265
Chippewa at Boise Forte	674
Chippewa at Lac du Flambeau	665
Indians in Wisconsin not under agent.	
Winnebago	930
Pottawatomie (Prairie band)	280
WYOMING.	
Shoshone Agency.	
Shoshone	842
Northern Arapaho	940
INDIANS IN INDIANA AND FLORIDA.	
Miami and Seminole	892
CARLISLE SCHOOL, PENNSYLVANIA.	
Apache, 5; Arapahoe, 30; Caddo, 1; Cheyenne, 42; Comanche, 11; Creek, 25; Delaware, 1; Gros Ventre, 1; Iowa, 5; Kaw, 4; Keechie, 1; Kiowa, 9; Lipan, 2; Menomonee, 8; Miami, 1; Modoc, 4; Navajo, 1; Nez Percé, 5; Northern Arapaho, 10; Omaha, 31; Osage, 34; Ottawa, 2; Pawnee, 13; Ponca, 5; Pueblo, 18; Sac and Fox, 1; Sioux Rosebud, 1; Sioux Pine Ridge, 5; Sioux Sisseton, 8; Seminole, 2; Shoshone, 2; Towaconie, 1; Wichita, 7	.....
HAMPTON NORMAL AND AGRICULTURAL INSTITUTE, VIRGINIA.	
Sioux, Winnebago, Omaha, Menomonee, Gross Ventre, Mandan, Arickaree, Sac and Fox, Pawnee, Pima, Papago, Apache, Absentee Shawnee, Mohave, Yuma, and Onondaga	.....
FOREST GROVE SCHOOL, OREGON.	
Chehalis, 7; Chilcat, 1; Nisqually, 3; Oyster Bay, 2; Pitt River, 2; Pi-Ute, 1; Puyallup, 22; Sitka, 4; Spokane, 18; Stickeen, 6; Snohomish, 1; Tonga, 1; Umatilla, 10; Warm Spring, 1; Wasco, 13	.....

a Taken from report of Major Powell.

RECAPITULATION.

Number of Indians in the United States, exclusive of those in Alaska 259,632

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List of Indian agencies and agents, with post-office and telegraphic addresses, to June 30, 1883.

Agency.	Agent.	Post-office address.	Telegraphic address.
ARIZONA.			
Colorado River	Jonathan Biggs	Parker, Yuma County, Ariz	Yuma, Ariz.
Moquis Pueblo	Jesse H. Fleming	Moquis Pueblo Agency, Ariz., via Winslow on the A. & P. R. R., Ariz.	Moquis Pueblo Agency, via Winslow, on the A. & P. R. R., Ariz.
Pima and Maricopa and Papago.	A. H. Jackson	Pima and Maricopa Agency, Ariz., via Casa Grande	Casa Grande, Ariz.
San Carlos	Philip P. Wilcox	San Carlos Agency, Ariz	San Carlos, Ariz., via Wilcox, Ariz.
CALIFORNIA.			
Hoopa Valley	Capt. Charles Porter, U.S.A.	Hoopa Valley, Humboldt County, Cal	Arcata, Humboldt County, Cal.
Mission	S. S. Lawson	San Bernardino, Cal	San Bernardino, Cal.
Round Valley	H. B. Sheldon	Covelo, Mendocino County, Cal	Ukiah, Mendocino County, Cal.
Tule River	C. G. Belknap	Porterville, Tulare County, Cal	Visalia, Tulare County. Cal.
COLORADO.			
Southern Ute	Warren Patten	Ignacio, La Plata County, Colo	Ignacio, La Plata County, Colo.
DAKOTA.			
Cheyenne River	William A. Swan	Cheyenne River Agency, Fort Bennett, Dak	Fort Bennett, Dak.
Devil's Lake	John W. Cramsie	Fort Totten, Ramsey County, Dak	Fort Totten, via Larimore, Dak.
Fort Berthold	Jacob Kauffmann	Fort Berthold Agency, Stevens County, Dak	Fort Stevenson, Stevens County, Dak.
Crow Creek and Lower Brulé.	W. H. Parkhurst	Lower Brulé Agency, Dak., via Fort Hale	Lower Brulé Agency, Dak., via, Chamberlain.
Pine Ridge (Red Cloud)	V. T. McGillycuddy	Pine Ridge Agency, Dak	Pine Ridge Agency, Dak., via Fort Robinson, Nebr.
Rosebud (Spotted Tail)	James G. Wright	Rosebud Agency, Dak., via Fort Niobrara, Nebr	Rosebud Agency, Dak, via Thatcher, Nebr.
Sisseton	Charles Crissey	Sisseton Agency, Dak., via Saint Paul, Minn	Brown's Valley, Minn.
Standing Rock	James McLaughlin	Standing Rock Agency, Fort Yates, Dak	Fort Yates, Dak.
Yankton	William M. Ridpath	Yankton Agency, Greenwood, Dak	Yankton Agency, via Springfield, Dak.
IDAHO.			
Fort Hall	A. L. Cook	Ross Fork, Oneida County, Idaho	Ross Fork, Idaho.
Lemhi	John Harris	Lemhi Agency, Idaho	Red Rock Station, Mont.
Nez Percés	Charles E. Monteith	Nez Percés Agency, Idaho	Fort Lapwai, Idaho.
INDIAN TERRITORY.			
Cheyenne and Arapaho	John D. Miles	Darlington, Ind. T., via Caldwell, Kans	Fort Reno, Ind. T., via Dodge City, Kans.

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Kiowa, Comanche, and Wichita.	P. B. Hunt	Anadarko, Ind. T	Fort Sill, Ind. T.
Osage	Laban J. Miles	Pawhuska, Ind. T	Coffeyville, Kans.
Ponca, Pawnee, and Otoe.	Lewellyn E. Woodin	Ponca, Pawnee, and Otoe Agency, Ind. T., via Arkansas City, Kans.	Arkansas City, Kans.
Quapaw	D. B. Dyer	Seneca, Newton County, Mo	Seneca, Mo.
Sac and Fox	Jacob V. Carter	Sac and Fox Agency, Ind T	Muscogee, Ind. T.
Union	John Q. Tufts	Muscogee, Ind. T	Do.
IOWA.			
Sac and Fox	George L. Davenport	Tama City, Tama County, Iowa	Tama City, Iowa.
KANSAS.			
Pottawatomie and Great Nemaha.	H. C. Linn	Saint Mary's, Pottawatamie County, Kans	Saint Mary's, Kans.
MICHIGAN.			
Mackinac	Edw. P. Allen	Ypsilanti, Washtenaw County, Mich	Ypsilanti, Mich.
MINNESOTA.			
White Earth (consolidated).	Cyrus P. Luse	White Earth Agency, Becker County, Minn	Detroit, Minn.
MONTANA.			
Blackfeet	John Young	Blackfeet Agency, Piegan P. O. Choteau County, Mont	Blackfeet Agency, Mont., via Fort Shaw, Mont.
Crow	Henry J. Armstrong	Crow Agency, Mont	Stillwater, Mont.
Flathead	Peter Ronan	Flathead Agency, Mont	Fort Missoula, Mont.
Fort Belknap	W. L. Lincoln	Fort Belknap, Mont	Fort Assinaboine, Mont.
Fort Peck	N. S. Porter	Fort Peck Agency, Poplar Creek, Mont	Camp Poplar River, Mont.
NEBRASKA.			
Omaha and Winnebago	George W. Wilkinson	Winnebago Agency, Dakota County, Nebr	Dakota City, Nebr.
Santee and Flandreau	Isaiah Lightner	Santee Agency, Knox County, Nebr	Springfield, Dak.
NEVADA.			
Nevada	Joseph M. McMaster	Wadsworth, Washoe County, Nev	Wadsworth, Nev.
Western Shoshone	John S. Mayhugh	Mountain City, Elko County, Nev	Elko, Nev.
NEW MEXICO.			
Mescalero and Jicarilla	William H. H. Llewellyn	South Fork, Lincoln County, N. Mex	South Fork, via San Marcial, Fort Stanton, N. Mex.
Navajo	D. M. Riordan	Navajo Agency, Manuelito, Valencia County, N. Mex	Manuelito, N. Mex.
Pueblo	Ben. M. Thomas	Pueblo Agency, Santa Fé, N. Mex	Santa Fé, N. Mex.

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List of Indian agencies and agents, with post-office and telegraphic addresses to June 30, 1883.—Continued.

Agency.	Agent.	Post-office address.	Telegraphic address.
NEW YORK.			
New York	Benjamin G. Casler	Randolph, Cattaraugus County, N. Y	Randolph, N. Y.
NORTH CAROLINA.			
Eastern Cherokee	S. B. Gibson	Charleston, Swain County, N. C	
OREGON.			
Grand Ronde	P. B. Sinnott	Grand Ronde, Polk County, Oreg	Sheridan, Oreg.
Klamath	L. M. Nickerson	Klamath Agency, Lake County, Oreg	Fort Klamath.
Siletz	Edmund A. Swan	Toledo, Benton County, Oreg	Corvallis, Oreg.
Umatilla	R. H. Fay	Pendleton, Umatilla County, Oreg	Pendleton.
Warm Springs	John Smith	Warm Springs, Wasco County, Oreg	The Dalles, Oreg.
TEXAS.			
Tonkawa Special Agency	Lieut. Elias Chandler, U.S.A.	Fort Griffin, Tex	Albany, Tex.
UTAH.			
Ouray	J. F. Minnis	Ouray Agency, Utah	Green River City, Wyo. (thence by mail to agency).
Uintah Valley	J. J. Critchlow	Uintah Valley Agency, White Rocks, Utah	White Rocks, Utah, via Green River City, Wyo.
WASHINGTON.			
Colville	John A. Simms	Fort Colville, Stevens County, Wash	Spokane Falls, Wash.
Neah Bay and Quinaielt	Oliver Wood	Neah Bay, Clallam County, Wash	Port Townsend, Wash.
Nisqually, S'Kokomish, and Tulalip.	Edwin Eells	Tulalip, Snohomish County, Wash	Seattle, Wash.
Yakama	Robert H. Milroy	Fort Simcoe, Yakima County, Wash	The Dalles, Oreg.
WISCONSIN.			
Green Bay	E. Stephens	Keshena, Shawano County, Wis	Clintonville, Wis. (thence by mail).
La Pointe	William R. Durfee	Ashland, Wis	Ashland, Wis.
WYOMING.			
Shoshone	James Irwin	Shoshone Agency, Sweetwater County, Wyo	Fort Washakie, via Rawlings, Wyo.
INDIAN TRAINING SCHOOLS.			
Carlisle Barracks	Lieut. R. H. Pratt, U. S. A.	Carlisle Barracks, Pa	Carlisle, Pa.

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Hampton Normal and Agricultural Institute.	S. C. Armstrong	Hampton, Va.	Hampton, Va.
Forest Grove Training School.	J. H. Minthorne	Forest Grove, Oreg.	Cornelius, Oreg.

COMMISSIONER OF INDIAN AFFAIRS, HIRAM PRICE, *Interior Department, Washington, D. C.*

CHIEF CLERK OF INDIAN AFFAIRS, EZRA L. STEVENS, *Interior Department, Washington, D. C.*

LIST OF INDIAN INSPECTORS WITH THEIR POST-OFFICE ADDRESS.

WILLIAM J. POLLOCK ..... Aurora, Ill.
ROBERT S. GARDNER ..... Clarksburg, W. Va.
CHARLES H. HOWARD ..... Glencoe, Ill.
GEORGE M. CHAPMAN ..... Canandaigua, N. Y.
SAMUEL S. BENEDICT ..... Guilford, Kans.

JAMES M. HAWORTH, Inspector of Indian Schools ..... Olathe, Kans.

LIST OF SPECIAL INDIAN AGENTS WITH THEIR POST-OFFICE ADDRESS.

EDDY B. TOWNSEND ..... Washington, D. C.
ARDEN R. SMITH ..... 1606 Olive street, Saint Louis.
GEO. R. MILBURN ..... Washington, D. C.
JOHN A. WRIGHT ..... Baltimore, Md.

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MILITARY RESERVATIONS UPON THE PUBLIC DOMAIN.

[See Chapter XVII, pages 249 to 254, 1258.]

TO JUNE 30, 1882.

The following list shows that the total number of military reservations in the public-land States and Territories is 179; containing 3,141,129.87 acres:

Military reservations in public-land States and Territories, July 1, 1882.

Alabama (1 reservation):
A small reserve at Mobile Bay, area not known.

Alabama and Mississippi:

	Acres.
Islands in Gulf of Mexico	6,061.64

Arizona (14 reservations):

Fort Huachuca, area not known.	
Camp Apache	7,421.14
Camp Crittenden	3,278.08
Camp Bowie	23,040.00
Camp Grant (old)	2,031.70
Camp Grant (new)	42,341.00
Camp Goodwin	23,040.00
Camp Mojave	6,486.81
Camp McDowell	24,750.15
Camp Lowell	49,920.00
Camp Thomas	10,487.00
Camp Verde	12,293.79
Fort Whipple	1,730.00
Timber reserve for Fort Whipple	720.00
Fort Yuma, mostly in California, small part in Arizona	51.66
Area of military reservations in Arizona not counting Camp Thomas, which is mostly comprised in Camp Goodwin Reservation	197,104.33

Arkansas (3 reservations):

Fort Smith Cemetery	14.81
Quarrying reservation	260.96
Hot Springs, block 94	6.76
Total in Arkansas	282.53

California (17 reservations):

Angel and Alcatraz Islands, area not known.	
Benicia	344.90
Fort Bidwell	3,201.45
Camp Cady	1,562.00
Deadman's Island	2.00
Camp Gaston	451.50
Fort Hill or Monterey, area not known.	
Camp Independence	2,650.18
Molate Island or Golden Rock	7.52
Presidio Reserve No. 1	1,479.94
Point San José (less the area relinquished to city and county of San Francisco by act of Congress approved July 1, 1870)	57.89
Peninsula Island, area not known.	
Point Loma, area not known.	
San Solito Bay Point, area not known.	
Three Brothers, Three Sisters, and Marin Islands at San Pablo Bay entrance, area not known.	
Yerba Buena Island, area not known.	
Fort Yuma	5,214.30
Total in California as far as the areas are known	14,971.68

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	Acres.
Colorado (8 reservations):	
Old Fort Lyon	38,000.00
Fort Garland	2,560.00
Fort Lyon	5,864.00
Pike's Peak	8,192.00
Fort Sedgewick	40,960.00
Fort Pagosa	22,400.00
Camp on White River	40,960.00
Fort Lewis	30,720.00
Total in Colorado	189,656.00
Dakota (10 reservations):	
Fort Abraham Lincoln, area not known.	
Fort Buford, partly in Montana	576,000.00
Fort Pembina	1,899.08
Fort Randall, estimated at	96,000.00
Fort Rice, estimated at	102,400.00
Fort Stevenson, estimated at	48,000.00
Fort Sully, estimated at	28,800.00
Fort Totten, estimated at	46,000.00
Fort Wadsworth	78,400.00
Fort Meade	11,184.83
Total area in Dakota, not including Fort Abraham Lincoln, but including one-half of Fort Buford in Montana	988,683.91
Florida (16 reservations):	
North end of Amelia Island	419.44
Fort McRee, area not known.	
Battard Island and adjacent lands, area not known.	
Fort Brooke	148.11
Cedar Keys	211.65
Islands in Charlotte Harbor	2,143.38
Dry Tortugas, area not known.	
Egmont Island	392.77
Fort Barrancas, area not known.	
Neck of land at Saint Andrew's Sound, area not known.	
Fort Marion and blocks in Saint Augustine and land at Matanzas Inlet, area not known.	
At Saint George's Sound, lands mostly disposed of, they constituting a part of what is known as "Forbes's Purchase."	
Saint Joseph's Bay, Point Saint Joseph	3,851.21
Saint Mark's	305.75
At Santa Rosa Sound	5,958.20
Key West Shoals, area not known.	
Total area of reservations in Florida, as far as known	13,430.51
Idaho (5 reservations):	
Fort Boise	1,225.55
Fort Hall	646.50
Fort Lapwai	1,226.00
Camp Three Forks, Owyhee	4,800.80
Fort Cœur d'Alene	1,280.00
Total in Idaho	9,178.05
Illinois:	
Fort Armstrong (Rock Island), area not known.	
Kansas (6 reservations):	
Fort Dodge	14,661.00
Fort Hays	7,600.00
Fort Larned	10,240.00
Fort Leavenworth	2,750.00
Fort Riley	19,899.22
Fort Wallace	8,960.00
Total in Kansas	64,110.22

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	Acres.
Louisiana (7 reservations):	
Battery Bienvenue, area not known.	
Baton Rouge	44.17
On the coast of the Gulf of Mexico quite a number of reserved tracts, area not known.	
Fort Jackson	740.97
Fort Pike, area not known.	
Fort Saint Philip	556.12
Tower Dupres, area not known.	
Total in Louisiana, as far as known	1,341.26
Michigan (4 reservations):	
Fort Brady, exact area not known.	
Fort Mackinac, area not known.	
Bois Blanc Island	9,199.43
Fort Wilkins	148.35
Total in Michigan, as far as known	9,347.78
Minnesota (2 reservations):	
Fort Snelling, area not known.	
Reserve on Saint Louis River	7.32
Missouri (3 reservations):	
Grand Tower Rock, area not known.	
Island in Missouri River, township 50 north, range 33 west	54.70
Fort Leavenworth, area not known.	
Montana (9 reservations):	
Camp Baker	2,400.00
Fort Benton, area not known.	
Fort Buford (see under Dakota).	
Fort Ellis	32,160.00
Fort Shaw	32,000.00
Fort Keogh	57,619.00
Fort Assiniboine, estimated	704,000.00
Fort Missoula	2,777.64
Fort McGinnis, estimated	31,000.00
Total in Montana, as far as known	861,956.64
Nebraska (6 reservations):	
On North Fork of Loup River	3,251.41
Fort McPherson	19,500.00
Fort Niobrara, increased in area to	35,012.27
Fort Robinson	15,360.00
Camp Sheridan	18,225.00
Fort Sidney	3,835.35
Total in Nebraska	95.184.03
New Mexico (13 reservations):	
Fort Bayard	8,840.00
Fort Butler (never declared)	76,800.00
Fort Craig	24,895.00
Fort Cummings, increased in area to	23,040.00
Fort Marcy	17.77
Fort McRae	2,560.00
On Moro River	5,120.00
Fort Selden	9,613.74
Fort Stanton	10,240.00
Fort Sumner Cemetery	320.00
Fort Thorn	23,040.00
Fort Union	66,880.00
Fort Wingate, increased in area to	83,200.00
Total in New Mexico, not including Fort Butler, never declared	257,766.51

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	Acres.
Nevada (3 reservations):	
Carlin	920.00
Camp Halleck	10 900.93
Camp McDermitt	10,374.40
Total in Nevada	22,195.33
Oregon (4 reservations):	
Fort Klamath	3,135.68
Sand Island	192.07
Point Adams	1,250.11
Fort Orford, area not known.	
Total in Oregon, as far as known	4,577.86
Utah (4 reservations):	
Fort Cameron	23,378,00
Camp Douglas	2,560.00
Camp Floyd	94,550.00
Rush Lake Valley	5,131.47
Total in Utah	125,599.47
Washington Territory (36 reservations):	
Port Angeles and Ediz Hook, area not known.	
Canoe Island	43.10
Fort Cascades	320.21
Fort Colville	1,070.00
Cape Disappointment	536.20
Lopez Island	1,233.90
Straits Juan de Fuca	2,098.60
Point Roberts	2,434.55
On San Juan Island	1,148.33
Shaw Island	1,110.20
Fort Three Tree Point	640.00
Port Townsend	621.97
Fort Vancouver	640.00
Fort Walla Walla corrected area	612.93
On north side of New Dungeness Harbor	300.00
South side New Dungeness Harbor	640.00
West side of entrance to Washington Harbor	640.00
East side of entrance to Washington Harbor	640.00
Challam Point	640.00
Opposite Challam Point	640.00
Opposite Protection Island	640.00
Vancouver Point	640.00
Point Wilson	640.00
Admiralty Head	640.00
Marrowstone Point	640.00
North of entrance to Deception Pass (including islands)	640.00
South of entrance to Deception Pass	640.00
Two islands east of Deception Pass	200.00
Tala Point, near Hood's Canal	640.00
Hood's Head, near Hood's Canal	640.00
Foulweather Point	640.00
Double Bluff	640.00
Point Defiance	640.00
Three tracts on west side of narrows of Puget Sound (each 640)	1,920.00
Most northerly point of Whidbey's Island	640.00
Fort Spokane	640.00
Total area reserved in Washington Territory, including some lands disposed of prior to date of the orders declaring reservations	26,079.36
Wisconsin (1 reservation):	
Stone Quarry Reservation in township 28 north, range 25 east	1,046.10

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Wyoming (9 reservations):

	Acres.
Fort Bridger	10,240.00
Fort Fetterman	89,680.00
Fort Laramie increased in area to	74,280
Fort D. A. Russell	4,512.00
Fort Sanders	21,882.64
Fort Fred Steele increased in area to	25,600,00
Sulphur creek (for coal)	100.00
Fort McKinney	25,600.00
Depot McKinney	640.00
Total in Wyoming	252,494.64

Recapitulation of areas as far as known or estimated.

[See page 1259.]

No. of reservations.	States and Territories.	Area.
		Acres.
1	Alabama	.....
.....	Islands in Gulf, Alabama and Mississippi	6,061.64
14	Arizona	197,104.33
3	Arkansas	282.53
17	California	14,971.68
8	Colorado	189,656.00
10	Dakota, including that part of Fort Buford in Montana	988,683.91
16	Florida	13,430.51
5	Idaho	9,178.05
1	Illinois, Fort Armstrong (area not known)	.....
6	Kansas	64,110.22
7	Louisiana	1,341.26
4	Michigan	9,347.78
2	Minnesota, besides Fort Snelling	7.32
3	Missouri (one partial)	54.70
9	Montana	861,956.64
6	Nebraska	95,184.03
13	New Mexico (Fort Butler never declared)	257,766.51
3	Nevada	22,195.33
4	Oregon	4,577.86
4	Utah	125,599.47
36	Washington	26,079.36
1	Wisconsin	1,046.10
9	Wyoming	252,494.64
179	Grand total	3,141,129.87

STATE SELECTIONS.

[See Chapter XVIII, page 255.]

To June 30, 1883.

No change in this chapter since June 30, 1880. Grants certified and law in fact executed.

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DISTRIBUTION ACT OF SEPTEMBER 4, 1841.

[See Chapter XIX, pages 256 and 1260.]

CORRECTED TO JUNE 30, 1882.

Statement showing the respective shares of the several States and Territories of the United States and the District of Columbia, under the distribution act of September 4, 1841, *of the residue of the net proceeds of the public lands sold to August* 29, 1842.

States and Territories and District of Columbia.	Distributive shares.	States and Territories and District of Columbia.	Distributive shares.
Maine	$19,716 23	Mississippi	$14,088 14
New Hampshire	11,181 36	Louisiana	14,168 99
Massachusetts	28,985 35	Tennessee	29,703 28
Rhode Island	4,276 03	Kentucky	27,776 19
Connecticut	12,180 70	Ohio	61,046 33
Vermont	11,471 09	Indiana	30,278 13
New York	95,436 04	Illinois	50,563 10
New Jersey	14,657 17	Missouri	23,246 55
Pennsylvania	67,738 95	Arkansas	5,012 16
Delaware	3,027 14	Michigan	9,729 57
Maryland	17,057 42	Wisconsin	1,215 72
Virginia	41,657 00	Iowa	1,693 70
North Carolina	25,739 60	Florida	1,736 29
South Carolina	18,214 90	District of Columbia	1,643 72
Georgia	22,750 37		
Alabama	25,125 23	Total	691,117 05

CANAL, WAGON, MILITARY WAGON, AND RAILROAD GRANTS.

[See Chapter XX, pages 257-288, and 1260.]

TO JUNE 30, 1882.

No change in the statistics of canal, wagon road, and military wagon road grants has taken place since June 30, 1880. The area granted remains the same. See pages 258, 259, 260, and 279.

LAND GRANTS TO RAILROADS—AREA NECESSARY TO FILL.

The estimates of acreage of public lands requisite to comply with grants already made, including lands already patented or selected, to June 30, 1880 (see pages 268, 269, 270, 271, 272, 273, and 287), have not been materially changed, viz, 155,504,994.59 acres. The area of patented or certified railroad grant lands, being to June 30, 1882, was 46,526,823.06 acres, leaving a balance not yet certified or patented of 108,978,171.48 acres.

VALUE OF LANDS GRANTED RAILROADS.

November 1, 1880, the Auditor of Railroad Accounts estimated the value of public lands granted railroads at $391,804,610.16. (See tables of operations of land departments of land-grant railroads for the years 1878-'82, pages 772-787.)

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CONSTRUCTION OF LAND-GRANT RAILROADS.

[See pages 268 and 1260.]

TO JUNE 30, 1881, AND JUNE 30, 1882.

IN THE YEAR ENDING JUNE 30, 1881.

The reports of construction of land-grant railroads during the fiscal year ending June 30, 1881, show an aggregate of 200 miles, which, with those previously reported (15,430.14 miles), make a total of 15,630.14 miles of such road, distributed as follows:

States and Territories.	Miles.	States and Territories.	Miles.
Alabama	822.00	Mississippi	406.00
Arkansas	620.16	Missouri	703.00
California	1,228.89	Nebraska	832.00
Colorado	298.00	Nevada	460.00
Dakota	346.00	New Mexico	50.00
Florida	247.00	Oregon	227.00
Illinois	705.72	Texas (where there are no U. S. lands)	342.87
Indian Territory	155.00	Utah	255.00
Iowa	1,672.00	Washington	106.00
Kansas	1,654.00	Wisconsin	553.00
Louisiana	152.00	Wyoming	400.00
Michigan	1,005.00		
Minnesota	2,389.50	Total	15,630.14

IN THE YEAR ENDING JUNE 30, 1882.

The reports of construction of land-grant railroads during the fiscal year ending June 30, 1882, show an aggregate of 608.96 miles, which, with those previously reported (15,640.14 miles), make a total of 16,239.10 miles, distributed as follows:

States and Territories.	Miles.	States and Territories.	Miles.
Alabama	822.00	Mississippi	406.00
Arkansas	620.16	Missouri	703.00
California	1,228.89	Montana	25.00
Colorado	298.00	Nebraska	832.00
Dakota	421.00	Nevada	460.00
Florida	247.00	New Mexico	150.00
Idaho	45.00	Oregon	227.00
Illinois	705.72	Texas (where there are no U. S. lands)	342.87
Indian Territory	155.00	Utah	255.00
Iowa	1,672.00	Washington	286.00
Kansas	1,654.00	Wisconsin	593.00
Louisiana	152.00	Wyoming	400.00
Michigan	1,148.96		
Minnesota	2,389.50	Total	16,239.10

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PATENTED AND CERTIFIED CANAL, WAGON, AND MILITARY WAGON ROAD AND RAILROAD LANDS.

[See pages 1261 and 1263.]

TO JUNE 30, 1882.

Statement showing number of acres certified or patented during the year, to June 30, 1882, and up to June 30, 1882, for canal, wagon road, and military wagon roads and railroads to States and corporations.

RECAPITULATION.

State.	Number of acres certified or patented for the year ending June 30, 1882.	Total number of acres certified or patented up to June 30, 1882.
Illinois		2,595,053.00
Mississippi		935,158.70
Alabama	51,313.41	2,882,076.40
Florida		1,760,834.98
Louisiana		1,072,406.47
Arkansas		2,376,891.49
Missouri		1,305,429.87
Iowa	759.36	4,706,458.39
Michigan		3,229,010.84
Wisconsin		2,807,583.88
Minnesota	800.00	7,748,651.32
Kansas	720.00	4,449,226.28
	53,592.77	35,958,781.62
Corporations	122,813.89	11,235,783.20
Total railroad grants to June 30, 1882	176,406.66	47,194,564.82
Deduct amount of land declared forfeited by Congress		667,741.76
		46,526,823.06
Wagon roads to June 30, 1882:		
Wisconsin		302,930.96
Michigan		221,013.35
Oregon		777,096.76
Total wagon roads		1,301,041.07
Railroads		46,526,823.06
	176,406.66	47,827,864.13

CANALS FROM 1824 TO JUNE 30, 1882.

Indiana	1,457,366.06
Ohio	1,100,361.00
Illinois	290,915.00
Wisconsin	325,431.00
Michigan	1,250,000.00
Total canals	4,424,073.06

Grand total railroad, wagon road, and canal grants patented or certified from 1824 to June 30, 1882	52,251,937.19
Patented or certified during the year ending June 30, 1882	176,406.66

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Statement exhibiting land concessions by Congress to States and corporations for railroad purposes, date of law, mile limits, and acres certified and patented, from 1850 *to June* 30, 1882.

[See pages 274 to 279.]

States.	Date of laws.	Statutes.	Page.	Name of road.	Mile limits.	Number of acres certified or patented for the year ending June 30, 1882.	Number of acres certified or patented up to June 30, 1882.
Illinois	Sept. 20, 1850	9	466	Illinois Central	6 and 15		2,595,053 00
Mississippi	Sept. 20, 1850	9	466	Mobile and Ohio River	6 and 15		*a*737,130 29
Do	Aug. 11, 1856	11	30	Vicksburg and Meridian	6 and 15		198,028 41
Do	Aug. 11, 1856	11	30	Gulf and Ship Island	6 and 15		
Alabama	Sept, 20, 1850	9	466	Mobile and Ohio River	6 and 15		*a*419,528 44
Do	May 17, 1856	11	15	Alabama and Florida	6 and 15		394,522 99
Do	June 3, 1856	11	17	Selma, Rome, and Dalton	6 and 15		*b*457,215 37
Do	May 23, 1872	17	159	Act confirming lands heretofore certified to the State for the Alabama and Tennessee Railroad.			
Do	June 3, 1856	11	17	Coosa and Tennessee	6 and 15		*c*67,784 96
Do	June 3, 1856	11	17	Mobile and Girard	6 and 15		*c*504,145 86
Do	June 3, 1856	11	17	Alabama and Chattanooga	6 and 15	48,389 07	601,970 41
Do	Apr. 10, 1869	16	45	Act to renew certain grants of land to the State of Alabama			
Do	June 3, 1856	11	17	South and North Alabama	6 and 15	2,024 34	436,908 37
Do	Mar. 3, 1857	11	200	Act amending the sixth section of the original act			
Do	Mar. 3, 1871	16	580	Act to renew certain grants or land to the State of Alabama			
Florida	May 17, 1856	11	15	Atlantic, Gulf and West India Transit (formerly Florida Railroad).	6 and 15		*d*290,183 28
Do	May 17, 1856	11	15	Florida and Alabama	6 and 15		165,688 00
Do	May 17, 1856	11	15	Pensacola and Georgia	6 and 15		*ce*1,275,579 52
Do	May 17, 1856	11	15	Florida, Atlantic and Gulf Central	6 and 15		*cf*29,384 18
Louisiana	June 3, 1856	11	18	North Louisiana and Texas	6 and 16		353,212 68
Do	June 3, 1856	11	18	New Orleans, Opelousas and Great Western	6 and 15		*g*719,193 79
Do	July 14, 1870	16	277	Act declaring forfeited to the United States all the lands not lawfully disposed of by the State.			
Arkansas	Feb. 9, 1853	10	155	Saint Louis, Iron Mountain and Southern	6 and 15		*h*1,115,116 88
Do	July 28, 1866	14	338	do	Additional 5		*i*204,079 17
Do	May 6, 1870	16	376	Resolution extending the time for completion of first twenty miles of road.			
Do	Feb. 9, 1853	10	155	Little Rock and Fort Smith	6 and 15		*j*550,584 09
Do	July 28, 1866	14	338	do	Additional 5		*k*366,156 26
Do	Apr. 10, 1869	16	46	Act extending the time for completion of first twenty miles of road, &c.			
Do	Mar. 8, 1870	16	76	Act repealing provision in act of April 10, 1869, as to mode of sale of lands.			
Do	Feb. 9, 1853	10	155	Memphis and Little Rock	6 and 15		127,238 51
Do	July 28, 1866	14	338	do	Additional 5		*l*13,716 58
Do	July 4, 1866	14	83	Saint Louis and Iron Mountain	10 and 20		
Missouri	June 10, 1852	10	8	Southwest branch of the Pacific Road	6 and 15		*m*728,949 36
Do	June 5, 1862	12	422	Act extending the time for completion of road for ten years			

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Do	June 10, 1852	10	8	Hannibal and Saint Joseph	6 and 15		n603, 186.34
Do	Feb. 9, 1853	10	155	Saint Louis, Iron Mountain, and Southern	6 and 15		63,294.17
Do	July 28, 1866	14	338	do	Additional 5		
Do	July 4, 1866	14	83	Saint Louis and Iron Mountain	10 and 20		
Iowa	May 15, 1856	11	9	Burlington and Missouri River	6 and 15		o292, 050.80
Do	June 2, 1864	13	96	do	20		96, 646.55
Do	Feb. 10, 1866	14	349	Resolution extending the time for completion of road			
Do	May 15, 1856	11	9	Chicago, Rock Island and Pacific	6 and 15		op481, 974.36
Do	June 2, 1864	13	98	do	20		q161, 172.81
Do	Jan. 31, 1873	17	421	Act to quiet the title to certain lands in the State of Iowa.			
Do	June 15, 1878	20	133	Act to restore certain lands in Iowa to settlement under the homestead law, &c.			
Do	May 15, 1856	11	9	Cedar Rapids and Missouri River	6 and 15	49.00	p782, 459.83
Do	June 2, 1864	13	96	do	20	719.36	r359, 660.30
Do	May 15, 1856	11	9	Dubuque and Sioux City	6 and 15		p550, 467.96
Do	June 2, 1864	13	98	Act authorizing said road to change its line			
Do	Mar. 2, 1868	15	38	Act extending the time for completion of road to January 1, 1872.			
Do	May 15, 1856	11	9	Iowa Falls and Sioux City	6 and 15		683, 023.80
Do	Aug. 8, 1846	9	77	Des Moines Valley	5		569, 001.58
Do	July 12, 1862	12	543				
Do	May 12, 1864	13	72	McGregor and Missouri River	10 and 20		s138, 187.30
Do	May 12, 1864	13	72	Chicago, Milwaukee and Saint Paul	10 and 20		183, 902.89
Do	May 12, 1864	13	72	Sioux City and Saint Paul	10 and 20		t407, 910.21

a In the adjustment of this grant the road was treated as an entirety, and without reference to the State line; hence Alabama has approved to her more, and Mississippi less, land than they would appear to be entitled to in proportion to the length of road line in the respective States.

b 192 acres deducted from the amount heretofore reported to correct an error in addition.

c No evidence of the construction of any part of these roads, as required by the acts, having been filed in the General Land Office, the grants are presumed to have lapsed, but the lands have not been restored to the mass of public lands, Congress having taken no action to that end.

d 8,199.11 acres heretofore erroneously reported as certified for the Florida, Atlantic and Gulf Central Railroad.

e 366.59 added to correct an error in the amount heretofore reported.

f 8,199.11 acres deducted from the amount heretofore reported and added to the amount certified for the Florida Railroad (now Atlantic, Gulf and West India Transit).

g 51,452.03 earned by the construction of eighty miles of road prior to June 3, 1866; 227,879.94 acres within the limits of the grant of March 3, 1871, to the New Orleans, Baton Rouge and Vicksburg Railroad Company, and 439,861.82 acres, restored to market in March, 1873, under the act of July 14, 1870.

h 292.53 acres relinquished by the company deducted from the amount heretofore reported.

i 841.91 acres relinquished by the company deducted from the amount heretofore reported; 2,760 acres also deducted to correct an error in the report for 1879.

j 63.91 acres added to make the correct amount certified.

k 40 acres relinquished deducted from the amount heretofore reported.

l 160 acres relinquished and deducted; 729.61 acres also deducted to make the correct area patented.

m 429,084.18 acres certified to the State and 3,130.97 acres patented under this grant, lying southwest of Springfield, Mo., deducted from the amount previously reported and charged to the grant of July 27, 1866, to the Atlantic and Pacific Railroad Company. 40 acres relinquished and deducted.

n 320 acres relinquished deducted from amount given in previous reports.

o 120 acres relinquished deducted from amount given in previous reports.

p Includes 35,685.49 acres of the Chicago, Rock Island and Pacific Railroad, 109,756.85 acres of the Cedar Rapids and Missouri River Railroad, and 77,535.22 acres of the Dubuque and Sioux City Railroad, situated in the old Des Moines River grant of August, 1846, which amounts are a loss to the roads by the decision of the United States Supreme Court in the case of Wolcott *vs.* Des Moines Company (5 Wallace, 681).

q 40 acres relinquished deducted from amount previously reported.

r 320 acres outside the limits of the grant deducted from amount previously reported.

s 97.39 acres relinquished deducted from amount previously reported.

t 10,911.41 acres approved in 1874 not heretofore reported.

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Statement exhibiting land concessions by Congress to States and corporations for railroad purposes, &c.—Continued.

States.	Date of laws.	Statutes.	Page.	Name of road.	Mile limits.	Number of acres certified or patented for the year ending June 30, 1882.	Number of acres certified or patented up to June 30, 1882.
Michigan	June 3, 1856	11	21	Port Huron and Lake Michigan	6 and 15		a37,467.43
Do	Mar. 3, 1879	20	490	Joint resolution releasing the reversionary claim and interest of the United States in and to certain lands in Michigan.			
Do	June 3, 1856	11	21	Jackson, Lansing and Saginaw	6 and 15		743,009.36
Do	July 3, 1866	14	78	Act extending the time for completion of road seven years, &c			
Do	Mar. 2, 1867	14	425	Act extending the time for completion of first twenty miles of road.			
Do	Mar. 3, 1871	16	586	Act authorizing change of northern terminus from Traverse Bay to Straits of Mackinac, and for other purposes.			
Do	June 3, 1856	11	21	Grand Rapids and Indiana	6 and 15		629,993.11
Do	June 7, 1864	13	119	Grand Rapids and Indiana from Fort Wayne, Ind., to Grand Rapids.	6 and 20		222,967.01
Do	Mar. 3, 1865	13	520	Act extending time for completion of road eight years			
Do	June 3, 1856	11	21	Flint and Pere Marquette	6 and 15		512,337.03
Do	Feb. 17, 1865	13	569	Resolution extending time for completion of road			
Do	July 3, 1866	14	78	Act authorizing the company to change the western terminus of its road.			
Do	Mar. 3, 1871	16	582	Act extending time for completion of road five years			
Do	June 3, 1856	11	21	Marquette, Houghton, and Ontonagon	6 and 15		b437,411.30
Do	Mar. 3, 1865	13	521	do	20		
Do	May 20, 1868	15	252	Resolution extending time for completion of road, &c			
Do	Apr. 20, 1871	17	643	Act authorizing the Houghton and Ontonagon Railroad Company to resurvey and locate anew a part of its road.			
Do	June 3, 1856	11	21	Ontonagon and Brulé River	6 and 15		
Doc	Mar. 3, 1865	13	521	Bay de Noquet and Marquette	200 sections		128,000.00
Do	July 5, 1862	12	620	Chicago and Northwestern	6 and 15		c517,825.60
Do	Mar. 3, 1865	13	520	do	20		
Do	May 23, 1872	17	160	Act authorizing a change of route in Michigan			
Wisconsin	June 3, 1856	11	20	Chicago, Saint Paul and Minneapolis, formerly West Wisconsin.	6 and 15		327,903.69
Do	May 5, 1864	13	66	do	10 and 20		474,913.20
Do	Mar. 3, 1873	17	634	Act to quiet title to the lands of the settlers on lands claimed by the West Wisconsin Railway Company.			
Do	June 3, 1856	11	20	Wisconsin Railroad Farm-Mortgage Land Company			40,049.11
Do	July 27, 1868	15	238	Act amendatory of the original act			
Do	June 3, 1856	11	20	Saint Croix and Lake Superior	6 and 15		524,538.15
Do	May 5, 1864	13	66	do	10 and 20		
Do	June 3, 1856	11	20	Branch to Bayfield	6 and 15		318,959.41
Do	May 5, 1864	13	66	do	10 and 20		

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Do	June 3, 1856	11	20	Chicago and Northwestern	6 and 15		545,575.76
Do	Apr. 25, 1862	12	648	Resolution authorizing change of route in Wisconsin, &c.			
Do	Mar. 3, 1865	13	520	Act extending time for completion of road five years			
Do	Mar. 3, 1869	15	397	Act authorizing selection of lands along the full extent of original route of road.			
Do	May 5, 1864	13	66	Winconsin Central	10 and 20		*d*575,644.56
Do	June 21, 1866	14	360	Resolution explanatory of the act of May 5, 1864, and authorizing certain changes of width in accordance with the act of the State legislature.			
Do	Apr. 9, 1874	18	28	Act to extend the time for completion of road to December 31, 1876.			
Minnesota	Mar. 3, 1857	11	195	First Division Saint Paul and Pacific	6 and 15		466,403.48
Do	Mar. 3, 1865	13	526	do	10 and 20		784,642.66
Do	Mar. 3, 1873	17	631	Act extending the time for completion of the road nine months.			
Do	Mar. 3, 1857	11	195	Western Railroad, formerly Brainerd Branch Saint Paul and Pacific.	6 and 15		436,695.16
Do	Mar. 3, 1865	13	526	do	10 and 20		*e*210,263.33
Do	July 12, 1862	12	624	Resolution authorizing the State to change the branch line under certain conditions.			
Do	Mar. 3, 1871	16	588	Saint Paul, Minneapolis and Manitoba	10 and 20		1,174,330.03
Do	Mar. 3, 1873	17	631	Act extending the time for completion of the road nine month.			
Do	June 22, 1874	18	203	Act extending the time for completion of the road to March 3, 1876, &c.			
Do	Mar. 3, 1857	11	195	Minnesota Central	6 and 15		179,706.01
Do	Mar. 3, 1865	13	526	do	10 and 20		
Do	Mar. 3, 1857	11	195	Winona and Saint Peter	6 and 15	380.00	*f*342,704.56
Do	Mar. 3, 1865	13	526	do	10 and 20	400.00	*f*1,326,083.34
Do	July 13, 1866	14	97	Act allowing selections within twenty miles of road in lieu of lands sold after definite location but prior to withdrawal, &c.			
Do	Jan. 13, 1873	17	409	Act extending the time for completion of the road			
Do	Mar. 3, 1857	11	195	Saint Paul and Sioux City	6 and 15	20.00	*gh*905,267.79
Do	May 12, 1864	13	74	do	10 and 20		241,038.77
Do	July 13, 1866	14	97	Act extending the time for completion of the road seven years.			

a 40 acres added to former report to make correct amount certified.
b 26.30 acres approved in 1877, not heretofore reported.
c 88.55 acres relinquished deducted from amount previously reported.
d 200 acres relinquished deducted from amount previously reported.
e 40 acres relinquished in 1879, and 12,346.24 acres (in Fort Ripley reservation) relinquished in 1881, deducted from the amount heretofore reported. The amount here reported includes 89,383.87 acres certified to the State for the Brainerd Branch of the Saint Paul and Pacific Railroad and afterwards included in a patent issued to the Western Railroad Company. It also includes 9,177.99 acres relinquished by the State and company in favor of actual settlers pursuant to the act of the legislature approved March 1, 1877, the acceptance of which has not been authorized by Congress.
f 761.08 acres, heretofore reported in the 10 and 20 mile limits, deducted and added to the amount in the 6 and 15 mile limits.
g 452 acres deducted from the amount heretofore reported for tracts relinquished or twice approved.
h 53,619.45 acres deducted from the amount heretofore reported for the Saint Paul and Sioux City grant and charged to the grant for the Southern Minnesota, under which the land was approved.

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Statement exhibiting land concessions by Congress to States and corporations for railroad purposes, &c.—Continued.

States.	Date of laws.	Statutes.	Page.	Name of road.	Mile limits.	Number of acres certified or patented for the year ending June 30, 1882.	Number of acres certified or patented up to June 30, 1882.
Minnesota	May 5, 1864	13	64	Lake Superior and Mississippi	10 and 20		860,564.09
Do	July 13, 1866	14	93	Act authorizing the railroad company to make up deficiency out of land within thirty miles of the west line of the road.			
Do	Mar. 3, 1857	11	195	Southern Minnesota, from a point on the Mississippi River to Houston.	6 and 15		*a*53,619.45
Do	Mar. 3, 1865	13	526	do	10 and 20		*b*2,716.95
Do	July 4, 1866	14	.....	Southern Minnesota Extension	10 and 20		*b*451,845.43
Do	July 13, 1866	14	97	Amendatory act			
Do	July 4, 1866	14	87	Hastings and Dakota	10 and 20		*c*312,770.27
Do	July 13, 1866	14	97	Amendatory act			
Kansas	Mar. 3, 1863	12	772	Leavenworth, Lawrence and Galveston	10 and 20		*d*256,281.67
Do	July 1, 1864	13	339	Act authorizing change of route of branch line			
Do	Apr. 10, 1871	17	5	Act authorizing the company to relocate a portion of its road.			
Do	July 24, 1876	19	101	Act declaring a portion of the grant forfeited			
Do	Mar. 3, 1863	12	772	Missouri, Kansas and Texas	10 and 20		*e*984,105.96
Do	July 1, 1864	13	339	Act extending the grant from Emporia to a point near Fort Riley.			
Do	July 26, 1866	14	289	Act making a grant from Fort Riley to the southern boundary of the State.			
Do	Mar. 3, 1863	12	772	Atchison, Topeka and Santa Fé	10 and 20		*f*2,745,938.47
Do	July 23, 1866	14	210	Saint Joseph and Denver City	10 and 20	720.00	*g*462,373.24
Do	July 25, 1866	14	236	Missouri River, Fort Scott and Gulf	10 and 20		*h*526.94
Do	Mar. 3, 1877	19	404	An act to secure the right of settlers upon certain railroad lands and to repeal the first five sections of an act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad, &c.			
Corporations	July 1, 1862	12	489	Union Pacific from a point near Omaha, Nebr., to a point near Ogden, in Utah Territory.	10	67,921.03	*i*1,953,883.08
Do	July 2, 1864	13	356	Union Pacific	20		
Do	July 3, 1866	14	79	Act authorizing the location of the Union Pacific Railroad from Omaha westward.			
Do	July 26, 1866	14	367	Resolution granting the right of way through military reserve, &c.			
Do	Apr. 10, 1869	16	56	Resolution for the protection of the interests of the United States in the Union Pacific and Central Pacific Railroads, and providing that the common terminus of the roads shall be at or near Ogden, Utah Territory, &c.			
Do	May 6, 1870	16	121	Act fixing the point of junction of the Union Pacific and Central Pacific Railroads, &c.			
Do	May 7, 1878	20	56	Act amendatory of the acts of July 1, 1862, and July 2, 1864.			

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Do	July 1, 1862	12	489	Central Pacific	10		721,434.68
Do	July 2, 1864	13	356	do	20		
Do	July 3, 1866	14	79	Act authorizing the location of the Central Pacific Railroad eastward			
Do	Apr. 10, 1869	16	56	Resolution for the protection of the interests of the United States in the Central Pacific and Union Pacific Railroads, and providing that the common terminus of the roads shall be at or near Ogden, Utah Territory, &c.			
Do	May 6, 1870	16	121	Act fixing the point of junction of the Central Pacific and Union Pacific Railroads, &c.			
Do	May 7, 1878	20	56	Act amendatory of the acts of July 1, 1862, and July 2, 1864.			
Do	July 1, 1862	12	489	Central Pacific successor by consolidation with Western Pacific.	10	14,966.87	*j* 446,230.65
Do	July 2, 1864	13	356	do	20		
Do	Mar. 3, 1865	13	504	Act ratifying the assignment made by the Central Pacific Railroad Company to the Western Pacific Railroad Company of that portion from San José to the city of Sacramento.			
Do	May 21, 1866	14	356	Resolution extending the time for completion of the first twenty miles of the Western Pacific Railroad upon certain conditions.			
Do	July 1, 1862	12	489	Central Branch Union Pacific	10		*k* 187,447.99
Do	July 2, 1864	13	356	do	20		
Do	July 1, 1862	12	489	Union Pacific (Kansas division)	10		*l* 917,520.70
Do	July 2, 1864	13	356	do	20		
Do	July 3, 1866	14	79	Act requiring the company to designate route before December 1, 1866.			
Do	May 7, 1866	14	355	Resolution extending time for completion of road			
Do	Mar. 6, 1868	15	39	Act restoring the even-numbered sections on line of Pacific Railroad and branches at $2.50 per acre.			
Do	Mar. 3, 1869	15	324	Act extending the Union Pacific Railway, eastern division, line of road to Denver City, and authorizing transfer of lands by said company to the Denver Pacific Railroad Company between Denver and Cheyenne.			

a 53,619.45 acres deducted from the amount heretofore reported for the Saint Paul and Sioux City grant and charged to the grant for the Southern Minnesota, under which the land was approved.

b 2,716.95 acres deducted from the amount heretofore reported for the Southern Minnesota Extension grant and charged to the grant for the Southern Minnesota, under which the land was approved.

c 1,836.74 acres relinquished deducted from the amount heretofore reported.

d Includes 186,936.72 acres in the "Osage ceded reservation," which are a loss to the road under the decision of the Supreme Court in the case of the Leavenworth, Lawrence and Galveston Railroad Company *v.* The United States (2 Otto, 733).

e Includes 270,970.78 acres in the "Osage ceded reservation," which are a loss to the road under the decision cited in the preceding note. (The note in previous reports to the effect that the amount reported included 260,425.35 acres in said reservation is incorrect, as will appear upon comparison of the reports for 1876 and 1877.) 63,388.22 acres inadvertently omitted in 1877, and 1,663.36 acres in joint list No. 1, chargeable to this grant, have been added and several minor errors corrected.

f 9,465.28 acres relinquished deducted from the amount heretofore reported.

g 80 acres relinquished and 80 acres twice approved deducted from the amount heretofore reported.

h 20,814.83 acres reconveyed to the United States by the company, under the act of March 3, 1877, deducted from the amount heretofore reported.

i 25,847.46 acres (being one-half the amount contained in joint patents Nos. 1 and 2, issued to the Union Pacific and Sioux City and Pacific companies) heretofore omitted.

j 3,000 acres omitted from previous reports.

k 160 acres relinquished, deducted from the amount heretofore reported.

l 7,535.25 acres inadvertently omitted from previous reports.

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Statement exhibiting land concessions by Congress to States and corporations for railroad purposes, &c.—Continued.

States.	Date of laws.	Statutes.	Page.	Name of road.	Mile limits.	Number of acres certified or patented for the year ending June 30, 1882.	Number of acres certified or patented up to June 30, 1882.
Corporations	Mar. 3, 1869	15	348	Resolution authorizing the Union Pacific Railway Company, eastern division, to change its name to Kansas Pacific.			
Do	Mar. 3, 1869	15	324	Union Pacific, successor to the Denver Pacific Railway Company.	20	36, 425, 14	86, 236. 73
Do	June 20, 1874	18	111	Act amendatory of the act of March 3, 1869			
Do	July 2, 1864	13	364	Burlington and Missouri River, in Nebraska	20 sections per mile		a2, 373, 290. 77
Do	May 6, 1870	16	118	Act authorizing a change of route and connection with the Union Pacific Railroad at or near Fort Kearney			
Do	July 2, 1864	13	363	Sioux City and Pacific	10		41, 398. 23
Do	July 2, 1864	13	365	Northern Pacific	States, 20, 30, and 40; Territories, 40, 50, and 60.		746, 509. 52
Do	May 7, 1866	14	355	Resolution extending time for commencing and completing road.			
Do	July 1, 1868	15	255	do			
Do	Mar. 1, 1869	15	346	Resolution authorizing issue of bonds, &c			
Do	Apr. 10, 1869	16	57	Resolution authorizing the company to extend its branch line from Portland to Puget Sound, &c.			
Do	Mar. 31, 1870	16	378	Resolution authorizing the issue of bonds reversing location of main and branch lines in Washington Territory, extending indemnity limits, &c.			
Do	July 15, 1870	16	305	Act requiring the Northern Pacific Railroad Company to pay the cost of surveying, selecting, and conveying lands.			
Do	July 13, 1866	14	94	Placerville and Sacramento Valley	10 and 20		
Do	Apr. 15, 1874	18	29	Act declaring the grant forfeited to the United States			
Do	July 25, 1866	14	239	Oregon branch of the Central Pacific	20 and 30		b1, 337, 919. 12
Do	June 25, 1868	15	80	Act extending time for completion of road			
Do	Apr. 10, 1869	16	47	Act amendatory of the original act, and providing for the sale of the lands to actual settlers at a fixed price and in limited quantity.			
Do	July 25, 1866	14	239	Oregon and California	20 and 30		c322, 062. 40
Do	June 25, 1868	15	80	Act extending time for completion of road			
Do	Apr. 10, 1869	16	47	Act amendatory of the original act, and providing for the sale of the lands to actual settlers at a fixed price and in limited quantity.			
Do	July 27, 1866	14	292	Atlantic and Pacific	States, 20 and 30; Territories, 40 and 50.		d959, 206. 87
Do	Apr. 20, 1871	17	19	Act authorizing the company to mortgage its road, lands, &c.			
Do	July 27, 1866	14	292	Southern Pacific	20 and 30		1, 037, 910. 11
Do	July 25, 1868	15	187	Act to extend the time for the construction of the road, &c.			
Do	June 28, 1870	16	382	Joint resolution concerning the Southern Pacific Railroad of California.			

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Do	Mar. 3, 1871	16	579	Branch line of Southern Pacific	20 and 30	3,500.85	104,732.35
Do	Mar. 2, 1867	14	548	Stockton and Copperopolis	10 and 20		
Do	June 15, 1874	18	72	Act declaring the grant forfeited to the United States			
Do	May 4, 1870	16	94	Oregon Central	20 and 25		
Do	Mar. 3, 1871	16	573	Texas Pacific	California, 20 and 30; Territories, 40 and 50.		
Do	June 22, 1874	18	197	An act supplementary to the act of March 3, 1871			
Do	Mar. 3, 1871	16	579	New Orleans, Baton Rouge, and Vicksburg	20 and 30		

a 800 acres relinquished deducted from the amount heretofore reported.
b 120 acres relinquished deducted from amount heretofore reported.
c 1,086.28 acres relinquished deducted from amount heretofore reported.
d 1,240.90 acres omitted since 1873 now included; 58.27 acres erroneously added in 1877, and 1,764.87 acres relinquished or twice patented deducted from amount heretofore reported; 429,084.90 acres certified and 3,130.97 acres patented to the State of Missouri under the grant of June 10, 1852, for the southwest branch of the Pacific Road (all lying southwest of Springfield, Mo.) have been deducted from the amount formerly reported under that grant and charged to the Atlantic and Pacific grant.

Official:

GENERAL LAND OFFICE,
June 30, 1882.

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ATTACHMENT OF RAILROAD RIGHTS.

[See pages 280–284 and 1261]

Owing to various important changes made by the several corporations in withdrawals or changes in location of line of road, the corrected table to June 30, 1882, is given as follows:

Table showing the time when the various railroad rights attached to the lands granted, so far as at present determined.

States.	Names of roads.	Dates.
Illinois	Illinois Central	September 20, 1850. (Grant fully adjusted.)
Mississippi	Mobile and Ohio River	September 20, 1850. (Grant fully adjusted.)
	Vicksburg and Meridian	August 31, 1850. (Grant fully adjusted.)
	Gulf and Ship Island	*November, 1860.
Alabama	Mobile and Ohio River	September 20, 1850. (Grant fully adjusted.)
	Alabama and Florida	*August 30, 1856.
	Selma, Rome and Dalton	May 20, 1857.
	Coosa and Tennessee	*December 27, 1858.
	Coosa and Chattanooga	*July 3, 1858.
	Mobile and Girard	*May 13, 1858.
	Alabama and Chattanooga	October 11, 1858.
	South and North Alabama	May 22, 1866, between Decatur and a junction with the Alabama and Tennessee Railroad in township 22 south, range 2 west, and May 30, 1871, between that point and Montgomery.
Florida	Florida Railroad	From Fernandina to Cedar Keys, survey in the field, which was between May 17, 1856, and January 10, 1857, and from Waldo to Tampa, December 14, 1860.
	Florida and Alabama	*From May 17 to 31, 1856.
	Pensacola and Georgia	March 3, 1857, between Tallahassee and Alligator, in township 13 south, range 17 east, and from September 1 to October 22, 1857, between Tallahassee and Pensacola.
	Florida, Atlantic and Gulf Central	*February 17, 1857, in the granted, and September 7, 1857, in the indemnity limits.
Louisiana	North Louisiana and Texas	January 27, 1857.
	New Orleans, Opelousas and Great Western.	†October 9, 1856, between New Orleans and Brashear City.
Arkansas	Little Rock and Fort Smith	August 13, 1855, and, under the reviving act, May 13, 1867.
	Saint Louis, Iron Mountain and Southern.	January 17, 1855, and, under the reviving act, July 28, 1866,
	Memphis and Little Rock	August 18, 1855, and, under the reviving act, May 13, 1867.
Missouri	Hannibal and Saint Joseph	March 8, 1853, in the granted, and June 16, 1853, in the indemnity limits. (Grant fully adjusted.)
	Pacific and Southwestern Branch	1853. (Grant fully adjusted.)
	Saint Louis and Iron Mountain Extension.	‡April 7, 1870.
Iowa	Burlington and Missouri River	March 24, 1857. (See Supreme Court Reports, 9 Wallace, p. 80, Railroad Company *vs.* Fremont County.)
	Chicago, Rock Island and Pacific.	Survey in the field, which was from October 21, 1856, to March 2, 1857.
	Cedar Rapids and Missouri River.	Survey in the field, which was from September 1, 1856, to July 12, 1857.
	Dubuque and Sioux City	Survey in the field, which was from May 30 to August 31, 1856.
	Iowa Falls and Sioux City	Survey in the field, which was from May 30 to August 31, 1856.
	Chicago, Milwaukee and Saint Paul.	*August 19, 1864, from McGregor to section 12, township 95 north, range 35 west.

* Time taken as definite location from data on file in the General Land Office, subject, however, to correction upon receipt of evidence to the contrary.

† By the act of July 14, 1870, the lands granted west of Brashear City were declared forfeited to the Government, and have since been restored to homestead entry, excepting those falling within the limits of the grant of March 3, 1871, to the New Orleans, Baton Rouge and Vicksburg Railroad.

‡ The grant has never been accepted by the company, but the lands are still reserved, awaiting action by Congress.

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Table showing the time when the various railroad rights attached, &c.—Continued.

States.	Names of roads.	Dates.
Iowa	Chicago, Milwaukee and Saint Paul.	From that point to the southwest corner section 18, township 96 north, range 38 west, between November 30 and December 5, 1868, and from that point to a connection with the Saint Paul and Sioux City Road, between June 28 and 30, 1869, the dates of survey in the field.
	Sioux City and Saint Paul	Survey in the field, which was between September 27 and October 4, 1866.
Michigan	Jackson, Lansing and Saginaw	August 4, 1858.
	Flint and Pere Marquette	August 3, 1857.
	Grand Rapids and Indiana	November 17, 1857, between Grand Rapids and the Straits of Mackinac.
	Bay de Noquet and Marquette	March 15, 1856, between Grand Rapids and Fort Wayne, Indiana.
	Houghton and Ontonagon	December 1, 1857. (See Secretary's decision of April 12, 1859.—Lester.)
	Chicago and Northwestern	June 23, 1859.
Wisconsin	Wisconsin Central	September 7, 1869.
	Chicago and Northwestern	From Fond du Lac to the north boundary of the State survey in the field, which was between May 1, 1856, and October 16, 1857.
	Chicago, Saint Paul and Minneapolis.	July 13, 1857, from Tomah to Lake Saint Croix; March 23, 1865, to additional grant under act May 5, 1864.
	Madison and Portage	June 16, 1857.
	Wisconsin Railroad Farm Mortgage Company.	July 13, 1857.
	Saint Croix and Lake Superior, and branch to Bayfield.	November 2, 1857, entire main line, except between Prescott and the south line of township 34 north, which was from November 24 to December 8, 1857. Survey in the field.
		Branch line from survey in the field, which was between May 3 and June 10, 1858.
		April 22, 1865, to additional grant under act of May 5, 1864.
Minnesota	Saint Paul and Pacific	November 9, 1857, within 6-mile limits, and January 16, 1858, between 6 and 15 mile limits of the main line and branch to Crow Wing, and March 3, 1865, to additional grant under that act.
	Saint Paul, Minneapolis and Manitoba.	From survey in the field, which was between May 18 and September 21, 1871.
	Winona and Saint Peter	July 17, 1857, from Winona to the west line of township 110, range 31 west, in the 6-mile limits, and March 22, 1858, between the 6 and 15 mile limits.
		From that point to the west line of township 108, range 37 west, from survey in the field, which was in April, 1864. (See Secretary's decision of August 15, 1874.)
		January 19, 1867, from that point to the Big Sioux River, in Dakota Territory.
	Minnesota Central	To original grant, from survey in the field, which was between June 8 and July 25, 1857, and to additional grant under act of March 3, 1865, date of act.
	Saint Paul and Sioux City	From Saint Paul to section 28, township 106 north, range 34 west, survey in the field, which was from June 8 to October, 1857, in the 6-mile limits, and March 28, 1858, between the 6 and 15 mile limits.
		From that point to section 30, township 104 north, range 39 west, from October 31 to November 8, 1858, within both 6 and 15 mile limits.
		From that print to the southern boundary of Minnesota, June 29, 1866.
		To the additional grant under the act of May 12, 1864, from date of act where the road was already definitely located.
	Lake Superior and Mississippi	September 25, 1866.
	Hastings and Dakota	March 7, 1867.
	Southern Minnesota	From the Mississippi River to Houston, survey in the field, which was from July 21 to August 5, 1867.
		From Houston to section 22, township 104 north, range 8 west, July 4, 1866.
		From that point to section 2, township 103 north, range 18 west, January 1, 1867.
		From that point to section 21, township 104 north, range 37 west, November 29, 1866.

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Table showing the time when the various railroad rights attached, &c.—Continued.

States.	Names of roads.	Dates.
Minnesota	Southern Minnesota	From that point to section 4, township 104 north, range 39 west, October 24, 1866.
		From that point to the western boundary of the State, from survey in the field, which was between October 18 and 26, 1870.
Kansas	Missouri, Kansas and Texas	From Junction City to Humboldt, December 3, 1866.
		From Humboldt to Southern boundary of State, January 7, 1868.
	Leavenworth, Lawrence and Galveston.	November 15, 1866, from Lawrence to the north boundary of the Osage lands.
		November 26, 1867, to the southern boundary of Kansas.
	Saint Joseph and Denver City	March 21, 1870.
	Atchison, Topeka and Santa Fé	From Atchison to Emporia, survey in the field, which was from November 28, 1865, to January 13, 1866.
		From Emporia to Wichita, survey in the field, which was from May 18 to July 13, 1869.
		From the sixth principal meridian, near Newton, to section 27, township 23 south, range 5 west, September 23, 1871.
		From that point west to section 33, township 22 south, range 6 west, October 8, 1870.
		From that point west to the mouth of Pawnee Creek, in township 22 south, range 16 west, survey in the field, which was from June 21 to December 1, 1870.
		From that point to the west line of range 27 west, March 22, 1872.
		From that point to the western boundary of the State, May 30, 1872.
	CORPORATIONS.	
	Union Pacific	First one hundred miles west from Omaha, October 19, 1864.
		Second one hundred miles, June 20, 1866.
		From the 200th to the 380th mile post, November 23, 1866.
		From the 380th mile post to Brown's Summit (nearly to the 700th mile post), survey in the field, which was from April 1 to November 15, 1867.
		From Brown's Summit to Ogden, survey in the field, which was from May 1 to July 30, 1868.
		Withdrawal takes effect for the first hundred miles of road within 15-mile limits December 16, 1863, the date when the company filed their map of general route in the Department, and between the 15 and 20 mile limits July 2, 1864, date of additional grant. Withdrawal takes effect from the 100th mile post west from Omaha to Salt Lake City June 28, 1865, the date when the map of general route was filed in the Department. (See Secretary's decision of February 27, 1875.)
	Central Pacific	From Sacramento east to the south line of township 13 north, range 8 east, within ten miles of the road, June 2, 1863, and within twenty miles, July 2, 1864, date of act.
		*From that point to the east line of township 17 north, range 13 east, September 14, 1866.
		*From that point of the Big Bend of the Truckee River, in township 20 north, range 24 east, Nevada, October, 25, 1867.
		From that point to Humboldt Wells, December 18, 1866.
		From that point to Monument Point (head of Salt Lake), January 16, 1867.
		From that point to Ogden, July 18, 1868.
	Western Pacific	First twenty miles northward from San José, October 3, 1866.
		From that point to Sacramento, from survey in the field, which was between January 28 and December 15, 1868.
	Kansas Pacific	From the boundary line between Missouri and Kansas to section 17, township 11 south, range 18 east, Kansas, February 13, 1864.

*Time taken as definite location from data on file in the General Land Office, subject, however, to correction upon receipt of evidence to the contrary.

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Table showing the time when the various railroad rights attached, &c.—Continued.

Corporations.	Names of roads.	Dates.
	Kansas Pacific	From that point to Fort Riley, from survey in the field, which was between February 13, 1864, and February 18, 1865. From Fort Riley to the 405th mile post (Sheridan, Kans.), July 11, 1866. From that point to Denver City, from survey in the field, beginning June 29, 1869, and ending April 25, 1870, at the 635th mile post.
	Denver Pacific	March 3, 1869, date of act.
	Central Branch Union Pacific	January, 1864, within the 10-mile limits, and July 2, 1864, date of act, within the 20-mile limits.
	Burlington and Missouri River	June 15, 1865.
	Sioux City and Pacific	November 9, 1866, in Nebraska, and in Iowa, from survey in the field, which was between November 20 and December 7, 1866.
	Northern Pacific	From a junction with the Lake Superior and Mississippi Road, in Minnesota, to the Red River of the North, November 21, 1871. From the Red River of the North to the Missouri River, in Dakota Territory, May 26, 1873. From the Missouri River, in Dakota Territory, to the Little Missouri River, in said Territory, July 20, 1880, the date of filing map of definite location in General Land Office. From a point near Wallula, in Washington Territory, to a point near Spokane Falls, in said Territory, October 4, 1880. From the Little Missouri River, in Dakota Territory, to the Yellowstone River, at the mouth of Glendive Creek, Montana Territory, October 25, 1880. From Glendive Creek, Montana Territory, to the Tongue River, in said Territory, June 25, 1881, and from said Tongue River to the eastern boundary line of Crow Indian Reservation, in said Territory, June 25, 1881. From the eastern boundary line of Crow Reservation, in Montana Territory to the western boundary of said Crow Reserve, in said Territory, June 27, 1881. From Spokane Falls, in Washington Territory, to Lake Pend d'Oreille, in Idaho Territory, August 30, 1881. From Kalama, Washington Territory, north to Tenino, sixty-five miles, September 13, 1873. From Tenino to Tacoma, on Puget Sound, May 14, 1874. According to a decision of the Secretary of the Interior, dated March 22, 1873, the first withdrawal of lands takes effect from the acceptance of the map of general route by the Department, from which time settlement is excluded from the granted sections, and the alternate reserved sections are raised to $2.50 per acre. The first map of general route through Minnesota and a portion of Washington Territory was accepted August 13, 1870, subsequently amended in parts, both in Minnesota and Washington Territory. The map of general route through Dakota, Montana, Idaho, and a portion of Washington Territory was accepted February 21, 1872. The map of general route of the branch line in Washington Territory was accepted August 15, 1873, and the map of amended route of branch line was accepted June 11, 1879, but the withdrawal takes effect, so far as respects the lands affected by the change, from the receipt of the letters at the district offices.
	Atlantic and Pacific	From Springfield, Mo., to the western boundary of the State, December 17, 1866. From that point to the mouth of Kingfisher Creek, in Indian Territory, December 2, 1871. From that point to the eastern boundary of New Mexico, February 7, 1872. From that point to the eastern boundary of California, March 12, 1872. From San Francisco to San Miguel, Cal., March 12, 1872.

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Table showing the time when the various railroad rights attached, &c.—Continued.

Corporations.	Names of roads.	Dates.
	Atlantic and Pacific	Through the county of Los Angeles and part of San Bernardino, Cal., March 12, 1872. From San Miguel Mission to the Los Angeles County line, August 15, 1872. From a point in township 7 north, range 7 east, S. B. M., San Bernardino County, to the Colorado River, August 15, 1872.
	Texas Pacific	Road not yet definitely located. Lands withdrawn upon a preliminary line, withdrawal taking effect from date of receipt of the order at the district land offices, which was as follows: New Mexico Territory, December 4, 1871; Arizona Territory, December 26, 1871; California, October 15, 1871.
	New Orleans, Baton Rouge and Vicksburg.	Road not yet definitely located. Lands withdrawn upon a preliminary line, taking effect from date of receipt of the order at the district offices, which was as follows: Letter of November 29, 1871, received at New Orleans December 11, 1871; letter of November 29, 1871, received at Natchitoches December 20, 1871; letter of March 27, 1873, received at New Orleans April 3, 1873.
	Oregon Branch of the Central Pacific, formerly California and Oregon.	From Roseville (on the Central Pacific Railroad) to Salt Creek, in township 32 north, of range 5 west, September 13, 1867. From that point to north line of township 46 north, of range 5 west, August 5, 1871.
	Southern Pacific	First withdrawal became effective January 3, 1867, date of filing the map of general route in the General Land Office. (See Secretary's decision of April 23, 1875, in case of Alfred Queen, and decision of August 2, 1878, in Samuel Tome *et al.*) Withdrawal for branch line, under act of March 3, 1871, became effective April 3, 1871. Right of road attaches from the date of filing the maps of definite location in the General Land Office.
	Oregon and California	From Portland, Oreg., south to township 10 south, range 2 west, February 16, 1870. From that point to the south line of township 13 south, April 28, 1870. From that point to the south line of township 27 south, April 25, 1870. From that point to near the south line of township 30 south, April 13, 1871.
	Oregon Central	From Portland, Oreg., to the Yamhill River, near McMinnville, and from a junction near Forest Grove toward Astoria, twenty miles, May 29, 1871. From Astoria to Castor Creek, in the direction of Portland, January 31, 1872.

Official:

GENERAL LAND OFFICE,
June 30, 1882.

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RIGHT OF WAY GRANTED TO CERTAIN RAILWAY COMPANIES IN CERTAIN STATES AND TERRITORIES.

[See pages 285, 286, and 1263.]

Owing to alterations in, and changes of names of several railroad corporations, the correctod list to June 30, 1882, is given below:

Rights of way granted to railway companies in certain States and Territories.

States and Territories.	Date of laws.	Statutes.	Page.	Name of company.
Arizona	Mar. 3, 1875	18	482	Arizona and Nevada Railroad and Navigation.
	Mar. 3, 1875	18	482	Arizona Northern Railway.
	Mar. 3, 1875	18	482	Arizona Southern Railroad.
	Mar. 3, 1875	18	482	Colorado River and Silver District Railroad.
	Mar. 3, 1875	18	482	New Mexico and Arizona Railroad.
	Mar. 3, 1875	18	482	Southern Pacific Railroad.
	Mar. 3, 1875	18	482	Tucson and Gulf of California Railroad.
Arkansas	Mar. 3, 1875	18	482	Missouri, Arkansas and Southern Railroad.
	Mar. 3, 1875	18	482	Springfield and Memphis Railroad.
California	Mar. 3, 1875	18	482	Bodie Railway and Lumber.
	Mar. 3, 1875	18	482	Bodie and Benton Railway and Commercial.
	Aug. 4, 1852	10	28	California and Northern Railroad.
	Mar. 3, 1875	18	482	California Southern Railroad.
	Mar. 3, 1875	18	482	California Southern Extension Railroad.
	June20, 1874	18	130	Nevada County Narrow Gauge Railroad.
	Mar. 3, 1875	18	482	Salmon Creek Railroad.
	Mar. 3, 1875	18	482	San Francisco and Ocean Shore Railroad.
	Aug. 4, 1852	10	28	San Joaquin and Mount Diablo Railroad.
	Mar. 3, 1875	18	482	South Pacific Coast Railroad.
California and Nevada	Mar. 3, 1875	18	482	California Central Railway.
Colorado	June23, 1874	18	274	Arkansas Valley Railway.
	Mar. 3, 1875	18	482	Arkansas Valley and New Mexico Railway.
	Mar. 3, 1875	18	482	Baker's Park and Lower Animas Railroad.
	Mar. 3, 1875	18	482	Boulder, Left Hand and Middle Park Railroad and Telegraph.
	Mar. 3, 1875	18	482	Burlington and Colorado Railroad.
	Mar. 3, 1875	18	482	Cañon City and San Juan Railroad.
	Mar. 3, 1875	18	482	Colorado and New Mexico Railroad.
	Mar. 3, 1875	18	482	Colorado Western Railroad.
	Mar. 3, 1875	18	482	Denver and Middle Park Railway.
	Mar. 3, 1875	18	482	Denver and New Orleans Railroad.
	Mar. 3, 1875	18	482	Denver, Rollinsville and Western Railroad.
	Mar. 3, 1875	18	482	Denver, Salt Lake and Western Railroad.
	Mar. 3, 1875	18	482	Denver Southern Railway.
	Mar. 3, 1875	18	482	Denver, South Park and Leadville Railroad.
	Mar. 3, 1875	18	482	Denver, South Park and Pacific Railroad.
	Mar. 3, 1875	18	482	Denver, Utah and Pacific Railroad.
	Mar. 3, 1875	18	482	Denver, Western and Pacific Railway.
	Mar. 3, 1875	18	482	Gray's Peak, Snake River and Leadville Railroad.
	Mar. 3, 1875	18	482	Greeley, Bear River and Pacific Railroad.
	Mar. 3, 1875	18	482	Greeley, Grand River and Gunnison Railroad.
	Mar. 3, 1875	18	482	Greeley, Salt Lake and Pacific Railway.
	Mar. 3, 1875	18	482	Longmont, Middle Park and Pacific Narrow Gauge Railway.
	Mar. 3, 1875	18	482	Monarch Pass, Gunnison and Dolores Railway.
	Mar. 3, 1875	18	482	Mount Carbon, Gunnison and Lake City Railroad.
	Mar. 3, 1875	18	482	North Park and Grand River Valley Railroad.
	Mar. 3, 1875	18	482	Pueblo and Arkansas Valley Railroad.
	Mar. 3, 1875	18	482	Pueblo and Salt Lake Railway.
	Mar. 3, 1875	18	482	Pueblo and Silver Cliff Railway.
	Mar. 3, 1875	18	482	Saint Vrain Railroad.
	Mar. 3, 1875	18	482	Spanish Range Railway.
	Mar. 3, 1875	18	482	Upper Arkansas, San Juan and Pacific Railroad.
	Mar. 3, 1875	18	482	Wet Mountain Valley Railroad.
Colorado and New Mexico.	June 8, 1872	17	339	Denver and Rio Grande Railway.
	Mar. 3, 1875	18	482	Do.
	Mar. 3, 1875	18	516	Do.
	Mar. 3, 1877	19	405	Do.

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Rights of way granted to railway companies, &c.—Continued.

States and Territories.	Date of laws.	Statutes.	Page.	Name of company.
Colorado and Wyoming	Mar. 3, 1875	18	482	Colorado Central Railroad.
Dakota	Mar. 3, 1875	18	482	Bear Butte and Deadwood Railroad.
	Mar. 3, 1875	18	482	Black Hills Railroad.
	Mar. 3, 1875	18	482	Casselton Branch Railroad.
	Mar. 3, 1875	18	482	Central City, Deadwood and Eastern Railroad.
	Mar. 3, 1875	18	482	Chicago, Milwaukee and Saint Paul Railway.
	Mar. 3, 1875	18	482	Dakota Central Railway.
	June 1, 1872	17	202	Dakota Grand Trunk Railway.
	May 27, 1872	17	162	Dakota Southern Railroad.
	Mar. 3, 1875	18	482	Dakota Railroad.
	Mar. 3, 1875	18	482	Deadwood and Redwater Valley Railway.
	Mar, 3, 1875	18	482	Fargo and Southwestern Railroad.
	Mar. 3, 1875	18	482	Saint Paul, Minneapolis and Manitoba Railway.
	Mar. 3, 1875	18	482	Saint Paul and Sioux City Railway.
Dakota	Mar. 3, 1875	18	482	Sioux Falls Railroad.
	Mar. 3, 1875	18	482	Travare and Jamestown Railroad.
Florida	June 4, 1872	17	224	Great Southern Railway.
	June 7, 1872	17	280	Jacksonville and Saint Augustine Railroad.
Florida and Alabama	Mar. 3, 1875	18	509	Jacksonville, Pensacola and Mobile Railroad.
	June 8, 1872	17	340	Pensacola and Louisville Railroad.
	Mar. 3, 1875	18	482	West Florida and Mobile Railroad.
Idaho	Mar. 3, 1875	18	482	Idaho, Clearwater and Montana Transportation.
Iowa	June 4, 1872	17	220	Davenport and Saint Paul Railroad.
Kansas	Mar. 3, 1875	18	482	Saint Louis, Wichita and Western Railway.
	Mar. 3, 1875	18	482	Southern Kansas and Western Railroad.
Louisiana	Mar. 3, 1875	18	482	Louisiana Western Railroad.
Michigan	Mar. 3, 1875	18	482	Detroit, Mackinac and Marquette Railroad.
	Mar. 3, 1875	18	482	Menominee River Railroad.
Minnesota	Mar. 3, 1875	18	482	Barnesville and Moorhead Railway.
	Mar. 3, 1875	18	482	Chicago and Dakota Railway.
	Mar. 3, 1875	18	482	Minneapolis and Saint Cloud Railroad.
	Mar. 3, 1875	18	482	Saint Cloud and Lake Traverse Railway.
Minnesota and Dakota	Mar. 3, 1875	18	482	Worthington and Sioux Falls Railroad.
	Apr. 2, 1878	20	32	Do.
Missouri	Mar. 3, 1875	18	482	Kansas City, Springfield and Memphis Railroad.
Montana	Mar. 3, 1875	18	482	Montana Railway.
	Mar. 3, 1875	18	482	Rocky Mountain Railroad.
Nebraska	Mar. 3, 1875	18	482	Fremont, Elkhorn and Missouri Valley Railroad.
	Mar. 3, 1875	18	482	Omaha and Republican Valley Railroad.
	Mar. 3, 1875	18	482	Republican Valley Railroad.
Nevada	Mar. 3, 1875	18	482	Eureka and Colorado River Railroad.
	Mar. 3, 1875	18	482	Eureka and Palisade Railroad.
	Mar. 3, 1875	18	482	Nevada Central Railway.
	Mar. 3, 1875	18	482	Nevada Midland Railroad.
Nevada	Mar. 3, 1875	18	482	Nevada Southern Railway (first division).
Nevada and California	Mar. 3, 1875	18	482	Carson and Colorado Railroad.
Nevada and Oregon	Mar. 3, 1875	18	482	Oregon Central Railway.
New Mexico	June 8, 1872	17	343	New Mexico and Gulf Railway.
	Mar. 3, 1875	18	482	New Mexico and Southern Pacific Railroad.
	Mar. 3, 1875	18	482	Rio Grande, Mexico and Pacific Railroad.
	Mar. 3, 1875	18	482	Southern Pacific Railroad.
	Mar. 3, 1875	18	482	Texas, Santa Fé and Northern Railroad.
Oregon	Mar. 3, 1875	18	482	Blue Mountain and Columbia River Railroad.
	Mar. 3, 1875	18	482	Roseburg and Port Orford Railroad.
Oregon, Idaho, and Utah	Apr. 12, 1872	17	52	Portland, Dalles and Salt Lake Railroad.
	Mar. 3, 1875	17	612	
Oregon and Washington	Mar 3, 1875	18	482	Oregon Railway and Navigation.
Utah	Mar. 3, 1875	18	482	Bingham Cañon and Camp Floyd Railroad.
	Mar. 3, 1875	18	482	Denver and Rio Grande Western Railway.
	Mar. 3, 1875	18	482	Echo and Park City Railway (successor to Summit County Railroad).
	Mar. 3, 1875	18	482	Ogden and Wyoming Railway.
	Mar. 3, 1875	18	482	Salt Lake and Park City Railway.
	Mar. 3, 1875	18	482	San Pete Valley Railroad.
	Mar. 3, 1875	18	482	Sevier Valley Railway.
	Mar. 3, 1875	18	482	Utah and Pleasant Valley Railway.
	Mar. 3, 1875	18	482	Utah and Nevada Railway.
	Mar. 3, 1875	18	482	Utah and Wyoming Railway.
	Mar. 3, 1875	18	482	Utah Central Railroad and Pleasant Valley Branch.
	Mar. 3, 1875	18	482	Utah Eastern Railroad.
	Mar. 3, 1875	18	482	Utah Southern Railroad.
	Mar. 3, 1875	18	482	Utah Southern Railroad Extension.
	Mar. 3, 1875	18	482	Utah Western Railroad.
	Mar. 3, 1875	18	482	Wasatch and Jordan Valley Railroad.
Utah, Idaho, and Montana	June 1, 1872	17	212	Utah, Idaho and Montana Railroad.
	Mar. 3, 1873	17	612	Utah Northern Railroad—Utah and Northern Railway.
	June 20, 1878	20	241	

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Rights of way granted to railway companies, &c.—Continued.

States and Territories.	Date of laws.	Statutes.	Page.	Name of company.
Utah and Nevada	Mar. 3, 1875	18	482	Salt Lake and Western Railway.
Washington	Mar. 3, 1875	18	482	Columbia and Puget Sound Railroad.
	Mar. 3, 1875	18	482	Seattle and Walla Walla Railroad.
	Mar. 3, 1869	15	325	Walla Walla and Columbia River Railroad.
	Mar. 3, 1873	17	613	
	Mar. 3, 1875	18	482	
Wisconsin	Mar. 3, 1875	18	482	Chicago, Saint Paul, Minneapolis and Omaha Railroad.
	Mar. 3, 1875	18	482	Menominee Railway.
	Mar. 3, 1875	18	482	Wisconsin Central Railroad.
Wyoming	Mar. 3, 1875	18	482	Evanston and Montana Railroad.
	Mar. 3, 1875	18	482	Laramie, North Park and Pacific Railroad.
	Mar. 3, 1875	18	482	Utah and Wyoming Railroad.
	Mar. 3, 1875	18	482	Wyoming Central Railroad.
Wyoming and Colorado	Mar. 3, 1875	18	482	Denver, Yellowstone and Pacific Railway.
Wyoming, Utah, Idaho, and Oregon.	Mar. 3, 1875	18	482	Oregon Short Line Railway.

Official:

GENERAL LAND OFFICE.

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OPERATIONS OF LAND DEPARTMENTS OF LAND-GRANT

Operations of land departments of land-

Number.	Name of railroad.	Date of land-grant act.	Number of miles covered by grants.	Number of sections per mile granted.	Number of acres patented to June 30, 1878.
1	Union Pacific R. R. Co	July 1, 1862 July 2, 1864	1038 $\frac{888}{1000}$	10 and 20	1,859,474.59
2	Central Pacific R. R. Co	July 1, 1862 *a*July 2, 1864 *b*July 25, 1866	737.5 123.16 291	10 and 20 10 and 20 10	1,117,037.17 550,644.76
3	Kansas Pacific R. W. Co	July 1, 1862 July 2, 1864	398 $\frac{8425}{10000}$ 244 $\frac{8875}{10000}$	10 and 20	772,119.64
4	Denver Pacific R. W. & T. Co	July 1, 1862 July 2, 1864 Mar. 3, 1869	106	20	49,811.59
5	Central Branch U. P. R. R. Co	July 1, 1862 *c*July 2, 1864	100	10 and 20	186,453.28
6	Sioux City & Pacific R. R. Co	July 1, 1862 July 2, 1864	101.77	10	41,318.23
7	Texas and Pacific R. W. Co	Mar. 3, 1871	870	10 in Cal'a. 20 in Ter's.	None.
8	Southern Pacific R. R. Co	July 27, 1866	942	10 in States. 20 in Ter's.	980,757.50
9	Northern Pacific R. R. Co	July 2, 1864	1800	10 in States. 20 in Ter's.	743,493.44
10	St. Louis & San Francisco R. W. Co	June 10, 1852 July 27, 1866	293	6	504,365.32
11	Atlantic & Pacific R. R. Co	Mar. 3, 1871	33	10 in States. 20 in Ter's.	None.
12	Burlington & Mo. Riv. R. R. Co. in Nebr.	July 2, 1864	190 $\frac{14}{100}$	20	2,374,090.77
13	Oregon & California R. R. Co	July 25, 1866	200	20	322,462.40
14	Oregon Central R. R. Co	May 4, 1870	47.5	20	None.
15	New Orleans, B. R. & V. R. R. Co	Mar. 3, 1871	.....	.....	None.
16	Hannibal & St. Joseph R. R. Co	June 10, 1852	206.41	6	603,506.34
17	St. Louis, I. M. & S. R. W. Co	*d*Feb. 9, 1853 July 4, 1866 *d*July 28, 1866	304 210	10	1,383,614.66
18	Little Rock & Fort Smith R. W. Co	Feb. 9, 1853 July 28, 1866	168	6	916,716.44
19	Memphis & L. R. R. R. Co	Feb. 9, 1853 July 28, 1866	133	5 and 15	141,844.70
20	Missouri, Kansas & Texas R. W. Co	Mar. 3, 1863 July 1, 1864 July 20, 1866	577	10	658,068.13
21	Atchison, Topeka & S. F. R. R. Co	Mar. 3, 1863	471	10	2,474,686.47
22	Leavenworth, Law. & Gal. R. R. Co	Mar. 3, 1863	144.16	10	256,281.66
23	Mo. Riv., Ft. Scott & G. R. R. Co	July 25, 1866	157.5	10	.....
24	St. Joseph & Western R. R. Co	July 23, 1866	115 112	10	441,158.25
25	Chi., Bur. & Quincy R. R. Co	May 15, 1856 June 2, 1864	279	6	388,817.35
26	Chi., Rock Island & Pacific R. R. Co	May 15, 1856 June 2, 1864	309	6	643,307.17
27	Cedar Rapids & Mo. River R. R. Co	May 15, 1856 June 2, 1864	271.06	6	1,140,493.53
28	Dub. & Sioux City R. R. Co	May 15, 1856 June 2, 1864	142.89	6	549,345.41
29	I. F. & Sioux City R. R. Co	May 15, 1856 June 2, 1864	183.69	6	683,023.80
30	Sioux City & St. P. R. R. Co	May 12, 1864	122.35	6	407,910.21
31	St. Paul & S. C. R. R. Co	Mar. 3, 1857 May 12, 1864	121.27	6	1,199,849.07
32	Chi., Mil. and St. P. R. W. Co	.....	.....	.....	.....
	McG. & Mo. Riv. R. R	May 12, 1864	150	10	138,284.69
	Minn. Cen. R. R	Mar. 3, 1857	110	6 and 10	179,736.01
	Hastings & Dak. R. R	July 4, 1866	75	10	169,790.81
	La Crosse & Mil. R. R	.....	.....	.....	.....
33	Wisconsin Central R. R. Co	May 5, 1864	249.3	10	546.486.05
34	Chi., St. P. & Minn. R. R. Co	June 3, 1856 May 5, 1864	177.5	6 and 10	802,816.89

a Western Pacific. *b* Oregon Branch Central Pacific.

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RAILROADS FOR THE YEARS 1878, 1879, 1880, 1881, AND 1882.

grant railroads to November 1, 1878.

Average price in 1877 per acre.	Acres sold.	Land sold during the year.				Acres reclaimed by United States.	Number of acres unsold.
		Ending—	Number of acres sold.	Average price per acre.	Amount.		
$4 98	To Dec. 31, 1877 1,318,279.80	Dec. 31, 1877	69,015.87	$4 98	$343,768 02	.....	10,764,947.00
e7 54	To Dec. 31, 1876 448,502.54	Dec. 31, 1877	92,647.35	12 99	1,203,870 14	Or. Br. 160.00	11,300,000.00
3 30	.....	Dec. 31, 1877	57,054.29	3 93	224,497 37	.....	4,803,933.00
5 25	.....	Dec. 31, 1877	26,101.56	5 25	136,963 89	.....	950,000.00
From 2 to 6	.....	.....	.....	.....	.....	.....	116,165.00
.....	.....	.....	.....	.....	.....	320.00	.....
2 76	.....	Mar. 31, 1878	4,292.53	2 76	11,858 00	.....	18,000,000.00
e4 56	To June 30, 1877 192,661.68	June 30, 1877	90,007.70	4 06	365,810 80	.....	12,061,206.00
4 50	To Aug. 31, 1876 921,902.00	Aug. 31, 1878	749,633.00	4 51	3,379,432 32	80.00	.....
5 87	To Dec. 31, 1877 618,482.99	Dec. 31, 1877	38,870.26	5 28	205,291 58	.....	915,654.00 Dec. 31, 1877
.....	.....	.....	.....	.....	.....	.....	.....
f7 32	To Dec. 31, 1873 527,427.74	.....	.....	.....	.....	240.00	.....
.....	.....	.....	.....	.....	.....	1,086.28	3,000,000.00
.....	.....	.....	.....	.....	.....	.....	1,200,000.00
.....	.....	.....	.....	.....	.....	.....	.....
6 13	.....	.....	.....	.....	.....	.....	90,665.00 Jan. 1, 1878
3 83	.....	Dec. 31, 1877	35,295.37	4 43	156,512 75	281.91	.....
.....	.....	.....	.....	.....	.....	280.00	.....
.....	.....	.....	.....	.....	.....	.....	.....
2 23	.....	Dec. 31, 1877	76,694.00	2 23	170,758 65	.....	.....
5 25	Dec. 31, 1877 643,598.57	.....	.....	.....	.....	.....	.....
e3 88	Dec. 31, 1876 121,958.39	.....	.....	.....	.....	.....	120,391.02 Jan. 1, 1877
5 36	Dec. 31, 1877 386,287.77	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
12 13	Dec. 31, 1877 3,565.78	.....	.....	.....	.....	815.63	41,230.32 Dec. 31, 1877
8 38	.....	.....	.....	.....	.....	360.00	.....
.....	.....	.....	.....	.....	.....	1,065.74	.....
.....	.....	.....	.....	.....	.....	.....	55.914.45 Dec. 31, 1876
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	363.60	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	154.18	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	1,147.49	.....
.....	.....	.....	.....	.....	.....	140.00	.....

c Union Pacific Railroad Company. *d* Cairo and Fulton. *e* 1876. *f* 1873.

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Operations of land departments of land-grant

Number.	Name of railroad.	Date of land-grant act.	Number of miles covered by grants.	Number of sections per mile granted.	Number of acres patented to June 30, 1878.
35	North Wisconsin R. R. Co	June 3, 1856 May 5, 1864	42. 5	6 and 10	843, 497. 58
36	Winona & St. Peter R. R. Co	Mar. 3, 1865	327	6 and 10	1, 665, 078. 38
37	Southern Minn. R. W. Co	July 4, 1866	167. 5	10	285, 403. 84
38	St. Paul & Duluth R. R. Co	May 5, 1864 July 13, 1866	156	10	860, 564. 09
39	St. P. & Pac. R. R. Co., I. Div	Mar. 3, 1857 July 12, 1862	207	10	1, 248, 184. 18
40	St. P. & Pac. R. R. Co., I. Div. Br. L	Mar. 3, 1865	76	6 and 10	537, 842 42
41	St. P. & Pac. R. R. Co., St. V. Exten	Mar. 3, 1871	104	6 and 10	780, 291. 75
42	Vicksburg. Shreveport & Tex. R. R. Co	June 3, 1856	72	.....	353, 211. 70
43	Morgans' Louis. & Tex. R. R	June 3, 1856	80	.....	51, 452. 03
44	Missouri Pacific R. R. Co	June 10, 1852	37	6	1, 161, 204. 51
45	Stillwater & St. P. R. R. Co	Mar. 3, 1857 Mar. 3, 1865	.....	.....	.....
46	St. P., Stillwater & T. F. R. R. Co	Mar. 3, 1857 Mar. 3, 1865	.....	.....	.....

OFFICE AUDITOR OF RAILROAD ACCOUNTS, *November* 1, 1878.

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railroads to November 1, 1878—Continued.

Average price in 1877 per acre.	Acres sold.	Land sold during the year.				Acres reclaimed by United States.	Number of acres unsold.
		Ending—	Number of acres sold.	Average price per acre.	Amount.		
.....	.....	.....	.....	.....	.....	180.00	.....
$4 79	.....	May 31, 1878	92,141.71	$4 79	$441,728 53	4,167.61	1,158,901.15 May 31, 1878
7 69	.....	Dec. 31, 1877	721.17	7 69	5,549 50	780.92	153,408.61 Dec. 31, 1877
*a*4 07	.....	May 31, 1878	5,210.84	4 58	23,889 81	291.00	.....
.....	.....	.....	.....	.....	.....	308.46	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....

a 1878.

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Operation of the land departments of

Name of railroad company.	Date of original land-grant act.	Date of amendatory land-grant acts.	Number of miles covered by grants.	Number of sections per mile granted.	Estimated number of acres covered by grants.
Union Pacific	July 1, 1862	July 2, 1864	1,038.$\frac{880}{1000}$	20	12,000,000
Central Pacific (from Sacramento, eastward).	July 1, 1862	July 2, 1864	737.5	20	8,000,000
Central Pacific (Western Pacific)	July 1, 1862	July 2, 1864	123.16	20	1,100,000
Central Pacific (Oregon Branch)	July 25, 1866	.....	291.	10	3,000,000
Kansas Pacific	July 1, 1862	July 2, 1864	638.6	20	6,000,000
Central Branch, U. P	July 1, 1862	July 2, 1864	100.	20	245,166
*a*Sioux City and Pacific	July 1, 1862	July 2, 1864	101.77	10	600,000
Burlington and Missouri River	July 2, 1864	.....	190.14	20	2,441,600
Denver Pacific	July 1, 1862	Mar. 3, 1869	106.	20	1,100,000
Southern Pacific	July 27, 1866	.....	942.	10 in States. 20 in Ter.	9,520,000
Northern Pacific	July 2, 1864	.....	1,800.	20 in States. 40 in Ter.	47,009,000
Atlantic and Pacific	July 27, 1866	Mar. 3, 1871	203.	10 in States. 20 in Ter.	42,000,000
Saint Louis and San Francisco	June 10, 1852 July 27, 1866	Mar. 3, 1871	1,440.	6	.....
Oregon and California	July 25, 1866	.....	200.	20	3,500,000
Oregon Central	May 4, 1870	.....	47.5	20	1,200,000
Hannibal and Saint Joseph	June 10, 1852	.....	206.41	6	781,944.83
Missouri Pacific	June 10, 1852	.....	37.	6	1,161,235.07
Saint Louis and San Francisco	June 10, 1852 July 27, 1866	Mar. –, 1871	1,440.	6	42,000,000
Saint Louis, Iron Mountain and Southern	Feb. 9, 1853	July 4, 1866 July 28, 1866	514.	10	4,106,647.31
Little Rock and Fort Smith	Feb. 9, 1853	July 28, 1866	168.	6	1,009,296.34
Memphis and Little Rock	Feb. 9, 1853	July 28, 1866	133.	5, 15	804,185.80
Missouri, Kansas and Texas	Mar. 3, 1863	July 1, 1864 July 20, 1866	577.	10	1,520,000
Atchison, Topeka and Santa Fé	Mar. 3, 1863	.....	471.	10	3,000,000
Kansas City, Lawrence and Southern	Mar. 3, 1863	.....	144.16	10	800,000
Saint Joseph and Western	July 23, 1866	.....	227.	10	1,700,000
Chicago, Burlington and Quincy	May 15, 1856	June 2, 1864	279.	6	948,643.66
Chicago, Rock Island and Pacific	May 15, 1856	June 2, 1864	309.	6	1,261,181
*b*Cedar Rapids and Missouri River	May 15, 1856	June 2, 1864	271.06	6	1,298,739
Dubuque and Sioux City	May 15, 1856	June 2, 1864	142.89	6	1,226,163.05
Iowa Falls and Sioux City	May 15, 1856	June 2, 1864	183.69	6	
Sioux City and Saint Paul	May 12, 1864	.....	122.35	6	524,800
Saint Paul and Sioux City	Mar. 3, 1857	May 12, 1864	121.27	6	1,010,000
Chicago, Milwaukee and Saint Paul	Mar. 3, 1857	May 12, 1864 July 4, 1866	335.	10	2,729,403
Wisconsin Central	May 5, 1864	.....	249.3	10	1,800,000
Chicago, Saint Paul and Minneapolis	June 3, 1856	May 5, 1864	177.5	10	999,983.38
North Wisconsin	June 3, 1856	May 5, 1864	42.5	10	1,408,452.69
Winona and Saint Peter	Mar. 3, 1865	.....	327.	10	1,410,000
Southern Minnesota	July 4, 1866	.....	167.05	10	735,000
Saint Paul and Duluth	May 5, 1864	July 13, 1866	156.	10	920,000
Saint Paul, Minneapolis and Manitoba	Mar. 3, 1857	July 12, 1862 Mar. 3, 1865 Mar. 3, 1871	387.	10	4,723,638.95
Stillwater and Saint Paul	Mar. 3, 1857	Mar. 3, 1865	.....	10	.....
Saint Paul, Stillwater and Taylor's Falls	Mar. 3, 1857	Mar. 3, 1865	.....	.....	.....
Vicksburg, Shreveport and Texas	June 3, 1856	.....	72.	10	610,880
Morgan's Louisiana and Texas	June 3, 1856	.....	80.	10	967,840

*a*All lands, lots, and assets of this road were sold April 15, 1875, to the Missouri Valley Land Company for $200.000.

OFFICE AUDITOR OF RAILROAD ACCOUNTS, *November* 1, 1879.

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land-grant railroads, November 1, 1879.

Number of acres patented to June 30, 1879.	Total acres sold to Dec. 31, 1878.	Total amount received for lands sold.	Average price per acre.	Estimated number of acres granted and remaining unsold.	Lands sold during the year—			
					Ending—	Acres.	Average price per acre.	Amount.
1, 859, 474. 59	1, 539, 296. 98	$7,794,174 15	$5 07	10, 460, 703. 02	Dec. 31, 1878	318, 903. 47	$4 88	$1,557,082 32
694, 318. 99	June30, 1879 635, 424. 91	3,007,802 03	6 20⅞	11, 464, 575. 09	Dec. 31, 1878	78, 100. 13	8 24	643, 776 71
424, 727. 58								
550, 644. 76								
815, 880. 01	June30, 1879 1, 430, 517. 31	2,850,334 79	1 97	4, 569, 482. 69	Dec. 31, 1878	207, 938. 03	3 38	702, 830 56
186, 453. 28								
41, 318. 23								
2, 374, 090. 77				38, 966. 77	Dec. 31, 1878	514, 098. 00		2, 650, 511 00
49. 811. 59	191, 652. 05	873, 537 75	4 56	908, 347. 95	Dec. 31, 1878	34, 523. 47	3 75	130, 902 50
1, 046, 370. 65	274, 882, 27	647, 885 27	2 35	9, 245, 117. 73	18 mos. ending Dec. 31, 1878.	27, 920. 18	5 98	183, 733 20
743, 493. 44	June 30,1879 2, 312, 129. 00			44, 687, 871. 00				
None.								
504, 365. 32	215, 747. 33			41, 784, 252. 67	Dec. 31, 1878	10, 510. 30	2 89	30, 372 96
322, 462. 40								
None.								
603, 506. 34								
1, 161, 204. 51								
504, 365. 32				Same as	above			
1, 383, 614. 66	June 30,1879 199, 066. 01	571, 532 31	2 87	3, 907, 581. 30	June 30, 1879	25, 347. 63	2 47	63, 153 82
916, 716. 44								
141, 844. 70					Dec. 31, 1878	3, 033. 97	2 02	6, 074 40
658, 068. 13					Dec. 31, 1878	97, 122. 00	2 21	214, 864 28
2, 474, 686. 47	865, 161. 68	6, 769, 570 23	7 82	2, 134, 838. 32	Dec. 31, 1878	267, 282. 00	4 52	1, 207, 615 64
256, 281. 66								
453, 011. 85								
388, 817. 35		5, 428, 156 42			Dec. 31, 1868	9, 707. 63	13 60	132, 098 99
643, 307. 17	June 30,1878 213, 923. 92	1,907,838 38		1, 027, 257. 08				
1, 140, 493. 53								
550, 347. 96	292, 228. 31	1, 502, 780 32	5 14		Dec. 31, 1878	18, 693. 63	9 42	176, 180 86
683, 023. 80								
407, 910. 21	198, 455. 00	1, 293, 769 76	6 51	326, 345. 00	Dec. 31, 1878	54, 263. 00	7 11	388, 498 00
1, 596, 847. 87	196, 355. 28	1, 346, 169 40	5 27	813, 644. 72	Dec. 31, 1878	97, 050. 50	6 82	661, 819 14
487, 811. 51	148, 857. 00			2, 580, 546. 00	Dec. 31, 1878	7, 634. 00	4 17	31, 833 78
575, 844. 56	44, 112. 49	83, 612 42	1 89	1, 755, 887. 51	Dec. 31, 1878	18, 157. 07	1 82	33, 098 03
902, 816. 89	329, 055. 18			670, 928. 20	8 mos. ending Dec. 31, 1878.	52, 270. 51	2 91	152, 201 52
843, 497. 56								
1, 668, 007. 90	Dec. 31, 1877 271, 996. 00			1, 396, 011. 90	May 31, 1879	51, 704. 73	3 90	201, 872 24
285, 403. 84				143, 680. 38	Dec. 31, 1878	4, 252. 05	6 78	28, 872 32
860, 564. 09	May 31, 1879 17, 734. 02			902, 265. 98	May 31, 1879	12, 523. 18	4 56	55, 110 49
2, 688, 085. 36	Dec. 31, 1877 458, 865. 00	3,651,641 00	7 94	4, 264, 773. 95	Dec. 31, 1877	39, 327. 00	4 13	368, 920 51
					Dec. 31, 1877	None sold		
	5, 948. 73	30, 917 06	5 19	38, 297. 54	Dec. 31, 1878	4, 729. 95	5 19	24, 523 77
353, 211. 70								
719, 193. 79								

*b*All lands sold for $800,000 to the Iowa Railroad Land Company on September 15, 1879.

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Operations of land departments of land-

Name of railroad company.	Date of original land-grant act.	Date of amendatory land-grant act.	Number of miles covered by grants.	Number of sections per mile granted.	Estimated number of acres granted.
Union Pacific (main line)	July 1, 1862	July 2, 1864	1,038.68	20	12,000,000
Kansas Division (late Kansas Pacific)	July 1, 1862	July 1, 1864	638.6	20	6,000,000
Denver Division (late Denver Pacific)	July 1, 1862	Mar. 3, 1869	106	20	1,100,000
Central Branch Union Pacific	July 1, 1862	July 2, 1864	100	20	245,166
Central Pacific (east from Sacramento)	July 1, 1862	July 2, 1864	737.5	20	7,997,600
Western Pacific	July 1, 1862	July 2, 1864	123.16	20	1,100,000
Oregon Beach	July 25, 1866	.....	291	20	3,724,890
Sioux City and Pacific *a*	July 1, 1862	July 2, 1864	101.77	10	41,318.23
Northern Pacific	July 2, 1864	May 31, 1870	2,317	20 *b* 40 *c*	42,000,000
Southern Pacific	July 27, 1866	Mar. 3, 1871	934.70	20	11,964,160
Missouri Pacific	June 10, 1852	.....	37	6	1,161,235.07
Saint Louis and San Francisco	June 19, 1852	.....	203	6	
Atlantic and Pacific	July 27, 1866	.....	1,755.70	20 *b* 40 *c*	49,244,803.26
Burlington and Missouri River	July 2, 1864	.....	190.5	20	2,441,000
Cedar Rapids and Missouri River *d*	May 15, 1856	June 2, 1864	271.6	6	1,298,730
Hannibal and Saint Joseph	June 10, 1852	.....	206.41	6	781,944.83
Saint Joseph and Western	July 23, 1866	.....	227	20	1,700,000
Oregon and California	July 25, 1866	.....	200	20	3,840,000
Oregon Central	May 4, 1870	.....	47.5	10	100,000
Saint Louis, Iron Mountain and South'n	Feb. 9, 1853	July 4, 1866 July 28, 1866	514.	10	4,106,647.30
Memphis and Little Rock	Feb. 9, 1853	July 28, 1866	133	10	804,185.80
Little Rock and Fort Smith	Feb. 9, 1853	July 28, 1866	165.16	10	1,009,296.34
Missouri, Kansas, and Texas	Mar. 3, 1863	July 1, 1864 July 26, 1866	183.2	10	1,520,000
Kansas City, Lawrence and Southern	Mar. 3, 1863	.....	143.22	10	800,000
Atchison, Topeka and Santa Fé	Mar. 3, 1863	.....	470.58	10	3,005,870
Chicago, Burlington and Quincy	May 15, 1856	June 2, 1864	279	6	948,643
Chicago, Rock Island and Pacific	May 15, 1856	June 2, 1864	317	6	1,261,181
Chicago, Milwaukee and Saint Paul	Mar. 3, 1857	May 12, 1864 July 4, 1866	335	10	2,727,403
Southern Minnesota	July 4, 1866	.....	167.05	10	735,000
Chicago, Saint Paul, Minneapolis and Omaha	June 3, 1856	May 5, 1864	177.5	10	999,983.38
Saint Paul and Sioux City	Mar. 3, 1857	May 12, 1864	121.27	10	1,199,849.07
Sioux City and Saint Paul	May 12, 1864	.....	122.35	10	551,148.57
North Wisconsin	June 3, 1856	May 5, 1864	42.5	10	1,408,452.69
Iowa Falls and Sioux City	May 15, 1856	June 2, 1864	183.69	6	1,226,163.05
Dubuque and Sioux City	May 15, 1856	June 2, 1864	142.89	6	
Wisconsin Central	May 5, 1864	.....	256.37	10	1,800,000
Winona and Saint Peter	Mar. 3, 1857	Mar. 3, 1865	323.22	10	1,852,989
Saint Paul, Minneapolis aad Manitoba	Mar. 3, 1857	July 12, 1862 Mar. 3, 1865 Mar. 3, 1871	387	10	4,723,638.95
Saint Paul and Duluth	May 5, 1864	July 13, 1866	156	10	920,000
Stillwater and Saint Paul	Mar. 3, 1857	Mar. 3, 1865	13	10	.....
Saint Paul, Stillwater and Taylor Falls	Mar. 3, 1857	.....	18	10	.....
Vicksburg, Shreveport and Pacific	June 3, 1856	Forfeited by act of July 15, 1870.	93	6	610,880
Morgan's Louisiana and Texas	June 3, 1856		80	6	967,840
			14,351.12	.....	179,922,528.54

a All lands, lots, and land assets of this road were sold April 15, 1875, to the Missouri Valley Land Company for $200,000.
b In States.
c In Territories.
d All lands sold for $800,000 to the Iowa Roilroad Land Company on September 15, 1869.

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grant railroads to November 1, 1880.

Number of acres patented to June 30, 1880.	Total sales of lands.				Estimated quantity of acres of granted land remaining unsold.	Estimated value of unsold lands.
	Date.	Acres.	Amount.	Average per acre.		
1, 859, 474. 59	Dec. 31, 1879	1, 568, 438. 62	$7, 432, 534 98	$4 73	10. 431, 561. 38	$10, 431, 561 38
828, 830. 44	June 30, 1880	1, 433, 953. 32	4, 266, 589 32	2 98	4, 566, 046. 68	10, 415, 116 70
49, 811. 59	June 20, 1880	164, 604. 78	732, 067 71	4 45	935, 395. 32	2, 238, 487 05
187, 607. 99	Mar. 31, 1877	70, 287, 53	327, 425 41	4 66	174, 784. 70	1, 748, 784 70
708, 862. 17 424, 727. 58 1, 338, 039. 27	June 30, 1880	726, 534. 54	4, 324, 888 70	5 95	10, 995, 865. 46	10, 995, 865 46
41, 318. 23	Apr. 15, 1875	41, 318. 23	200, 000 00	5 00	.....	.....
746, 509. 52	June 30, 1880	2, 593, 983. 18	9, 089, 453 99	3 50	39, 406, 016. 82	97, 515, 042 45
1, 048, 090. 65	June 30, 1880	279, 623. 40	1, 999, 396 06	4 28	11, 684, 536. 60	11, 684. 536 60
1, 161, 204. 51	Dec. 31, 1879	553, 873. 95	1, 461, 855 73	2 63	607, 361. 12	3, 036, 805 60
504, 536, 60	Dec. 31, 1879	220, 259. 20	623, 369 04	2 86	49, 024, 544. 06	24, 512, 272 06
2, 374, 090. 77	Jan. 1, 1879	*e*1, 041, 525. 74	6, 836, 329 11	7 93	1, 400, 074. 26	14, 000, 742 60
1, 140, 493. 53	.....	.....	.....	.....	1, 298, 730	6, 493, 650 00
603, 506. 34	Dec. 31, 1879	512, 998. 74	4, 802, 448 89	9 55	268, 946. 09	2, 689, 460 90
461, 813. 24	.....	.....	.....	.....	1, 700, 000	8, 500. 000 00
323, 148. 68	Dec. 31, 1879	82, 072. 55	175, 650 37	2 14	3, 757, 927. 45	9, 394, 818 62
None	.....	.....	.....	.....	100, 000	125, 000 00
1, 386, 383. 66	June 30, 1880	264, 802. 35	1, 129, 873 99	4 27	3, 841, 844. 95	9, 604, 612 37
141, 844. 70	.....	.....	.....	.....	804, 185. 80	2, 010, 464 50
916, 716. 44	.....	.....	.....	.....	1, 009, 296. 34	2, 523, 240 85
658, 068. 13	June 30, 1880	435, 554. 07	1, 604, 014 97	3 68	1, 084, 445. 93	5, 422, 229 65
256, 281. 66	June 30, 1880	199, 759. 58	597, 166 88	2 98	600, 240. 42	3, 001, 202 10
2, 474, 326. 47	June 30, 1880	993, 675. 79	5, 802, 985 98	5 84	2, 012, 194, 21	3, 030, 485 52
388, 817. 35	June 30, 1880	283, 014. 52	3, 430, 572 05	12 12	665, 628. 48	6, 656, 284 80
643, 307. 17	Apr. 1, 1880	371, 854	2, 944, 374 00	7 91	889, 327	7, 114, 516 00
654, 141, 17	Dec. 31, 1878	148, 857	.....	.....	2, 580, 546	12, 902, 730 00
454, 956. 86	.....	.....	.....	.....	735, 000	3, 665, 000 00
802, 816. 89	Dec. 31, 1879	*f* 252, 752. 73 77, 374. 81	307, 654 68	4 19	669, 855. 84	3, 349, 279 20
1, 200, 358. 01	June 30, 1880	324, 543. 70	2, 099, 387 87	6 49	875, 305. 37	4, 376, 526 85
396, 998. 89	June 30, 1880	232, 127. 35	1, 506, 135 66	6 48	319, 021. 22	1, 595, 106 10
843, 497. 56	.....	.....	.....	.....	1, 408, 452. 69	7, 042, 263 45
683, 023. 80 550, 467. 96	June 30, 1880	314, 275. 41	2, 098, 994 25	6 85	361, 419. 68 550, 467. 96	1, 807, 098 40 2, 702, 339 80
575, 844. 56	Dec. 31, 1879	76, 734. 30	400, 204 99	5 60	1, 723, 265. 80	8, 616, 329 40
1, 668, 007. 90	June 30, 1880	*g* 557, 574. 98	1, 045, 801 58	3 98	1, 295, 414. 02	6, 477, 070 10
2, 031, 337. 89	Dec. 31, 1877	458, 865	3, 651, 641 00	7 94	4, 264, 773. 95	21, 323, 869 75
860, 564. 09	June 30, 1880	28, 964	106, 462 00	3 67	891, 035. 11	2, 227, 587 77
65, 113. 64	June 30, 1880	12, 862. 01	60, 386 34	4 69	52, 251. 63	156, 754 89
44, 246. 47	June 30, 1880	9, 028. 73	47, 813 06	5 30	35, 217. 74	105, 653 22
353, 211. 70	.....	.....	.....	.....	610, 880	.....
279, 332. 85	.....	.....	.....	.....	967, 840	.....
32, 131, 731. 52	.....	14, 310, 204. 16	68, 905, 479 31	.....	164, 512, 334. 38	322, 899, 130 85

e Sales made during years 1874, 1875, 1876, and 1877, not being reported, are not included in this amount.

f The West Wisconsin Railroad Company, of which this organization is the successor, had disposed of 252,752.73 acres before the property came into the hands of the new company.

g Of this quantity 317,061.26 acres were conveyed for purchase of the first 105 miles of road.

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Operations of land departments of land-grant railroads to November 1, 1880—Continued.

Name of railroad company.	Lands sold during year ending—	Acres.	Average price per acre.	Amount.
Union Pacific (main line)	Dec. 31, 1879	243, 337. 31	$4 15	$1, 007, 855 63
Kansas Division (late Kansas Pacific)	June 30, 1880	150, 534. 46	3 86	581, 726 53
Denver Division (late Denver Pacific)	June 30, 1880	8, 834. 74	4 89	43, 267 32
Central Branch Union Pacific				
Central Pacific (east from Sacramento)				
Western Pacific	June 30, 1880	91, 269. 63	3 54	322, 775 49
Oregon Branch				
Sioux City and Pacific *a*				
Northern Pacific	June 30, 1880	304, 276. 58	2 67	812, 521 04
Southern Pacific	June 30, 1880	11, 697. 36	4 00	46, 789 44
Missouri Pacific	Dec. 31, 1879	40, 343. 98		
Saint Louis and San Francisco				
Atlantic and Pacific	Dec. 31, 1879	2, 462. 88	2 81	6, 934 17
Burlington and Missouri River	Dec. 31, 1878	514, 098	5 15	2, 650, 511 00
Cedar Rapids and Missouri River *b*				
Hannibal and Saint Joseph	Dec. 31, 1879	64, 272. 59	7 76	494, 773 06
Saint Joseph and Western				
Oregon and California	Dec. 31, 1879	9, 927. 50	2 50	25, 658 10
Oregon Central				
Saint Louis, Iron Mountain and Southern	Dec. 31, 1879	47, 088. 15	3 67	172, 623 96
Memphis and Little Rock	Dec. 31, 1878	3, 033. 97	2 02	6, 047 40
Little Rock and Fort Smith				
Missouri, Kansas and Texas	June 30. 1880	48. 422. 89	2 40	116, 206 92
Kansas City, Lawrence and Southern	Half-year ending June 30, 1880.	20, 215. 71	3 23	66, 419 36
Atchison, Topeka and Santa Fé	June 30, 1880	80, 982	5 31	430, 358 70
Chicago, Burlington and Quincy	Dec. 31, 1879	26, 139. 53	14 65	383, 097 59
Chicago, Rock Island and Pacific	Apr. 1, 1880	93, 318. 36	8 63	803, 970 40
Chicago, Milwaukee and Saint Paul	Dec. 31, 1878	7, 634	4 17	31, 833 78
Southern Minnesota	Dec. 31, 1878	4, 252. 05	6 79	28, 872 32
Chicago, Saint Paul, Minneapolis and Omaha	Dec. 31, 1879	25, 098. 45	4 28	107, 421 37
Saint Paul and Sioux City	18 mos. ending June 30, 1880.	30, 955. 44	6 64	205, 564 99
Sioux City and Saint Paul	18 mos. ending June 30, 1880.	33, 672. 35	6 30	212, 365 90
North Wisconsin		26, 279	4 65	122, 197 35
Iowa Falls and Sioux City	June 30, 1880	36, 266		
Dubuque and Sioux City				
Wisconsin Central	Dec. 31, 1879	10, 525. 57	2 44	27, 103 35
Winona and Saint Peter	June 30, 1880	103, 139. 75	3 20	330, 047 20
Saint Paul, Minneapolis and Manitoba	Dec. 31, 1877	89, 327	4 13	368, 920 51
Saint Paul and Duluth	18 mos. ending June 30, 1880.	11, 230. 87	2 67	29, 988 81
Stillwater and Saint Paul				

a All lands, lots, and land assets of this road were sold April 15, 1875, to the Missouri Valley Land Company for $200,000.

b All lands sold for $800,000 to the Iowa Railroad Land Company on September 15, 1869.

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Operations of land departments of land-grant railroads to November 1, 1880—Contiuued.

Name of railroad company.	Lands sold during year ending—	Acres.	Average price per acre.	Amount.
Saint Paul, Stillwater and Taylor Falls	18 mos. ending June 30, 1880.	3,080	$2 24	$6,896 00
Vicksburg, Shreveport and Pacific				
Morgan's Louisiana and Texas				
		2,141,716.12		9,442,747 68

OFFICE AUDITOR OF RAILROAD ACCOUNTS, *November* 1, 1880.

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Operations of the land departments of

Name of railroad company.	Date of original land-grant act.	Date of amendatory land-grant act.	Number of miles covered by grants.
Union Pacific (main line)	July 1, 1862	July 2, 1864	1,038.68
Kansas Division (late Kansas Pacific)	July 1, 1862	July 2, 1864	638.6
Denver Division (late Denver Pacific)	July 1, 1862	Mar. 3, 1869	106
Central Branch, Union Pacific	July 1, 1862	July 2, 1864	100
Central Pacific (east from Sacramento)	July 1, 1862	July 2, 1864	737.5
Western Pacific	July 1, 1862	July 2, 1864	123.16
Oregon Branch	July 25, 1866	.....	291
Sioux City and Pacific *a*	July 1, 1862	July 2, 1864	101.77
Northern Pacific	July 2, 1864	May 31, 1870	2,317
Southern Pacific	July 27, 1866	Mar. 3, 1871	934.70
Missouri Pacific	June 10, 1852	.....	37
Saint Louis and San Francisco	June 10, 1852	.....	203
Atlantic and Pacific	July 27, 1866	.....	1,755.70
Burlington and Missouri River	July 2, 1864	.....	190.5
Cedar Rapids and Missouri River *d*	May 15, 1856	June 2, 1864	27.6
Hannibal and Saint Joseph	June 10, 1852	.....	206.41
Saint Joseph and Western	July 23, 1866	.....	227
Oregon and California	July 25, 1866	.....	200
Oregon Central	May 4, 1870	.....	47.5
Saint Louis, Iron Mountain and Southern	Feb. 9, 1853	July 4, 1866 July 28, 1866	514
Memphis and Little Rock	Feb. 9, 1853	July 28, 1866	133
Little Rock and Fort Smith	Feb. 9, 1853	July 28, 1866	165.16
Missouri, Kansas and Texas	Mar. 3, 1863	July 1, 1864 July 26, 1866	183.2
Kansas City, Lawrence and Southern Kansas	Mar. 3, 1863	.....	143.22
Atchison, Topeka and Santa Fé	Mar. 3, 1863	.....	470.58
Chicago, Burlington and Quincy	May 15, 1856	June 2, 1864	279
Chicago, Rock Island and Pacific	May 15, 1856	June 2, 1864	317
Chicago, Milwaukee and Saint Paul	Mar. 3, 1857	May 12, 1864 July 4, 1866	335
Southern Minnesota	July 4, 1866	.....	167.05
Chicago, Saint Paul, Minneapolis and Omaha	June 3, 1856	May 5, 1864	177.5
Saint Paul and Sioux City	Mar. 3, 1857	May 12, 1864	121.27
Sioux City and Saint Paul	May 12, 1864	.....	122.35
North Wisconsin	June 3, 1856	May 5, 1864	42.5
Iowa Falls and Sioux City	May 15, 1856	June 2, 1864	183.69
Dubuque and Sioux City	May 15, 1856	June 2, 1864	142.89
Wisconsin Central	May 5, 1864	.....	256.37
Winona and Saint Peter	Mar. 3, 1857	Mar. 3, 1865	323.22
Saint Paul, Minneapolis and Manitoba	Mar. 3, 1857	July 12, 1862 Mar. 3, 1865 Mar. 3, 1871	387
Saint Paul and Duluth	May 5, 1864	July 13, 1866	156
Stillwater and Saint Paul	Mar. 3, 1857	Mar. 3, 1865	13
Saint Paul, Stillwater and Taylor's Falls	Mar. 3, 1857	.....	18
Vicksburg, Shreveport and Pacific	June 3, 1856	Forfeited by act of July 14, 1870.	93
Morgan's Louisiana and Texas	June 3, 1856		80
			14,351.12

a All lands, lots, and land assets of this road were sold April 15, 1875, to the Missouri Valley Land Company for $200,000.
b In States.
c In Territories.

OFFICE AUDITOR OF RAILROAD ACCOUNTS, *November* 1, 1881.

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land-grant railroads to November 1, 1881.

Number of sections per mile granted.	Estimated number of acres granted.	Number of acres patented to June 30, 1881.	Total sale of land.			
			Date.	Acres.	Amount.	Average per acre.
20	12,000,000	1,860,114.59	Dec. 31, 1879	1,568,438.62	$7,432,534 98	$4 73
20	6,000,000	909,985.45	June 30, 1880	1,433,953.32	4,266,589 32	2 98
20	1,100,000	49,811.59	June 30, 1880	164,604.78	732,067 71	4 45
20	245,166	187,607.99	Mar. 31, 1877	70,287.53	327,425 41	4 66
20	7,997,600	721,434.68	June 30, 1881	850,907.49	5,333,675 73	5 38
20	1,100,000	428,263.78				
20	3,724,800	1,338,039.27				
10	41,318.23	41,318.23	Apr. 15, 1875	41,318.23	200,000 00	5 00
20b, 40c	42,000,000	746,509.52	June 30, 1880	2,593,983.18	9,089,453 99	3 50
20	11,964,160	1,139,141.61	June 30, 1881	295,120.20	1,463,349 34	4 09
6	1,161,235.07	1,161,204.51	June 30, 1881	627,358.40	2,173,349 26	3 50
6						
20b, 40c	49,244,803.26	527,573.96	June 30, 1881	329,022.73	769,700 12	2 83
20	2,441,600	2,374,090.77	Jan. 1, 1879	e1,041,525.74	6,836,329 11	7 93
6	1,298,730	1,141,690.77	.....	.....	.....	.....
6	781,944.83	603,506.34	Dec. 31, 1879	512,998.74	4,802,448 89	9 55
20	1,700,000	461,813.24	.....	.....	.....	.....
20	3,840,000	323,148.68	June 30, 1881	89,596.11	270,470 84	2 26
10	100,000	None.....	.....	.....	.....	.....
10	4,106,647.30	1,386,383.66	June 30, 1880	264,802.35	1,129,873 99	4 27
10	804,185.80	141,844.70	.....	.....	.....	.....
10	1,009,296.34	916,716.44	.....	.....	.....	.....
10	1,520,000	658,628.13	June 30, 1881	1,125,612.43	2,484,453 22	3 72
10	800,000	256,281.66	June 30, 1880	199,759.58	.....	.....
10	3,005,870	2,755,403.75	Dec. 31, 1880	1,184,229.80	5,821,705 16	5 02
6	948,643	388,817.35	June 30, 1880	283,014.52	3,430,572 05	12 12
6	1,261,181	643,307.17	Apr. 1, 1880	371,854.00	2,944,374 00	7 91
10	2,727,403	1,158,104.57	Dec. 31, 1878	148,857.00	.....	.....
10	735,000	454,956.86	.....	.....	.....	.....
10	999,983.38	802,816.89	Dec. 31, 1879	f252,752.73 77,374.81	307,654 68	4 19
10	1,199,849.07	1,200,358.01	June 30, 1880	324,543.70	2,099,387 87	6 49
10	551,148.57	396,998.80	June 30, 1880	232,127.35	1,506,135 66	6 48
10	1,408,452.69	843,497.56	.....	.....	.....	.....
6	1,226,163.05	683,023.80	June 30, 1881	443,360.78	2,788,421 13	6 15
6		550,467.96				
10	1,800,000	575,844.56	Dec. 31, 1879	76,734.30	400,204 99	5 60
10	1,852,989	g1,668,007.90	June 30, 1881	889,316.23	1,423,574 71	3 63
10	4,723,638.95	2,425,376.17	Dec. 31, 1877	458,865.00	3,651,641 00	7 94
10	920,000	860,564.09	June 30, 1880	28,964.00	106,462 00	3 67
10	.....	65,113.64	June 30, 1880	12,862.01	60,386 64	4 69
10	.....	44,246.47	June 30, 1880	9,028.73	47,813 06	5 30
6	610,880	353,211.70	.....	.....	.....	.....
6	967,840	279,332.85	.....	.....	.....	.....
.....	179,922,528.54	33,524,559.67	.....	15,115,858.16	71,900,054 86	.....

d Sales made during years 1875, '76, '77, not being reported, are not included in this amount.
e All lands sold for $800,000 to the Iowa Railroad Land Company on September 15, 1860.
f The West Wisconsin Railroad Company, of which this organization is the successor, had disposed of 252,752.73 acres before the property came into the hands of the new company.
g Of this quantity 317,061.26 acres were conveyed for purchase of the first 105 miles of road.

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Operations of the land departments of

	Name of company now operating.	Name of railroad aided.	Date of act of Congress making grant.
1	Atlantic and Pacific	Atlantic and Pacific	July 27, 1866
2	Atchison, Topeka and Santa Fé	Atchison, Topeka and Santa Fé.	March 3, 1863
3	do	Kansas City Lawrence and Southern Kansas.	do
4	Burlington and Missouri River (in Nebraska).	Burlington and Missouri River (in Nebraska).	July 2, 1864
5	Central Pacific	Central Pacific	July 1, 1862; July 2, 1864
6	do	Western Pacific	do
7	do	California and Oregon	July 25, 1866
8	do	Southern Pacific (Southern Division).	July 27, 1866; March 3, 1871
9	Chicago, Burlington and Quincy	Burlington and Missouri River (in Iowa).	May 15, 1856; June 2, 1864
10	Chicago, Milwaukee and Saint Paul	Minnesota Central	March 3, 1857; March 3, 1865; July 13, 1866.
11	do	Southern Minnesota	July 4, 1866; July 13, 1866
12	do	McGregor and Missouri River	May 12, 1864
13	do	Hastings and Dakota	July 4, 1866; July 13, 1866
14	Chicago and Northwestern	Chicago and Northwestern	June 3, 1856; April 25, 1862; March 3, 1865; March 3, 1869.
15	do	Cedar Rapids and Missouri River *c*	May 15, 1856; June 2, 1864
16	do	Winona and Saint Peter	March 3, 1857; March 3, 1865; July 13, 1866; Jan. 10, 1873.
17	Chicago, Saint Paul, Minneapolis and Omaha.	Saint Paul and Sioux City	March 3, 1857; May 12, 1864; March 3, 1865; July 13, 1866.
18	do	Sioux City and Saint Paul	May 12, 1864; July 13, 1866
19	do	West Wisconsin	June 3, 1856; May 5, 1864
20	do	North Wisconsin	do
21	Chicago, Rock Island and Pacific	Mississippi and Missouri River.	May 15, 1856; June 2, 1864
22	Hannibal and Saint Joseph	Hannibal and Saint Joseph	June 10, 1852
23	Illinois Central	Dubuque and Sioux City	May 15, 1856; June 2, 1864
24	do	Iowa Falls and Sioux City	May 15, 1856
25	Little Rock and Fort Smith	Little Rock and Fort Smith.	February 9, 1853; July 28, 1866.
26	Memphis and Little Rock	Memphis and Little Rock	do
27	Missouri Pacific	Central Branch Union Pacific	July 1, 1862; July 2, 1864
28	do	Cairo and Fulton	February 9, 1853; July 25, 1866.
29	do	Southwest Branch of Pacific of Missouri.	July 10, 1852. (See Saint Louis and S n Francisco.)
30	do	Saint Louis Iron Mountain and Southern.	February 9, 1853; July 4, 1866; July 28, 1866.
31	do	Missouri, Kansas and Texas.	March 3, 1863; July 1, 1864; July 25, 1866; July 26, 1866.
32	Northern Pacific	Northern Pacific	July 2, 1864; Joint Res., May 31, 1870
33	do	Lake Superior and Mississippi River. *g*	May 5, 1864; July 13, 1866. (See Saint Paul and Duluth.)
34	do	Western of Minnesota	March 3, 1857; March 3, 1871.
35	do	Saint Paul and Pacific *h*	March 3, 1857; Joint Res., July 12, 1862; March 3, 1865; July 13, 1866; March 3, 1871.
36	Oregon and California	Oregon and California	July 25, 1866
37	do	Oregon Central	May 4, 1870
38	Saint Louis and San Francisco	Southwest Branch of Pacific of Missouri.	June 10, 1852. (See Missouri Pacific.)
39	do	Atlantic and Pacific	July 27, 1866
40	Saint Paul and Duluth	Lake Superior and Mississippi River.	May 5, 1864; July 13, 1866
41	do	Stillwater and Saint Paul	March 3, 1857; March 3, 1865; July 13, 1866.
42	Saint Paul, Minneapolis and Manitoba.	Saint Paul and Pacific	March 3, 1857; Joint Res., July 13, 1862; March 3, 1865; July 13, 1866; March 3, 1871.

a In States.
b In Territories.
c All lands sold for $800,000 to the Iowa Railroad Land Company on September 15, 1869.
d Of this quantity 317,061.26 acres were conveyed for purchase of the first 105 miles of road.
e See Saint Louis, Iron Mountain and Southern.

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land-grant railroads to November 1, 1882.

Number of miles covered by grants.	Number of sections per mile granted.	Estimated number of acres granted.	Number of acres patented to June 30, 1882.	Total sales of land.		
				Date.	Acres.	Amount.
1,755.70	20*a* 40*b*	49,244,803.26	23,037.36	.....	.....	.....
470.58	10	3,005,870	2,745,938.47	Dec. 31, 1881	1,233,903.64	$6,087,720 03
143.22	10	800,000	256,281.67			
190.50	20	2,441,600	2,373,290.77	No report	.....	.....
737.50	20	7,997,600	721,434.68	June 30, 1882	1,031,199.21	5,854,305 58
123.16	20	1,100,000	446,230.65	.....	.....	.....
291.00	20	3,724,800	1,337,919.12	.....	.....	.....
934.70	.....	.....	.....	See Southern Pacific.	.....	.....
279.00	6	948,643	388,697.35	No report	.....	.....
110.00	10	3,462,403	179,706.01	Dec. 31, 1881	Not reported	.....
167.05	10		451,845.43			
150.00	10		322,090.19			
75.00	10		312,770.27			
.....	6	.....	545,575.76	Not reported	.....	.....
271.60	6	1,298,730	1,142,120.13	Not given in report.	.....	.....
323.22	10	1,852,989	*d*1,668,787.90	June 30, 1881	668,384.23	1,424.574 71
121.27	10	1,199,849.07	1,146,306.56			
122.35	10	551,148.57	407,910.21	.....	Not reported	.....
177.50	10	999,983.38	802,816.89			
42.50	10	1,408,452.69	843,497.56			
317.00	6	1,261,181	643,147.17	.....	do	.....
206.41	6	781,944.83	603,186.34	.....	do	.....
142.89	6	1,226,163.05	550,467.96	June 30, 1882	583,265.6/4	3,742,298 65
183.69	6		683,023.80			
165.16	10	1,009,296.34	916,740.35	.....	Not reported	.....
133.00	10	804,185.80	140,955.04	.....	do	.....
100.00	20	245,166	189,447.99	.....	do	.....
(*e*)	.....	.....	1,319,196.05	.....	.....	.....
37.00	6	1,161,235.07	*f*728,949.36	.....	.....	.....
514.00	10	4,106,647.30	63,294.17	.....	Not reported	.....
183.20	10	1,520,000	984,105.96	.....	do	.....
2,317.00	20*a* 40*b*	42,000,000	746,509.52	June 30, 1882	3,294,961.98	13,108,835 28
			646,958.49			
387.00	5 6 10		1,251,046.14			
200.00	20	3,840,000	322,062.40	Dec. 31, 1881	99,647.93	309,486 45
47.50	10	100,000	None	.....	.....	.....
37.00	6	.....	936,169.51	See Missouri Pacific No. 29.	.....	.....
203.00	6					
156.00	10	920,000	860,564.09	June 30, 1882	Not given	909,011 27
13.00	10					
387.00	10	4,723,638.95	2,425,376.17	No report	.....	.....

f See Saint Louis and San Francisco, No 38.

g Duluth to Thomson (24 miles) is owned jointly, but operated independently by the Northern Pacific and Saint Paul and Duluth Railroad Companies.

h The Northern Pacific Railroad Company has the perpetual right of way from Saint Paul to Sauk Rapids (75½ miles) over this road.

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Operations of the land departments of

	Name of company now operating.	Name of railroad aided.	Date of act of Congress making grant.
43	Sioux City and Pacific	Sioux City and Pacific *a*	July 1, 1862; July 2, 1862
44	Southern Pacific	Southern Pacific (Northern Division).	July 27, 1866; March 3, 1871
45	do	Southern Pacific (Southern Division).	do
46	Texas and Pacific	Texas Pacific	March 3, 1871
47	do	North Louisiana and Texas	June 3, 1856
48	Union Pacific	Union Pacific	July 1, 1862; July 2, 1864
49	do	Kansas Pacific	do
50	do	Denver Pacific	July 1, 1862; July 2, 1864; March 3, 1869.
51	do	Saint Joseph and Denver City.	July 23, 1866
52	Wisconsin Central	Portage, Winnebago and Lake Superior.	May 5, 1864

a All lands, lots, and land assets of this road were sold April 15, 1875, to the Missouri Valley Land Company for $200,000.

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land-grant railroads to November 1, 1882—Continued.

Number of miles covered by grants.	Number of sections per mile granted.	Estimated number of acres granted.	Number of acres patented to June 30, 1882.	Total sales of land.		
				Date.	Acres.	Amount.
101.77	10	41,318.23	41,398,23	Apr. 15, 1875	41,318.23	$200,000 00
934.70	20	11,964,160	1,142,642.46	June 30, 1882	550,572.38	2,540,803 57
870.00	10*b* 20*c*	.....	None	.....	No report.....	.....
.....	6	610,880	353,212.68			
1,038.68	20	12,000,000	1,953,883.08	June 30, 1882	4,317,959.55	19,312,441 88
638.60	20	6,000,000	917,520.70			
106.00	20	1,100,000	86,236.73			
227.00	20	1,700,000	462,373.24			
256.37	10	1,800,000	575,644.56	.....	Not reported...	.....
		178,952,688.54	35,658,369.17			

b In States.
c In Territories.
OFFICE COMMISSIONER OF RAILROAD ACCOUNTS, *November* 1, 1882.

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LANDS GRANTED RAILROADS—LANDS PATENTED TO CERTAIN RAILROAD COMPANIES—RAILROADS NOT COMPLETED IN TIME FIXED BY LAW.

The three following communications from pages 789 to 873 from the Commissioner of the General Land Office in response to congressional inquiries being subjects of vital and present interest, and containing a mass of most interesting and useful statistics and information, are given in full.

A letter from the Commissioner to the Secretary of the Interior of date March 28, 1882, in relation to resolution of House of Representatives of January 9, 1882, as to lands granted railroads. (See pages 789 to 823.)

A letter from the Secretary of the Interior of date December 29, 1882, in answer to resolution of House of Representatives passed December 14, 1882, as to land patents to certain railroad companies. (See pages 824 to 860.)

A letter from the Secretary of the Interior of date January 13, 1883, in answer to letter of Hon. T. C. Pound, chairman Committee on Public Lands, House of Representatives, as to certain land-grant railroads not completed within the period fixed by law. (See pages 861 to 873.)

LAND-GRANT RAILROADS- OFFICIAL REPORTS AND LETTERS.

Additional information is also inserted relating to land-grant railroads as follows:

A letter from the Secretary of the Interior transmitting to the Congress information in relation to a certain decision of the Commissioner of the General Land Office and the opinion of the Attorney-General relating to the Northern Pacific Railroad of date January 19, 1882. (See pages 874 to 879.)

Also one of like purport dated February 2, 1882. (See page 879.)

Report No. 1283, Part 1, of the House Committee on the Judiciary, in relation to the Northern Pacific Railroad, dated June 6, 1882. (See page 880.)

Report No. 1283, Part 2, of Mr. Payson of the House Committee on the Judiciary, submitting the views of the minority of said committee as to the Northern Pacific Railroad, dated July 24, 1882. (See page 882.)

Report No. 1803 of the House Committee on the Judiciary in relation to the Texas and Pacific Railroad land grant, dated August 3, 1882, together with the views of the minority of the committee. (See page 892.)

Report No. 1284 from the House Committee on the Judiciary in relation to railroad land grants to certain States and recommending their forfeiture, dated June 6, 1882. (See page 895.)

Letter from the Secretary of the Interior in relation to alleged excess in certification of lands to certain railroad companies, dated July 10, 1882. (See page 898.)

Report No. 906 from the Senate Committee on the Judiciary reporting a bill (S. No. 2301), providing a method of forfeiting railroad land grants, dated January 2, 1883. (See page 908.)

A letter from the Auditor of Railroad Accounts to the Hon. R. M. McLane, relative to land grants to Pacific railroads, February 7, 1880, and amount of bond subsidies. (See pages 911 to 935.)

Letter and decision of Secretary of the Interior of July 11, 1883, as to indemnity lands of Northern Pacific Railroad, and letter and circular of General Land Office of May 22, 1883. (See page 891.)

A letter from the Secretary of the Interior to the House dated February 27, 1883, giving information in relation to telegraph lines along land-grant railroads. (See page 910.)

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LANDS GRANTED RAILROADS.

For areas certified or patented to June 30, 1883, *see pages* 756 *et seq., and report for* 1883, *Commissioner General Land Office.*

[H. Ex. Doc. 144, Forty-seventh Congress, first Session.]

Letter from the Secretary of the Interior, in response to a resolution of the House of Representatives, February 9, 1882, *relative to lands granted by the Government to certain railroads.*

DEPARTMENT OF THE INTERIOR,
Washington, March 28, 1882.

SIR: In answer to House resolution of the 9th ultimo, calling on me for information concerning land-grant railroads, I have the honor to transmit herewith report on the subject, under date of yesterday, by the Commissioner of the General Land Office, to whom the resolution was referred. This report gives the material information called for, so far as it can be obtained from the records of this Department, as I am advised by the Commissioner of the General Land Office.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

The SPEAKER
of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 27, 1882.

SIR: I have the honor to acknowledge the receipt on the 11th ultimo, by reference from the Department on the 10th, for report, of a resolution of the House of Representatives, passed the 9th ultimo, as follows:

"*Resolved,* That the Secretary of the Interior be requested to inform the House, at his earliest convenience, the names of all the railroad companies to which the Government has granted lands to aid in the construction of their railroads, and the names of all States and railroad companies where grants of public lands have been made by the Government to said States for the benefit of said railroad companies in the construction of their railroads, which have not completed their said roads within the time provided by law; the amount of land embraced in each grant, and the amount disposed of by each of said railroad companies and States, and the dates of all acts of Congress relating to each of said grants, and the number of miles of each of said railroads completed under and pursuant to the acts making each grant, as well as the number of miles of each remaining uncompleted at the date at which said acts required the completion of the same; and he is also requested to give the name of each of said railroad companies and States which are required by law to reimburse the Government for moneys expended by it in the surveying, selecting, or conveying said lands comprised within each of their said grants, and what amount; and also what amount, if any, is now due from each of said companies and States by way of reimbursement for the cost of said surveying, selecting, and conveying said lands, stating the amount in full by debit and credit on said indebtedness."

The States and corporations to which grants have been made, for the benefit of roads which have not been constructed, in whole or in part, within the time required by the granting acts, and which I understand to fall within the terms of the inquiry, are specified in the accompanying tabular statement marked A. Said statement also shows the several acts making grants and increasing same, together with the acts granting an extension of time for the completion of several of the roads; the date when each road should have been completed; the date when (if at all) each road was completed; the length in miles of each road as definitely located or proposed; the number of miles completed within the period required by the granting act; the number of miles completed after such period; the number of miles uncompleted at the time when the road should have been completed, and the number of miles now uncompleted.

Said statement also shows the number of sections "in place" granted for each mile of road; and grants "to the amount of" a certain number of sections per mile; also the number of acres certified, approved, or patented to each State or corporation.

Unless otherwise indicated, the number of acres given in the column headed "approximate estimate of the number of acres so granted," is the result obtained by multiplying the number of acres granted per mile (allowing 640 acres to each section) by the number of miles of located road.

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No deductions whatever, unless expressed, are made for lands that may be situated in limits common to two or more roads. Neither does the statement show the cases where it would be impossible to find sufficient land within the limits of a grant to satisfy it, as such fact could not be clearly demonstrated except by adjusting such grant tract by tract, which it is not possible to do for reasons hereinafter stated. The resolution asks the amount of land embraced in each grant. Such amount cannot be stated specifically. At the beginning it was held that the grants to States to aid in the construction of roads were present grants, and it was believed by the Department that the duty of "disposal" was properly in the States charged with executing the trusts. Accordingly, in all the earlier grants, immediately upon the location of the roads and determination of the limits of the grants, this office and the Department certified, in whole, to the States, the lands to which companies would ultimately have been entitled, had the roads been completed as required; and, in some cases, even in excess of that amount. This certification was on the theory that the grants were of absolute quantity, restricted only by certain lateral limits; that is, that the States were entitled to "indemnity" for lands lost, for any reason, in the granted limits, to the extent of such loss, provided only that the quantity of the grants could be found available within the limits to which they were restricted.

The Supreme Court of the United States (October term, 1875), in the case of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* The United States (2 Otto, 733), decided, in effect, that grants would be entitled to indemnity only for lands in granted limits lost to them between the date of the granting acts and the definite location of the roads. Following this rule, it would, of course, be necessary in determining the actual quantity of any grant to examine tract by tract the lands in the granted limits, and ascertain what lands were lost prior to the date of the grant, and from that date up to the definite location of the road, thus ascertaining the amount to be made up from the indemnity limits to adjust the grant.

This rule was modified by your predecessor October 16, 1880, following the opinion of the Attorney-General, dated June 5, 1880, in the case of the Western Railroad of Minnesota, wherein it was held and decided that properly construed such grants would be entitled to indemnity for lands lost in the granted limits, either before or after the granting act and up to the definite location of the roads, excepting only *reserved* lands.

It was also held and decided that such grants were not of absolute quantity, like the Pacific railroad grants, but were grants in place, to the amount of whatever might be the actual area of the granted sections for so many sections in width, whether such sections were full or fractional and contained more or less land (see pages 158 to 163, inclusive, annual report of this office, for 1881). This modified rule would still require the detailed examination of grants above suggested, and it would not have been practicable to have accomplished the same up to the present time as to more than a few grants.

Some grants were under examination under the rule, when, in connection with the grant to Minnesota, for the Saint Paul, Minneapolis and Manitoba Railroad (formerly the Saint Paul and Pacific, Saint Vincent extension), the whole question as to what losses would entitle the State to indemnity was presented to and taken under consideration by you. I have not been informed of your decision in the matter, and am therefore not in a position to determine the exact number of acres granted were it practicable to do so in time for this report. For this reason, and after consultation with you, I have, in the accompanying table, unless otherwise indicated, estimated the quantity granted as if the grant were full and the company entitled to that quantity.

As a matter of fact many of the grants could not receive so much, for the reason that there is not available within the prescribed limits enough land to satisfy them.

Where grants are made "to the amount of" a certain number of sections per mile, such amount is stated in the column headed "Estimated quantity of land (in acres) embraced in the limits of the grant," and is produced, unless otherwise stated, by multiplying the number of acres granted per mile by the number of miles of road located.

The resolution asks the amount of land disposed of by each company and State. This office has no information whatever on the subject. The disposition of the lands by States and companies, after their certification or patenting by the United States, is not a matter of record in the Department.

The grants to States and corporations which are included in the tabular statement herewith are more particularly described, and the status of each road, to aid in the construction of which the grants were made, more clearly shown in the following detailed statement:

GULF AND SHIP ISLAND.

Under the act of August 11, 1856, a grant of six sections of land per mile was made to the State of Mississippi for a road from "Brandon to the Gulf of Mexico." Provision was made in the act for sale by the State of the lands granted, the quantity

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sold to be proportionate to the miles of road constructed from time to time, except in the case of the sale of the first one hundred and twenty sections, which could be sold in advance of the construction of any portion of the road. It was also provided that if the road was not completed within ten years the lands unsold should revert to the United States.

On August 15, 1856, prior to location of the road, the lands falling within the probable limits of the road were withdrawn from sale or location by Notice 567. A map of definite location of the road was filed in this office November 27, 1860. No lands have been approved to the State for said road, neither has any portion of the road been constructed. The reservation of lands for the road ceased on August 11, 1866.

The same act provides for a road from

TUSCALOOSA TO MOBILE RAILROAD.

within the State of Mississippi, granting for said purpose the same quantity of land and in the same manner, upon the same limitations and restrictions in every respect, as in the case of the Gulf and Ship Island Road. The withdrawal from sale or location of lands falling within the probable limits of the road was made August 15, 1856, by Notice 567. No map of location has been filed, neither has any portion of the road been constructed. No lands have been approved to the State of Mississippi for said road. The reservation of lands for the road ceased on August 11, 1866.

A like grant was made by section 6 of the same act (August 11, 1856) to the States of Alabama, Mississippi, and Louisiana, to aid in constructing a road from

MOBILE TO NEW ORLEANS.

The withdrawal of lands for this road was made August 15, 1856, by Notice 557. No map of location has been filed. No portion of the road has been constructed. No lands have been approved to either of the States named for the benefit of said road. The reservation of lands for the road ceased August 11, 1866.

RAILROADS IN ALABAMA.

The act of June 3, 1856, granted to the State of Alabama, for the purpose of aiding in the construction of certain railroads named below, every alternate section of land designated by odd numbers for six sections in width on each side of each of said roads. The act provides indemnity for lands within the limits of the grant, sold or preempted prior to the definite location of each road. It also provides that the lands granted to the State "shall be subject to the disposal of the legislature thereof for the purposes aforesaid and no other." Section 4 of the act provides—

"That the lands hereby granted to said State shall be disposed of by said State only in the manner following, that is to say: That a quantity of land, not exceeding one hundred and twenty sections for each of said roads, and included within a continuous length of twenty miles of each of said roads, may be sold; and when the governor of said State shall certify to the Secretary of the Interior that any twenty continuous miles of any of said roads is completed then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads having twenty continuous miles completed as aforesaid, and included within a continuous length of twenty miles of each of said roads, may be sold; and so, from time to time, until said roads are completed; and if any of said roads is not completed within ten years, no further sale shall be made, and the lands unsold shall revert to the United States."

The lands falling within the probable limits of the several roads provided for in the act were withdrawn from sale or location by Notice 565, June 21, 1856. The following railroads were provided for in said act:

COOSA AND TENNESSEE.

This road was authorized by that portion of the act which provided for a railroad "from the Tennessee River at or near Gunter's landing, to Gadsden, on the Coosa River." A map of definite location, showing 36½ miles, was filed in this office, January 18, 1859. Under the provisions of said section, 67,784.96 acres of land were approved June 27, 1860, to the State of Alabama for the benefit of the said railroad. (See Railroad Land Company *vs.* Courtright, 21 Wall., 310, as to patent for 120 sections.) Whether said lands were transferred to the company by the State is not known by this office. No portion of the road has been constructed. The lands withdrawn and not approved to the road have not been restored to market, as they are within the limits of the withdrawal for the Wills Valley (now Alabama and Chattanooga) Railroad, the grant for which is not fully adjusted.

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COOSA AND CHATTOOGA.

This road was authorized by that portion of the act which provided for a railroad from "Gadsden to connect with the Georgia and Tennessee and Tennessee line of railroads, through Chattooga, Wills, and Lookout Valleys," to be completed within ten years. The Coosa and Chattooga Railroad Company was organized under said act, and filed in this office, September 20, 1858, a map of definite location of a railroad from Gadsden, on the Coosa River, through the Chattooga Valley east of Lookout Mountain, to the Georgia State line, a distance of about 37½ miles. No portion of the road has been constructed. The lands withdrawn have not been restored to market, as they lie within the limits of the Wills Valley (now Alabama and Chattanooga) Railroad, the grant for which is not fully adjusted.

(NOTE.—Both the Wills Valley Railroad Company and the Coosa and Chattooga Railroad Company were organized under the grant above named, the Wills Valley Company locating [and *building*] through the Wills and Lookout Valleys, and the Coosa and Chattooga Railroad Company through the Chattooga Valley. The grant was conferred on the Wills Valley Railroad Company by a joint resolution of the legislature of Alabama, approved January 30, 1858.)

ELYTON AND BEARD'S BLUFF.

This road was authorized by that portion of the act which provided for a railroad "from Elyton to the Tennessee River, at or near Beard's Bluff, Alabama." No map of location has been filed, neither has any portion of the road been constructed. The reservation of lands for the benefit of this road ceased June 3, 1866, the date of the expiration of the grant. It is not known to this office that any corporation or company organized under the act ever existed.

MEMPHIS AND CHARLESTON.

This road was authorized by that portion of the act which provided for "the Memphis and Charleston Railroad, extending from Memphis, on the Mississippi River, in Tennessee, to Stevenson, on the Nashville and Chattanooga Railroad, in Alabama." The State of Alabama refused to accept the grant for said road, and the lands withdrawn were restored to market, by Notice 595, February 19, 1858.

MOBILE AND GIRARD.

This road was authorized by that portion of the act providing for a road from "Girard to Mobile, Ala." A map of definite location of the road from Girard to Blakely, Alabama, on Mobile Bay, a distance of 228.6 miles, was filed in this office on the 1st of June, 1858. Under the construction of the act as held by this Department until October, 1875, and hereinbefore referred to, there were nine lists of land, aggregating 504,145.86 acres, approved to the State of Alabama for the benefit of said road, between *April* 26, 1860, and *January* 3, 1861, inclusive. There is no evidence on file in this office, or in the Department, of the construction of any portion of said road, yet it is known unofficially that a railroad has been constructed and is in operation from Girard to Troy, a distance of 84 miles, on the line (or very nearly so) of definite location. It was held by this office, January 15, 1874, by Commissioner Drummond, that if any portion of the road had been constructed in time, it would, upon a proper showing to that effect, be entitled to an amount proportionate to the number of miles so constructed. Under this theory the road would, upon proper evidence of the construction of 84 miles of road, be entitled to 322,560 acres of land, but there had been (as before stated) 504,145.86 acres, or an excess of 181,585.86 acres, approved to the State for this road in 1860–'61.

Commissioner Drummond recommended the restoration to entry, by formal revocation on the part of Congress, of the portions of the grant not earned. No restoration of such lands, however, has yet been made by Congress, nor has any restoration been attempted, or declaration of forfeiture made in the case of any similar grant, by this office or the Department, because of the decision by the Supreme Court of the United States, October, 1874, in the case of Schulenberg *vs.* Harriman (21 Wallace, 44), where the conclusion was reached that acts of Congress containing provisions and restrictions such as are found in the act of June 3, 1856, import a present grant to the extent of passing over to the State the legal title to the odd sections designated; that a provision—

"That all lands remaining unsold after ten years shall revert to the United States if the road be not then completed, is no more than a provision that the grant shall be void if a condition subsequent be not performed; * * * [that] it is settled law that no one can take advantage of the non-performance of a condition subsequent

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annexed to an estate in fee but the grantor or his heirs, or the successors of the grantor if the grant proceed from an artificial person; and if they do not see fit to assert their right to enforce a forfeiture on that ground, the title remains unimpaired in the grantee. * * * In what manner the reserved right of the grantor for breach of the condition must be asserted so as to restore the estate, depends upon the character of the grant. If it be a private grant, that right must be asserted by entry or its equivalent. If the grant be a public one, it must be asserted by judicial proceedings authorized by law, * * * or there must be some legislative assertion of ownership of the property for breach of the condition, such as an act directing the possession and appropriation of the property, or that it be offered for sale or settlement."

Upon the question of sales by the State after failure to complete the road within the statutory period, the court says:

"The provision in the act of Congress of 1856, that all lands remaining unsold after ten years shall revert to the United States if the road be not then completed, is no more than a provision that the grant shall be void if a condition subsequent be not performed. * * * The prohibition against further sales if the road be not completed within the period prescribed adds nothing to the force of the provision. A cessation of sales in that event is implied in the condition that the lands shall then revert; if the condition be not enforced, the power to sell continues as before its breach, limited only by the objects of the grant and the manner of sale prescribed in the act."

It was also held in said decision that where no action had been taken by legislative or judicial proceedings to enforce a forfeiture of the estate granted by the act of 1856, the title remains—

"In the State as completely as it existed on the day when the title by location of the route of the railroad acquired precision and became attached to the adjoining alternate sections."

SELMA, ROME AND DALTON, FORMERLY ALABAMA AND TENNESSEE.

This road was authorized by that portion of the act which provided for the "Coosa and Alabama Railroad, from Selma to Gadsden." A map of definite location of the line of route from Selma, via Calera, Rome, Talladega, and Jacksonville, to Gadsden, a distance of 167.35 miles, was filed in this office March 27, 1858. The line of route, although indirect and tortuous, was approved by the Secretary of the Interior May 15, 1858.

On the 8th of June, 1859, a certificate of the governor of Alabama, dated June 4, 1859, was filed in this office, showing the construction of 100 miles of the road from Selma north. No further evidence of construction was received in this office until February 13, 1869, when a certificate was filed in this office by the governor of Alabama, dated January 13, 1869, showing the construction of a railroad from Selma, by way of Montrevalle, Columbia, Talladega, and Jacksonville, and thence to the Georgia State line, a distance of 171.754 miles.

The road as constructed did not follow the line of location beyond Jacksonville, neither was it ever completed to Gadsden, the line built running northeast from Jacksonville to the Georgia State line, instead of running from Jacksonville northwest to Gadsden, leaving 23.42 miles (from Jacksonville to Gadsden) of the located line unconstructed. It will be observed that only 100 miles of the road were constructed within the period required by law, 143.93 miles were constructed upon the located line (43.93 miles being constructed after the time required by law), and had so much of the road been constructed within the proper period it would have been entitled to 552,691 acres, provided there was that quantity of vacant lands within the limits of its grant.

On May 24, 1859, and May 7, 1860, there were selections of land aggregating 440,700.16 acres, approved to the State of Alabama for the benefit of this road, and a portion of the lands so approved lie opposite the 23.42 miles of unconstructed road.

The act of May 23, 1872, confirmed to the State of Alabama for the sole use and benefit of the Selma, Rome and Dalton Railroad Company, the successors of the Alabama and Tennessee Railroad Company, all the lands previously certified to the said State for the benefit of the last-named company. Since the passage of said act, but 16,515.21 acres have been approved (May 19, 1875) to the State for the benefit of said road (Selma, Rome, and Dalton). The grant has not been adjusted, and the vacant odd sections within the limits of the grant are still withdrawn for the benefit of the road.

SAVANNAH AND ALBANY.

The seventh section of the act of March 3, 1857, granted to the State of Alabama for the purpose of aiding in the construction of a railroad

"From the line of Georgia on the Chattahoochee River to the City of Mobile, Ala-

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bama, * * * alternate sections of the public lands to the same extent and in the same manner, and upon the same limitations and restrictions in every respect, as was granted to aid in the construction of other railroads.

Under the act of June 3, 1856, above referred to, granting lands to the State of Alabama, April 21, 1857, the lands falling within the probable limits of the road were withdrawn from sale or location. No map of location was filed, and no portion of the road was ever constructed. The reservation of lands for said road ceased March 3, 1867.

RAILROADS IN FLORIDA.

The act of May 17, 1856, granted to the State of Florida, to aid in the construction of certain railroads in said State, every alternate section of land designated by odd numbers, for six sections in width on each side of such roads. The provisions in said act for indemnity, for disposition of the lands by the legislature of said State, for the sale of such lands, and for the reversion of the unsold lands to the United States, in the event of failure to complete the roads within ten years, are identical with those contained in the act of June 3, 1856, above quoted, granting lands to the State of Alabama. The following described railroads are provided for by the act (May 17, 1856):

ATLANTIC, GULF, AND WEST INDIA TRANSIT, FORMERLY FLORIDA RAILROAD.

This road was authorized by that portion of the act which provides for a road "from Amelia Island, on the Atlantic, to the waters of Tampa Bay, with a branch to Cedar Key on the Gulf of Mexico." The lands falling within the probable limits of the road (main line and branch) were withdrawn from sale and location, by telegram, on the 17th May, 1856, and by Notice 568, September 9, 1856. On the 22d September, 1857, a map of definite location of that portion of the road from Fernandina to Cedar Keys, 155 miles in length, was filed in this office. Eighty-four miles of the road so located was on the main line, and 71 miles (from Waldo to Cedar Keys) was the branch line complete. The whole of said 155 miles was completed in 1860, entitling the State to, say, 595,200 acres for the benefit of the road. Up to the present time but 290,183.28 acres have been approved to the State under this grant. Said lands were approved prior to January 7, 1860.

The reservation of lands on that part of the main line from Waldo to Tampa Bay, 150 miles in length, was not respected by this office after May 17, 1866, entries being permitted of all lands (unless otherwise reserved) outside and south of the 15-mile indemnity limits of the constructed portion of the road. Under date of December 7, 1875, the president of the company, Mr. Yulee, transmitted a map showing the proposed route of the main line from Waldo to Tampa, and asked that the lands along the said line and within the limits prescribed by the act of May 17, 1856, be withdrawn for the benefit of the road. The map and accompanying papers were submitted to Secretary Chandler, who declined to receive or approve the map, and directed, by letter of April 27, 1876, that it be returned to Mr. Yulee. Secretary Chandler says in said letter that he does not question the principle established in the case of Schulenberg *vs.* Harriman; that the title which vested in the State by the grant and definite location of the road thereunder could not be divested by the mere failure to complete the road *so located* within the time fixed by the act, but that he finds nothing in that case to sustain the doctrine that the State retains the right for an indefinite period and long after the date fixed for the completion of the road to designate its route and thus give effect to the grant. He also held that failure to *locate* the road before the time fixed for the completion of the road should be regarded as evidence of abandonment of the grant.

On October 29, 1879, the company, through its attorney, filed in this office the map rejected by Secretary Chandler, and asked that it might, together with new and material evidence bearing upon the original location of the road, which accompanied it (the map), be submitted to the then Secretary of the Interior (Schurz) for review.

On the 10th of November, 1879, the map, evidence, and application for review were submitted to the Secretary. The evidence submitted showed conclusively that a map of definite location of the road from Waldo to Tampa was filed in this office by the engineer of the company *December* 14, 1860; which map being returned to him January 22, 1861, for the procurement of the governor's certificate, was lost or mislaid; and that the last map presented was a duplicate of the original map of definite location.

Secretary Schurz, after due consideration of the facts presented, held in effect that the return of the map as above related was unnecessary; that it should have been accepted by this office, as it was undoubtedly recognized by the officers of the company, and by the State authorities, as the definite location of the road; and that the map was filed in the same manner as the surveys of previous portions of the line had been filed in the office of the secretary of state of Florida. The Secretary therefore

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approved the map and directed that the necessary withdrawal of lands be made to protect the rights of the company and secure the proper adjustment of the grant upon the line designated. Such withdrawal was ordered by this office and took effect March 26, 1881. It may be proper to state in this connection that the company have filed a formal waiver of all claims to lands within the limits of the road occupied by *bona fide* settlers at the date of said withdrawal. Upon the question of certifying lands to the State under the grant, the Secretary decided that the lands could be legally certified, referring to the case of Schulenberg *vs.* Harriman hereinbefore quoted, opinions of Attorney-General, November 29, 1879, case of Southern Minnesota Railroad Company, and October 26, 1880, case of Atlantic and Pacific Railroad Company. The governor of Florida, under date of July 16, 1881, certifies to the completion of 44.88 miles of road from Waldo to Ocala.

PENSACOLA AND GEORGIA.

This road was authorized by that portion of the act which provides for a railroad "from Saint John's River at Jacksonville to the waters of Escambia Bay, at or near Pensacola."

The Pensacola and Georgia Railroad Company was organized to construct that portion of the road running from Lake City to Pensacola, and the grant for that portion of the road conferred upon them by the State. Said company filed maps of definite location for said portion, which covered about 307 miles of road, prior to May 30, 1858. The lands falling within the probable limits of this road were withdrawn by telegram and letter of May 17, 1856, and May 23, 1856, by Notice 558.

No evidence of the construction of any portion of this road has been filed in this office, but the road is believed to be constructed and in operation from Lake City to Chattahoochee River, a distance of, say, 150 miles. Had the whole length of road located (307 miles) been constructed the State would have been entitled to 1,178,880 acres of land, provided so much vacant and unappropriated land could have been found within the limits of the grant. Prior to *October* 30, 1860, 1,275,579.52 acres were approved to the State for the benefit of this road. It will be observed that said amount exceeds, by 96,779.52 acres, the entire amount that the State would have been entitled to had the whole length of road (307 miles) been constructed; also, that it exceeds by 699,579.52 acres the amount the State could properly receive and sell upon evidence of the construction of 150 miles of road. It should be stated, however, that, although the 1,275,579.52 acres lie opposite that portion of the road from Lake City to Pensacola, which was to be constructed by the Pensacola and Georgia Railroad Company, the whole quantity was approved to the State of Florida for the benefit of the road "from Saint John's River, at Jacksonville, to the waters of Escambia Bay, at or near Pensacola."

Whether the State conferred any portion of the said 1,275,579.52 acres upon the Florida, Atlantic and Gulf Central Railroad Company (below referred to), which constructed that portion of the road from Jacksonville to Lake City, is not known to this office; but it is not probable that such action was taken, as the last-named road would only be entitled to a portion of the *indemnity* lands so certified. The vacant unapproved and unselected lands in odd sections within the limits of the withdrawal for this road have not been restored to market for sale or entry.

FLORIDA, ATLANTIC AND GULF CENTRAL.

The company bearing the above name was authorized by the State to construct that portion of the road "from Saint John's River at Jacksonville to the waters of Escambia Bay, at or near Pensacola," which was located from Jacksonville to Lake City, a distance of 59 miles. Said road is believed to be constructed and in operation, but no evidence to that effect is on file in this office or Department. The construction of 59 miles of road within the proper period would entitle the State to 226,560 acres of land. Prior to October 6, 1860, 29,384.18 acres were approved to the State for the benefit of this road. No further approvals have been made for the benefit of said road; neither have the unselected or unapproved vacant odd sections within the limits of the grant been restored to sale or entry.

RAILROADS IN LOUISIANA.

VICKSBURG, SHREVEPORT AND TEXAS, NOW NORTH LOUISIANA AND TEXAS.

The grant of this road was by the act of June 3, 1856, and was to aid in the construction of a railroad from the Texas line in the State of Louisiana, west of the town of Greenwood, via Greenwood, Shreveport, and Monroe, to a point on the Mississippi River opposite Vicksburg. The lands granted were the alternate, odd-numbered sections, for six sections in width, on each side of said road; and in case the

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United States had, when the line of said road was definitely fixed, sold any sections granted as aforesaid, or to which the right of pre-emption had attached, the State was authorized to select from the lands nearest to the tiers of sections granted, but not farther than 15 miles from the line of the road, so much land in alternate sections as would be equal to the lands sold by the United States, or to which the right of pre-emption had attached.

The road was definitely located from the Mississippi River, opposite Vicksburg, to the Texas State line, a distance of 189 miles, in the year 1857. The act required that the road should be completed within ten years. On September 20, 1872, the governor of Louisiana certified to the completion, within the time specified in the granting act, of 94 miles of said road, to wit, 20 miles extending from the Texas State line to the Red River, at Shreveport, and 74 miles from the Ouachita River, at Monroe, to the Mississippi River, opposite Vicksburg. That portion of the line between Monroe and Shreveport, 95 miles, has never been constructed.

On October 7, 1859, there were certified to the State for the benefit of the said road 353,212.68 acres, and on January 10, 1874, 100,652.76 acres (being a part of the lands theretofore certified and lying opposite the *constructed* portion of the road) were *recertified* to the State.

All the vacant unselected and unapproved lands in odd sections within the limits of the grant are still withdrawn or reserved for the benefit of said road. The company has recently filed in this office copies of affidavits to the effect that it is now proceeding with the construction of the uncompleted portion of its road as rapidly as possible.

By the same act as that making the grant for the Vicksburg, Shreveport and Texas Road (act of June 3, 1856), a grant identical in its terms was also made to the State of Louisiana to aid in the construction of a railroad from *New Orleans to the State line*, in the direction of Jackson, Miss. This road was never definitely located or constructed. A withdrawal of lands for its benefit was ordered by letter from this office, dated June 16, 1856.

By telegraphic dispatch, dated February 6, 1857, the governor of Louisiana advised this office that he did not think the grant would be accepted. The restoration of the lands which had been withdrawn was ordered July 27, 1857.

RAILROADS IN ARKANSAS.

LITTLE ROCK AND FORT SMITH.

The original grant for this road was by act of Congress approved February 9, 1853, and embraced every alternate section of land designated by even numbers for six sections in width on each side of the road; and in case the United States had, when the line of said road was definitely fixed, sold any section or part of section so granted, or if the right of pre-emption had attached to any of said lands, then the State, through its duly appointed agent or agents, was authorized to select from the lands most contiguous to the lands granted, and within 15 miles from the line of the road, so much land in the alternate sections as would be equal to the lands sold by the United States, or to which the right of pre-emption had attached.

In pursuance of this act the road was definitely located from Little Rock to Fort Smith in the year 1855.

The act required the completion of the road within ten years, to wit, by February 9, 1863. No portion of the road was constructed within the time required.

The act of July 28, 1866, reviving and extending the grant, granted all the alternate odd-numbered sections and parts of sections lying along the outer line of lands theretofore granted, and within five miles on each side thereof, excepting lands reserved or otherwise appropriated by law, or to which the right of pre-emption or homestead settlement had attached, with the proviso that the additional quantity of lands granted, when added to the lands theretofore granted, should not exceed ten sections for each mile of railroad. It was provided that if the whole of said road was not completed within ten years from the time when said act should take effect the lands unpatented should revert to the United States. It was further provided that the said act, so far as the same related to this road, should not take effect until the Secretary of the Interior should make and file a certificate in his office and the office of the secretary of state of Arkansas, stating that the said company had reorganized its board of directors in a lawful manner, &c.

The certificate of the Secretary of the Interior, as above required, was made and filed May 13, 1867, on which date this office holds that the act, so far as it relates to this road, took effect. The road, therefore, should have been completed by May 13, 1877.

The road was fully completed from Little Rock to a point on the Arkansas River, opposite Fort Smith, prior to August, 1876, but as a small portion of the road (1.92 miles) was found to lie within the Indian Territory, the Department declined to accept

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such portion of the road. The Commissioner of Indian Affairs subsequently required the company to remove their road from the Territory. In consequence of this action, 5.73 miles of the road were not completed within the time required by the act. This section of 5.73 miles was accepted by the then Secretary of the Interior February 25, 1879.

This office has always considered and treated this road as having been constructed in time.

On January 9, 1882, you approved two lists containing, respectively, 139,567.37 acres and 720 acres, which, added to the amount heretofore certified and patented, would be sufficient to satisfy the grant. In view, however, of proposed legislation, the land embraced in said lists has not been patented to the company.

IRON MOUNTAIN RAILROAD (IN ARKANSAS).

This grant was made by the second section of the act of July 4, 1866, for the purpose of aiding in the construction of a railroad from the point where the Iron Mountain Railroad intersects the southern boundary of Missouri to a point at or near the town of Helena, Ark., and was of the alternate odd-numbered sections for ten sections in width on each side of the road, with the right to indemnity for any lands, granted as aforesaid, which had been sold or disposed of when the line of said road was definitely fixed; such indemnity lands to be selected from the alternate odd-numbered sections not further than 20 miles from the line of the road.

The act required the completion of the road within five years from the 1st day of July, 1866, or by July 1, 1871.

No portion of the road has ever been definitely located or constructed, nor has any withdrawal of lands been made for its benefit. Consequently no estimate of the number of acres embraced in the grant is submitted.

RAILROADS IN MISSOURI.

IRON MOUNTAIN, NOW SAINT LOUIS, IRON MOUNTAIN AND SOUTHERN.

The grant for this road was by act of Congress approved July 4, 1866, and was of the alternate odd-numbered sections for ten sections in width on each side of the road, with the right to indemnity for any lands so granted which had been sold or disposed of by the United States when the line of the road was definitely fixed, such indemnity to be selected from the lands of the United States nearest to the tiers of sections granted as aforesaid and not more than twenty miles from the line of the road.

The road was required to be constructed within five years from the first day of July, 1866. Under this act the road was definitely located from Pilot Knob, Mo., to the Arkansas State line, in the year 1867.

In the month of January, 1871, the company applied to the Department for authority to change the line of its road to a more westerly one.

By letter, dated February 27, 1871, addressed to Thomas Allen, president of the company, the then Secretary of the Interior refused this application, holding that the State and company were concluded by their own acts, and must be held to the original line. On June 8, 1871, the governor of Missouri certified to the completion of twenty consecutive miles of said road from Pilot Knob southwardly, toward the southern boundary of the State. This section of twenty miles was accepted by the Department June 19, 1871, and is the only part of said road which was completed within the required period, so far as is known to this office.

In July, 1873, more than two years after the time for completing the road had expired, the company filed a map showing the line of its constructed road. This map showed that the road had been constructed by the more westerly route, being the one which the Department had theretofore refused to recognize.

In a letter, dated July 1, 1873, accompanying said map, Mr. Allen, the president of the company, stated that the company claimed title to the lands granted along the line designated on the map therewith filed, by virtue of the construction and completion of the road.

The road as represented on said map was never accepted by the Department, and no action other than to place the map and letter on file has been taken in relation thereto.

From Poplar Bluff, Mo., to the south boundary of the State, a distance of about twenty miles, the road is identical with the Cairo and Fulton, now Saint Louis, Iron Mountain and Southern Railroad Company's constructed road, which company having received the grant made to the State of Missouri by acts of February 9, 1853, and July 28, 1866, filed on the 22d of January, 1875, a map of its constructed road in said State. I am advised that the company (Iron Mountain) does not claim the lands

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granted, and that it has applied to the War Department for relief from the obligations imposed by the granting act. As to these facts, however, this office has no official information. No lands have been certified or patented to the company. Although the company has not for the last eight or nine years asserted its claim to the lands granted, the odd sections within ten miles and both the odd and even sections outside of ten and within twenty miles of the line of its road as definitely located, are withdrawn and reserved for its benefit.

RAILROADS IN MICHIGAN.

DETROIT AND MILWAUKEE AND PORT HURON AND MILWAUKEE.

The grant for these companies was by act of June 3, 1856, and was for a road from Grand Haven to Flint and thence to Port Huron. The lands granted were the alternate odd-numbered sections for six sections in width on each side of the road, and in case when the line of said road was definitely fixed any of the lands granted as above had been sold or disposed of the State was authorized to select in alternate sections, and not further than fifteen miles from the line of the road, so much land as would be equal to the lands so sold or disposed of.

The act required the road to be completed within ten years.

That portion of the grant between Grand Haven and Owasso was conferred by the State upon the Detroit and Milwaukee Railroad Company, and the portion between Owasso and Port Huron upon the Port Huron and Milwaukee Company.

The Detroit and Milwaukee road was definitely located in 1858, and the Port Huron and Milwaukee in 1857.

The grants were subsequently declared forfeited to the State, and were conferred on the

PORT HURON AND LAKE MICHIGAN RAILROAD COMPANY.

The time for completing the road expired June 3, 1866.

On April 13, 1874, the governor of Michigan certified to the completion of 60 continuous miles of the Port Huron and Lake Michigan Railroad. This certificate, however, did not show the time of completion or the location of the portion completed.

I find, however, from certain papers on file, that the portion so completed lies between Lapeer and Port Huron. The road has evidently been fully completed from Grand Haven to Port Huron, although no evidence of such completion, except as to the 60 miles above mentioned, is on file in this office.

There have been certified for the Detroit and Milwaukee 30,998.75 acres, and for the Port Huron and Milwaukee 6,468.68 acres, being practically all the vacant lands in the limits of the grants.

By joint resolution of March 3, 1879, the reversionary interest of the United States in the lands certified for said roads was released to the State of Michigan.

JACKSON, LANSING AND SAGINAW, AND NORTHERN CENTRAL MICHIGAN, FORMERLY AMBOY, LANSING AND TRAVERSE BAY.

This grant was to aid in the construction of a road from Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay, by act of June 3, 1856. The odd sections for six sections in width on each side of the road, were granted, with indemnity from the alternate sections within 15 miles of the line of the road, for any lands lost in the granted limits.

The State conferred the grant upon the Amboy, Lansing and Traverse Bay Railroad Company.

The road was definitely located from Amboy to a point on Little Traverse Bay, in the year 1858.

That portion of the grant which lies north of Michigan avenue, Lansing, was subsequently transferred to the Jackson, Lansing and Saginaw Railroad Company, and the portion south of that point to the Northern Central Michigan Railroad Company.

The act of June 3, 1856, required the entire road to be completed within 10 years. By the act of July 3, 1866, the time for completing the road was extended seven years from June 3, 1866, or until June 3, 1873.

The Amboy, Lansing and Traverse Bay Company had, prior to September 17, 1863, completed 28 miles of its road, extending from Lansing to Owasso.

November 1, 1873, the governor of Michigan certified to the completion of the Northern Central Michigan Railroad from Lansing southward to Jonesville, a distance of 60 miles. The certificate does not show whether the said 60 miles were completed prior to June 3, 1873, or not.

Between Jonesville and Amboy, a distance of about 20 miles, the road has not been built.

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The Jackson, Lansing and Saginaw Company had completed its road from Owasso to a point in section 20, township 29 north, range 3 west, Otsego County, Michigan, a distance of 160.10 miles, prior to the expiration of the grant.

June 6, 1876, the governor certified to the completion of an additional section of 9.95 miles, and on January 17, 1882, the completion of $63\frac{96}{320}$ miles terminating at Mackinaw City, was certified to.

The road as constructed is some 50 miles longer than the line as definitely located. This is accounted for by the fact that the company, as authorized by the act of March 3, 1871, changed the northern terminus of its road from Traverse Bay to Mackinaw City, on the Straits of Mackinaw.

It was provided in this act that only the lands embraced within the limits of the grant as the same was originally located under the act of June 3, 1856, should be applicable to aid in building the road.

In the adjustment of this grant, it has been treated as a whole and the lands certified to the State accordingly. The odd sections within the limits of this grant are withdrawn.

MARQUETTE AND ONTONAGON.

The original grant for this road was by act of June 3, 1856, and was to aid in the construction of a railroad from Marquette to Ontonagon. The lands granted were the alternate odd-numbered sections for six sections in width on each side of the road, with indemnity from the alternate sections within fifteen miles of the line of the road. The road was definitely located from Marquette to Ontonagon in 1859.

By the act of March 3, 1865, the grant was increased to ten sections per mile, to be selected from the alternate odd-numbered sections within twenty miles of the line of the road.

The act of June 3, 1856, required the completion of the road within ten years. By act of June 18, 1864, the time was extended five years beyond the time fixed for the completion by the original act, and by joint resolution of May 20, 1868, the time was further extended until December 31, 1872.

The various other acts relating to this road and the effect of the same will be found in the accompanying tabular statement.

The road was constructed from a point on the Bay de Noquet and Marquette Rails road, about 20 miles west of Marquette to L'Anse, a distance of 52 miles, prior to December 31, 1872.

From L'Anse to Ontonagon the road has not been constructed. The odd section-within the 20-mile limits of this grant are still withdrawn for the benefit of the road.

ONTONAGON AND STATE LINE, NOW ONTONAGON AND BRULE RIVER RAILROAD.

The grant for this road was by the act of June 3, 1856, and was for a railroad from Ontonagon to the Wisconsin State line. The grant was of the alternate odd-numbered sections for 6 sections in width on each side of the road, with indemnity to be selected from the alternate sections within 15 miles on each side of the road. The grant was conferred by the State upon the Ontonagon and State Line Railroad Company.

A grant of lands was also made to the State of Michigan by the act June 3, 1856, to aid in the construction of a road from Marquette to the Wisconsin State line. This grant was conferred by the State upon the Marquette and State Line Railroad Company.

The Ontonagon and State Line and the Marquette and State Line Railroad Companies were subsequently consolidated with the Chicago, Saint Paul and Fond du Lac Railroad Company under the name of the latter.

The rights and franchises of this company were sold under a mortgage sale in 1859, and a new company known as the Chicago and Northwestern Railroad Company was formed by the purchasers.

On April 24, 1862, the board of control of the State of Michigan conferred the grant of lands which had been made for the road from Marquette to the State line upon the Peninsula Railroad Company. This transfer was subsequently confirmed by the State legislature. On October 21, 1864, the Peninsula Railroad Company was consolidated with the Chicago and Northwestern Railroad Company under the latter name. Under the articles of consolidation all the rights, franchises, and property of the Peninsula Railroad Company became vested in the consolidated company. The road from Ontonagon to the Wisconsin line was definitely located in the year 1857. On April 10, 1860, the vacant lands outside of the 6-mile limits of the grant, were directed to be restored to market on June 18, 1860. On December 12, 1861, there were certified of the lands in the 6-mile limits: For the Ontonagon and State Line Railroad, 142,430.23 acres; for the Ontonagon and State Line, and the Marquette and State Line Railroads, 41,649.25 acres; for the Ontonagon and State Line, and the Marquette and Ontonagon Railroads, 68,659.71 acres.

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By joint resolution of July 5, 1862 (12 Stat., 620), it was provided that the words "Wisconsin State line" in the act of June 3, 1856, should be construed to authorize the location of the line of road provided for in said act from Marquette to the Wisconsin State line, upon any eligible route from Marquette to the Wisconsin State line, near the mouth of the Menomonee River, touching at favorable points on Green Bay.

The State was further authorized to surrender to the United States all the lands which had been theretofore certified for the benefit of said railroad, and to receive in lieu thereof a like quantity of lands to be selected upon the line as relocated.

Under this resolution the road from Marquette to the Wisconsin State line was relocated, and on May 1, 1868, the governor of Michigan relinquished to the United States the lands which had been certified for the benefit of the Marquette and State Line Railroad Company, for the joint benefit of the Marquette and State Line and the Ontonagon and State Line Railroad Companies, and also for the joint benefit of the Ontonagon and State Line and the Marquette and Ontonagon Railroad Companies, the Chicago and Northwestern Railroad Company having previously released to the State its interest in said lands.

By letter, dated July 13, 1868, addressed to the solicitor of the Chicago and Northwestern Railroad Company, the then Commissioner of this office requested the company and the State to relinquish to the United States the 142,430.23 acres which had been certified for the benefit of the Ontonagon and State Line Railroad Company. On June 17, 1870, the Chicago and Northwestern Railroad Company relinquished to the State of Michigan its interest in said lands, and on August 14, 1870, the governor of said State, acting under the written opinion of the attorney-general of the State, relinquished the same to the United States.

The restoration of said lands was ordered by this office, and notice thereof was given by the district land officers at Marquette, Mich., June 27, 1873, to take effect August 6, 1873.

In a letter, dated July 10, 1873, addressed to the Secretary of the Interior, the then governor of Michigan claimed that as Congress had never annulled the grant, or the legislature of Michigan authorized the surrender of said lands, their surrender was made without authority of law, and that the lands rightfully belonged to the State of Michigan.

The order for their restoration was thereupon, on July 30, 1873, suspended, and has never been carried into effect.

The time for completing the said road from Ontonagon to the Wisconsin State line expired June 3, 1866. No portion thereof was completed within that time.

On September 17, 1880, the board of control of the State of Michigan, ignoring the release to the United States, declared the grant to the Ontonagon and State Line Railroad Company forfeited to the State, and conferred the same upon the Ontonagon and Brule River Railroad Company.

The action of the board of control was confirmed by the legislature of the State on June 7, 1881.

On February 24, 1882, the governor of Michigan certified to the completion of 20 continuous miles of the Ontonagon and Brule River Railroad, commencing at Ontonagon and running thence southwestwardly by the way of Rockland to a point in section 10, township 50 north, range 38 west.

The question as to whether the title to the relinquished lands along the line of this road is now in the State of Michigan or in the United States has not been fully determined.

RAILROADS IN IOWA.

SIOUX CITY AND SAINT PAUL.

The grant for this road was to the State of Iowa by act of May 12, 1864, to aid in the construction of a railroad from Sioux City, in said State, to the south line of the State of Minnesota at such point as the State might select between the Big Sioux and the West Fork of the Des Moines River, and was of every alternate section of land, designated by odd numbers, for ten sections in width on each side of said road, with a provision for indemnity for lands lost within the granted limits to be taken within 10 additional miles.

The fourth section of the act provided that if the road was not completed within ten years from the date of the acceptance of the grant, the lands should revert to the State, for the purpose of securing the completion of the road, and if the State should not complete the road within five years from the expiration of the ten years aforesaid, then the lands should revert to the United States.

The State accepted the grant April 3, 1866, and conferred it upon the Sioux City and Saint Paul Company, and the company accepted the grant September 20, 1866.

The road was located definitely in 1867, and the line as located was 83 miles 52 rods in length.

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On February 4, 1873, the governor certified to the construction of 56¼ miles of the road, extending from the Minnesota State line to Lemars, Iowa. No road has been constructed beyond Lemars.

The area of the grant upon a basis of 82 miles of road as given in a former report of this office was 524,800 acres. The area for 56¼ miles of road is 360,000 acres.

There have been patented to the State for this company 407,910.21 acres, but it is understood some 85,000 acres have been withheld from the company.

This office is now in correspondence with the governor of Iowa, in pursuance of instructions from you, looking to the reinvestment of the United States with title to the lands patented to said State in excess of the quantity earned by the railroad company.

RAILROADS IN WISCONSIN.

WEST WISCONSIN, FORMERLY LA CROSSE AND MILWAUKEE, AND TOMAH AND SAINT CROIX RAILROADS, KNOWN SINCE AUGUST 8, 1878, AS CHICAGO, SAINT PAUL AND MINNEAPOLIS RAILWAY.

By act of June 3, 1856, a grant was made to Wisconsin to aid in the construction of a railroad from Madison or Columbus, by way of Portage City, to Saint Croix River or Lake, between townships 25 and 31, of every alternate section of land for six sections in width on each side thereof. Madison was selected as the initial point, and the road was definitely located therefrom. By act of May 5, 1864, the grant was increased to ten sections per mile between the town of Tomah and Saint Croix Lake or River, with the usual provision for indemnity, and the time for the completion of the whole road was extended five years from that date.

By joint resolution of July 13, 1868, the time for the completion of the road from Tomah to Lake Saint Croix was extended three years, or until May 5, 1872. The road from Portage to Tomah was certified by the governor as completed January 25, 1869, and from Tomah to Lake Saint Croix April 16, 1872.

That portion of the road between Madison and Portage (39 miles) should have been completed May 5, 1869. The governor on December 16, 1874, certified to its completion in January, 1871.

The estimated area of the grant is 1,305,600 acres. The State has received 842,866 acres; of this amount 40,049.11 acres were certified for the Wisconsin Railroad Farm Mortgage Land Company, under the act of July 27, 1868 (which is amendatory of the act of June 3, 1856), but is properly chargeable against the grant.

There has been no restoration of the lands withdrawn under the act of May 5, 1864.

SAINT CROIX AND LAKE SUPERIOR RAILROAD AND BRANCH TO BAYFIELD, AFTERWARDS THE NORTH WISCONSIN, AND NOW KNOWN AS CHICAGO, SAINT PAUL, MINNEAPOLIS AND OMAHA.

By act of June 3, 1856, there was, among others, a grant made to Wisconsin to aid in the construction of a railroad from a point on Saint Croix River or Lake to the west end of Lake Superior and to Bayfield, to be completed within ten years. By act of May 5, 1864, a new grant was made by which the old was increased from six to ten sections per mile, the time for the completion of the road extended five years from its date, and the State authorized to select a point on the main line for a junction with the Bayfield branch. The usual provision was made for indemnity. No road was constructed under the original grant. The legislature of Wisconsin, by an act approved March 4, 1874, conferred the grant for the road from Lake Saint Croix to Bayfield upon the North Wisconsin Railway Company, and the grant from the junction of the Bayfield branch, as located, upon the Chicago and Northern Pacific Air Line Railway Company. No road has been built by the latter company.

The North Wisconsin company under its original name constructed 80 miles of road, and after its consolidation, on May 26, 1880, with the Chicago, Saint Paul and Minneapolis Railway, under the name of the Chicago, Saint Paul, Minneapolis and Omaha Railway Company, constructed 40 miles more, making 120 miles, all built after the expiration of the time when the road should have been completed.

The constructed road begins in the north half of the northeast quarter of section 20, township 29 north, range 19 west, and is continuous to the southeast quarter of the northwest quarter of section 18, township 43 north, range 7 west.

The estimated area of the grant is 1,408,452.69 acres. The State has received 843,497.56. The area of the grant for 120 miles (constructed road) is 768,000 acres. One hundred and six miles of the road as located are now unconstructed. The lands along the unconstructed road are still reserved from sale or entry.

WISCONSIN CENTRAL, FORMERLY PORTAGE, WINNEBAGO AND SUPERIOR.

The grant for this road was made by act of May 5, 1864, and required that the road should be completed in ten years. The original definite location by way of Ripon and Berlin to Stevens Point, and from thence to Bayfield and Superior, covering a

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distance of about 367 miles, was authorized by the act of June 21, 1866 (14 Stat., 360). By act of April 9, 1874, the time for the completion of the road was extended until December 31, 1876. By act of March 3, 1875, the company was authorized to straighten the line of its road between Portage City and Stevens Point, but it was provided that no lands south of Stevens Point, which might be found beyond 10 miles from the modified line when located, should go to the company under its grant, but such lands should revert to the United States and become part of the public domain, to be disposed of as other public lands, and that the acceptance of the provisions of the act by the company should be held to be a relinquishment of the same; and further provided that the act should not be construed as increasing the grant, or as granting to the company any lands whatever.

By straightening the line of the road between the points mentioned the length thereof was decreased about 26 miles, leaving the line as thus finally located about 341 miles long.

The estimated area of the grant for 341 miles, after making a deduction because of the proximity of the line to Lake Superior, is 1,800,000 acres. By accepting the act of March 3, 1875, the company lost between Portage City and Stevens Point about 251,680 acres. The road constructed by the company from Portage City, by way of Stevens Point, to Ashland is continuous, and is 257 miles in length. As shown in the accompanying table, 231 miles thereof were built within the life of the grant, and 26 miles were constructed after it had expired.

The area of the grant for 257 miles is 1,644,800 acres, which, decreased by the lands lost between Portage and Stevens Point, leaves 1,393,120 acres. There has been approved to the State for this road 575,844.56 acres. No road has been constructed beyond Ashland.

The lands relinquished by the company in accepting the act of March 3, 1875, have been restored to homestead and pre-emption entry.

There has been no restoration of the lands withdrawn north of Stevens Point.

RAILROADS IN MINNESOTA.

The act of March 3, 1857, granted to the (then) Territory of Minnesota, for the purpose of aiding in the construction of certain railroads therein specified, every alternate section of land designated by odd numbers for six sections in width on each side of each of the roads so authorized. The act provides indemnity for lands within the primary limits of the grant that were sold, pre-empted, or otherwise appropriated prior to the definite location of each road. It also provides that the lands granted to the Territory "shall be subject to the disposal of the legislature thereof, for the purpose aforesaid and no other"; also—

"That the lands hereby granted to said Territory or future State shall be disposed of by said Territory or future State only in the manner following, that is to say: That a quantity of land not exceeding 120 sections for each of said roads and branches, and included within a continuous length of 20 miles of each of said roads and branches, may be sold; and when the governor of said Territory or future State shall certify to the Secretary of the Interior that any 20 continuous miles of any of said roads or branches is completed, then another quantity of land hereby granted, not to exceed 120 sections for each of said roads and branches having 20 continuous miles completed as aforesaid, and included within a continuous length of 20 miles of each of such roads or branches, may be sold; and so from time to time until said roads and branches are completed; and if any of said roads or branches is not completed within 10 years no further sale shall be made, and the lands unsold shall revert to the United States."

An act of Congress, approved March 3, 1865, increased the grant for all roads and branches provided for in the act of March 3, 1857, to ten sections per mile, enlarged the limits within which indemnity lands might be taken, provided that said indemnity lands should in all cases be indicated by the Secretary of the Interior. Said act also provided for the *patenting* to the State of all lands selected thereunder, to the extent of ten sections per mile, extending along and opposite sections of 10 consecutive miles (in length) as fast as constructed and the construction certified to by the governor, and that the lands granted by this and prior acts should not be disposed of in any manner, except as the same were patented under the provisions of the act. The time for the completion of the several roads and branches was extended to eight years from the passage of the act, or to March 3, 1873, and in the event of failure to so complete said roads or branches, the lands undisposed of are to revert to the United States.

The following described roads were provided for in the act (March 3, 1857) first named:

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SAINT VINCENT EXTENSION OF SAINT PAUL AND PACIFIC, FORMERLY BRANCH LINE OF SAINT PAUL AND PACIFIC, NOW SAINT PAUL, MINNEAPOLIS AND MANITOBA.

This road was authorized by that portion of the act which provided for a "branch" (of main line Saint Paul and Pacific) "via Saint Cloud and Crow Wing to the navigable waters of the Red River of the North, at such point as the legislature of said State may determine." The northern terminus of said branch was fixed by the legislature of said Territory at Saint Vincent. An act of Congress approved July 12, 1862, authorized a new branch line to extend northeasterly to the waters of Lake Superior, in lieu of that part of the original branch extending "northwesterly from the intersection of the tenth standard parallel with the fourth guide meridian." An act of Congress approved March 3, 1871, provided—

"That the Saint Paul and Pacific Railroad Company may so alter its branch lines that instead of constructing a road from Crow Wing to Saint Vincent, and from Saint Cloud to the waters of Lake Superior, it may locate and construct, in lieu thereof, a line from Crow Wing to Brainerd, to intersect with the Northern Pacific Railroad, and from Saint Cloud to a point of intersection with the line of the original grant at or near Otter Tail or Rush Lake, so as to form a more direct route to Saint Vincent, with the same proportional grant of lands, to be taken in the same manner along said altered lines as is provided for the present lines by existing laws."

Said act also provided for a proper release by said company of all lands along the abandoned line. By an act approved March 3, 1873, the time for the completion of the road from Saint Cloud to Saint Vincent was extended nine months from the time limited by previous acts of Congress, or to December 3, 1873.

An act of Congress, approved June 22, 1874, extended the time for the completion to March 3, 1876, upon certain conditions to be accepted by the officers of the road before the act should become operative. Said conditions were not accepted by the company, and the act has been held by this office and the Department to be inoperative.

The road was definitely located November 7, 1871, for a distance of 314 miles, between East Saint Cloud and Saint Vincent; 140 miles were constructed prior to December 3, 1873, and the remaining 174 miles December 23, 1879. It is proper to state, in this connection, that the legislature of Minnesota, by an act approved March 1, 1877, extended the time (so far as the State was concerned) for the completion of the road to January 1, 1881, upon the condition that the company should not, in any manner, directly or indirectly, become seized of any right, title, interest, claim, or demand in or to any parcel of land lying and being within the granted or indemnity limits of the road, to which legal title had not been perfected in the company, upon which any person or persons had, in good faith, settled or acquired valuable improvements thereon prior to the passage of the act. Acceptance of the provisions of the act by the company was to be considered as a relinquishment of all the lands, to the extent of not to exceed 160 acres for each settler, so occupied by actual settlers. I have not been advised of the acceptance of the provision of said act by the company. Up to the present time 1,174,330.03 acres have been patented to the State for the benefit of the road. No portion of said amount (lands) was patented in advance of the construction of 10 miles opposite thereto. The whole road has been accepted by the Department. (See Secretary's decision, June 10, 1880, General Land Office Report for that year, page 124.)

WESTERN RAILROAD, FORMERLY BRAINERD BRANCH SAINT PAUL AND PACIFIC.

This road was authorized by that portion of the act providing for a "branch" (of main line Saint Paul and Pacific) "via Saint Cloud and Crow Wing, to the navigable waters of the Red River of the North, at such point as the legislature of said State may determine," and embraced that portion of the original Saint Vincent branch located from near Saint Cloud (Watab) to Crow Wing, together with a "line from Crow Wing to Brainerd to intersect with the Northern Pacific Railroad," authorized by the act of March 3, 1871, which also provided for the same proportional grant of lands, to be taken in the same manner as provided in the acts of March 3, 1857, and March 3, 1865, as above quoted. The act of March 3, 1873, extended the time for the completion of the road until *December* 3, 1873.

The act of June 22, 1874, referred to in connection with the Saint Vincent road, also applied to the Western Railroad, but is inoperative for the same reason as stated in said connection. The act of the legislature of Minnesota approved March 1, 1877, and above referred to, also embraced the Western Railroad in its provisions, and extended the time for completion to March 1, 1878. The road is definitely located from Watab to Brainerd covered a distance of 54.21 miles, which was completed January 1, 1878; 16.13 miles of the road as located is within the Fort Ripley military reservation, and therefore the State is not entitled to any grant of land for said portion of the road. (See opinion of Attorney-General in annual report of this office for 1881, pages 158 to 163, inclusive.) The State would be entitled to lands opposite 38.08 miles of road, or

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243,712 acres, of which amount 121,462.31 acres were patented to the State April 11, 1879. Of this amount 12,346.24 acres lying within the Fort Ripley military reservation and erroneously patented have been relinquished by the State and company to the United States. The State and company have also relinquished 9,177.99 acres of said patented lands in favor of actual settlers, as provided by the act of legislature of March 1, 1877, hereinbefore referred to. Congress has not, however, authorized the acceptance of said release.

An act of Congress, approved July 4, 1866, granted to the State of Minnesota, to aid in the construction of certain railroads below named, every alternated section of land designated by odd numbers to the *amount of* five alternate sections per mile *on each side* of said river.*

Indemnity was provided by the act for such lands as the United States had sold, reserved, or otherwise appropriated, or to which the right of homestead settlement or preemption had attached prior to the definite location of each road. The lands granted were to be subject to the disposal of the legislature of Minnesota, for the purposes indicated by the act, and in no other way. Upon the completion of any section of 10 consecutive miles, patents are to issue for all the lands in alternate sections, designated by odd numbers, situated within twenty miles of the road so completed, and lying coterminous to said completed section of 10 miles, for the benefit of the road completing said section. The coterminous principle does not extend to such lands as may be taken to make up deficiencies, and no land to make up such deficiencies can be taken within 10 miles of the line of said roads. The roads authorized by the act were to be completed within ten years from the acceptance of the grant, failing which the lands granted and not patented "shall revert to the United States."

THE SOUTHERN MINNESOTA RAILWAY EXTENSION

was authorized by that portion of the act which provided for a road "from Houston, in the county of Houston, through the counties of Fillmore, Mower, Freeborn, and Faribault, to the western boundary of the State," the grant having been accepted by the legislature of the State of Minnesota, February 25, 1867, and conferred upon the Southern Minnesota Railroad Company, and subsequently upon the Southern Minnesota Railway Extension Company.

The road should have been completed by the first company chartered by the State, but as said company only completed the line from Houston to Winnebago City, a distance of $149\frac{844}{1280}$ miles, prior to February 25, 1877, the State, by act of legislature approved March 6, 1878, conferred the privileges appertaining to the uncompleted portion of the line upon the Southern Minnesota Railway Extension Company, under certain conditions, among others that the road should be constructed to Jackson, in Jackson County, before the end of the year 1879, and to the west line of the State before the end of the year 1880. The road was constructed to the west boundary of the State by December 8, 1879, although the line, as constructed, deviated from the located line to a considerable extent, but only to such extent as was necessary to make it conform to the requirements of the act of State legislature. The matter of deviation from located line, and a complete history of the grant, together with the acceptance by the Secretary of the Interior of the line as constructed for 43 miles beyond Winnebago City, and a decision by the Secretary of the Interior that the grant was earned to the extent of the miles constructed, is fully shown in the anual report of this office for 1880, pages 116 to 118, inclusive. That portion of the line beyond the point (near Jackson City) above referred to was accepted by the Secretary of the Interior March 26, 1880, in a letter of that date addressed to this office, in which he also decided that the State of Minnesota was entitled to the land granted and earned, and directed the adjustment of the grant accordingly.

HASTINGS AND DAKOTA.

This road was authorized by that portion of the act of July 4, 1866, which provided for a road—

"From Hastings, through the counties of Dakota, Scott, Carver, and McLeod, to such point on the western boundary of the State as the legislature of the State may determine."

This grant was accepted by the State March 7, 1867. Prior to that time the governor of the State had approved a map of definite location fixing the western terminus of the road (which was not changed materially by the legislature), and on June 26, 1867, said map was approved by the Secretary of the Interior. The road as constructed is 202.1 miles in length, and was completed December 15, 1879. Certain modifications and adjustments were made to carry the construction of the road through several towns named in the act of acceptance. All departures in construction from

* This grant is a grant of "quantity" as distinguished from a grant of "lands in place."

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the located line have, however, been approved by the Department (see letter of Secretary of the Interior, dated April 17, 1880, on page 123 of annual report of this office for 1880), and this office directed to certify the lands in satisfaction of the grant. The State is entitled under the grant "to the amount of" 1,293,400 acres of land, if so much can be found vacant and unappropriated within the limits of the grant. Up to the present time but 312,770.27 acres have been conveyed to the State for the benefit of said road.

LAKE SUPERIOR AND MISSISSIPPI.

By the act of May 5, 1864, a grant was made to the State of Minnesota for a road "from the city of Saint Paul to the head of Lake Superior," of every alternate section of land designated by odd numbers *to the amount of* five alternate sections per mile on each side of the said railroad on the line thereof. The usual provision was made for indemnity lands, to be selected within twenty miles from the line of road. The act provides that upon certification by the governor of the State of the completion of any 20 miles of the road, patents shall be issued for the amount of land coterminous with the completed section, to which the State is entitled under the act; that the land shall be subject to disposal by the State for the purpose indicated by the act, and no other; also, that if the road is not completed within eight years from the date of the act, "no further patent shall be issued for said lands, and no further sale shall be made, and the lands unsold shall revert to the United States."

An act of July 13, 1866, provided that if when the line of the road was located it should be found that the quantity of land intended to be granted by the act of May 5, 1864, was deficient by reason of the line thereof running near the boundary-line of the State, the company should be entitled—

"To take from other public lands of the United States within 30 miles of the west line of said road such an amount of lands as shall make up such deficiency: *Provided*, That the same shall be taken in alternate odd sections, as provided for in said act."

The road as located is 154.42 miles in length, and it was completed *February* 28, 1873, instead of *May* 5, 1872, as required by the act. The quantity of land granted by the act is 988,288 acres, provided so much can be found vacant and unappropriated within the limits of the grant. Up to the present time 860,564 acres have been approved to the State for the benefit of said road. The road as constructed has been accepted by the Department.

An act of Congress approved July 13, 1866, granted indemnity lands to the State of Minnesota in lieu of lands theretofore granted for the purpose of aiding in the construction of railroads that the United States might have sold or disposed of after the definite location of the road and prior to the withdrawal of said lands from sale. It was provided, however, that such grant should not be so construed as to diminish the quantity of lands previously granted to aid in the construction of the Lake Superior and Mississippi Railroad. Section 3 of the act provides for the *certification* of lands to the State.*

Also that—

"On the completion of any 10 miles of road the State may sell one-half the quantity of lands which said State is authorized to dispose of on the completion of 20 miles."

It will be observed that sections 1, 3, and 4 of said act apply to all previous grants. No restoration of lands withdrawn and reserved for the benefit of railroads in the State of Minnesota has been made.

In several instances I have stated that by the construction of a certain number of miles of road a State would be entitled to a certain number of acres of land.

In estimating such number of acres I have simply multiplied the number of miles constructed by the number of sections per mile granted, and have not added to that amount the 120 sections or 76,800 acres authorized by several of the acts referred to to be sold in advance of the construction of any portion of the road, preferring to leave the matter of determining how much land shall revert to the United States, in case of a forfeiture of a grant, to Congress.

This completes the statement of all facts deemed pertinent relative to grants of land made to States to aid in the construction of railroads.

CORPORATIONS.

The estimate of the areas within the limits of these grants herewith submitted, unless otherwise stated, embraces all the odd-numbered sections within the limits fixed by the granting acts as laid down upon the maps and diagrams in this office. Except where the area of the grant has been ascertained by actual examination of the

* The act of March 3, 1865, provides for patenting lands to the State.

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records as stated, the amount given is without deduction for Indian or other reservations, overlapping grants, or other causes which operate to except land from the grants.

Owing to sinuosities in the lines of these roads the quantities given are less than would be obtained by multiplying the number of sections granted per mile by the number of miles of road. The latter amount cannot be acquired under any grant restricted to lateral limits unless the road is practically a straight line.

NORTHERN PACIFIC RAILROAD COMPANY.

By the act of Congress approved July 2, 1864 (13 Stat., p. 365), lands were granted to aid this company in the construction of a railroad from a point on Lake Superior to Puget Sound, with a branch via the Valley of the Columbia River to a point at or near Portland, Oreg. The grant is of every alternate odd-numbered section to the amount of twenty alternate sections per mile on each side of the road where the line passes through the Territories, and ten alternate sections per mile on each side where it passes through States, excluding mineral lands, and lands reserved, sold, granted, or otherwise appropriated, or to which homestead, pre-emption, or other rights shall have attached at the date of filing of maps of definite location of the road in this office. Provision is made for indemnifying the company for lands lost to the grant by sale, reservation, homestead, and pre-emption settlements, or other disposition thereof, prior to the filing of such maps, out of alternate odd-numbered sections not more than 10 miles beyond the limits of the sections granted. The indemnity limits were extended 10 miles farther on each side by joint resolution of May 31, 1870 (16 Stat., p. 378).

The grant is upon certain conditions, one being that the company should complete the entire road by the 4th day of July, 1876.

The second section of the joint resolution approved May 7, 1877 (14 Stat., p. 355), extended the time, for the completion of the road, two years.

The joint resolution approved July 1, 1868 (15 Stat., p. 255), amended the granting act, so as to require the completion of the entire road by July 4, 1877. Under date of June 11, 1879, the Secretary of the Interior held that the effect of the resolutions here cited was to extend the time for the completion of the road to July 4, 1879 (see General Land Office Report for 1879, p. 109 to 111).

The road, as definitely located or proposed, extends from the mouth of the Montreal River, in Wisconsin, to the headwaters of Puget Sound, in Washington Territory, an estimated distance of 2,055 miles. The length of the branch as estimated is 215 miles.

Maps on file in this office show that the road has been constructed as follows: From Northern Pacific Railroad Junction, in Minnesota, about 23 miles southwest of Duluth, to a point on the east bank of the Yellowstone River, in Montana, a distance of 675 miles; from Wallula, Wash., northeastwardly to a point near Lake Pend d'Oreille, in Idaho, 225 miles, and from Kalama, Wash., northward to Tacoma, on the headwaters of Puget Sound, 106 miles, making the total amount constructed 1,006 miles.

For detailed information respecting the length of the road in each of the several States and Territories through which the line passes; the estimated area of land embraced within the limits of the grant; number of miles constructed and uncompleted at the date fixed (July 4, 1879, see decision of Secretary Schurz before referred to) for completion of the entire road, as well as at the present time, and the number of acres patented to the company, reference is made to the accompanying tabulated statement.

CALIFORNIA AND OREGON RAILROAD COMPANY.

A grant of lands in aid of the construction of that portion of a road from the Central Pacific Railroad, in California, to Portland, Oreg., to be constructed in California, was made to this company by the act of Congress approved July 25, 1866 (14 Stat., p. 239).

The grant is of every odd-numbered alternate section of the public lands, not mineral, to the amount of twenty alternate sections per mile (ten on each side) of said railroad line. Provision is made for indemnity for any land within said limits lost to the grant by other grants, sales, reservations, homestead, pre-emption, or other claims, out of alternate odd-numbered sections nearest to and not more than 10 miles from the limits of the sections granted.

This act required the completion of the entire road on or before July 1, 1875.

By the act of June 25, 1868 (15 Stat., p. 80), the time for completing the road was extended to July 1, 1880. The estimated length of the line in California is 288 miles, of which the company constructed 152 miles, from a junction with the Central Pacific Railroad to Redding, prior to the time fixed for completing the road. No evidence of construction beyond Redding has been furnished this office.

This road is now known as the Oregon Branch of the Central Pacific Railroad.

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OREGON CENTRAL RAILROAD COMPANY, NOW OREGON AND CALIFORNIA RAILROAD COMPANY.

The act approved July 25, 1866 (14 Stat., p. 239), made a grant of lands to aid in the construction of a railroad from the Central Pacific Railroad in California to Portland, Oregon. It provided that that portion of the road in Oregon should be built by, and the grant for the same conferred upon, such company as the legislature of said State should designate. This company was so designated.

The grant is of every alternate section of the public lands, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile (ten on each side) of said railroad line. Indemnity is provided for lands lost to the grant by other grants, sales, reservations, homestead, pre-emption, or other claims out of alternate odd-numbered sections nearest to and not more than 10 miles from the limits of the sections granted. The act required the completion of the entire road on or before July 1, 1875. By the act of June 25, 1868, the time for completing the road was extended to July 1, 1880.

The estimated length of the line in Oregon is 315 miles. Prior to July 1, 1880, 197 miles of road, from Portland to Roseburg, were constructed. No evidence of further construction has been furnished this office.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

By the act of Congress approved July 27, 1866 (14 Stat., p. 292), lands were granted to this company to aid in the construction of a railroad from a point at or near the town of Springfield, in Missouri, to the Pacific coast, with a branch from the point at which the road strikes the Canadian River eastwardly to a point in the western boundary of the State of Arkansas at or near the town of Van Buren.

The grant is of every alternate section of the public land designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of the line of the road through the Territories, and ten alternate sections per mile on each side when the road passes through States, excepting mineral lands, and lands sold, otherwise granted or appropriated, or to which pre-emption or other claims shall have attached at the time the line of said road is designated by a map thereof filed in this office. Indemnity is provided out of alternate odd-numbered sections not more than 10 miles beyond the limits of the sections granted, for lands lost within the granted limits by reason of grants, sales, reservations, homestead, pre-emption, and other claims, prior to the filing of the map of the line of the road.

The third section of the act provides—

"That if said route [Atlantic and Pacific] shall be found upon the line of any other railroad route, to aid in the construction of which lands have been heretofore granted by the United States, as far as the routes are upon the same general line, the amount of land heretofore granted shall be deducted from the amount granted by this act; [also] that the railroad company receiving the previous grant of land may assign their interest to said 'Atlantic and Pacific Railroad Company,' or may consolidate, confederate, and associate with said company upon the terms named in the first and seventeenth sections of this act."

The Atlantic and Pacific consolidated with the Pacific and Southwestern Branch Railroad (a railroad authorized by act of June 10, 1852, from Saint Louis to the west boundary of Missouri), as to that portion of the road from Springfield to the west boundary of Missouri.

The whole of the main line was required to be completed by July 4, 1878. No time was fixed for the completion of the branch.

The length of the main line is estimated at 2,126 miles and the branch at 300, making in all 2,426 miles.

Prior to July 4, 1878, the road had been completed and accepted from Springfield, Mo., to Vinita, Ind. T., a distance of 125 miles; that portion between Springfield and Pierce City, Mo., being constructed by the Pacific and Southwestern Branch Railroad Company. Since that date 200 miles of road, from a point near Isleta, N. Mex., to a point in Arizona, has been completed and accepted.

The first section of this portion of the road was accepted, and patent issued for 23,037.36 acres along said section, in accordance with the opinion of the Attorney-General, dated October 26, 1880 (Opinions of Attorneys General, vol. 16, p. 572).

It is understood that this company has completed and is now operating its road a distance of 150 miles west of the point in Arizona last mentioned, but no official evidence of such construction has reached this office. In addition to this it is claimed that the road has been graded a long distance beyond the terminus of this constructed road, but of course this office is without official evidence of this fact.

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SOUTHERN PACIFIC RAILROAD COMPANY.

By section 18 of the act of July 27, 1866 (14 Stat., p. 292), granting lands to the Atlantic and Pacific Railroad Company, this company was authorized to connect with said company at such point near the boundary of California as they should deem most suitable for a railroad line to San Francisco.

To aid in the construction of such railroad it was enacted that this company should have grants of land similar to those to said Atlantic and Pacific Railroad Company, subject to all the conditions and limitations of said grants, with the same requirements as to time and manner of construction.

The grant, therefore, is to the amount of ten alternate odd-numbered sections per mile on each side of said road, with the same exceptions and the same provisions for indemnity as in the grant for the Atlantic and Pacific Railroad above recited. The road was also required to be completed by July 4, 1878.

The length of this road is estimated at 522 miles. Of this 232 miles were constructed and accepted prior to July 4, 1878, as follows: From San José southward to Tres Pinos, 50 miles, and from Huron east to Goshen and southeasterly to Mojave, 182 miles.

This office has no evidence of the construction of any portion of this road between San Francisco and San José, Tres Pinos and Huron, and Mojave and the State line, 290 miles in all.

It is understood that at San José a connection for San Francisco is made with another road over practically the same route.

OREGON CENTRAL RAILROAD COMPANY.

The act of May 4, 1870 (16 Stat., p. 94), made a grant of lands to aid this company in the construction of a railroad from Portland to Astoria, in Oregon, with a branch from a point near Forest Grove to the Yamkill River, near McMinville.

The grant is of each alternate section of the public lands, designated by odd numbers, nearest to said road, to the amount of ten alternate sections per mile on each side thereof. Mineral lands, and lands otherwise reserved or held by valid pre-emption or homestead rights at the date of the grant, are excepted. It is provided that in case the quantity of ten full sections per mile cannot be found on each side of the road, other lands, designated as aforesaid, on either side of any part of said road nearest to and not more than 25 miles from the track thereof may be selected to make up such deficiency.

The entire road was to be completed within six years from the passage of this act.

The length of the main line is estimated at 122 miles, and the branch 22½, making a total of 144½ miles. Prior to the time fixed for the completion of the road 25 miles of the main line west of Portland and the entire branch line were constructed and accepted. No proof of the construction of any other portion of this road has been filed in this office.

The limits of this grant are partly in Washington Territory. No lands have been withdrawn for the grant in said Territory, and under date of December 20, 1877, the Secretary of the Interior declined a request for an order for such withdrawal, for the reason that the time fixed by the granting act for the completion of the road had expired and the greater part of the road was uncompleted. For this reason no estimate of the area embraced in the limits in Washington Territory has been made.

TEXAS PACIFIC RAILROAD COMPANY, NOW THE TEXAS AND PACIFIC RAILWAY COMPANY.

By act of Congress approved March 3, 1871 (16 Stat., p. 573), a grant of lands was made to this company to aid in the construction of a railroad from a point at or near Marshall, Tex., to San Diego, Cal.

The grant is of every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile on each side of the line as adopted by the company through the Territories of the United States, and ten alternate sections per mile on each side of the line in California. Exception is made of lands sold, reserved, or otherwise disposed of, and lands to which a pre-emption or homestead claim may have attached at the time the line of the road is definitely fixed. Indemnity is provided for lands thus lost to the grant out of alternate odd-numbered sections not more than ten miles from the limits of the sections granted. Provision is also made for indemnity for lands lost by reason of the near approach of the line of the road to the boundary of Mexico, and also for mineral lands excluded from the grant out of odd-numbered sections nearest the line of the road.

The company was required to commence the construction of its road simultaneously at San Diego, Cal., and from a point at or near Marshall, Tex., and to complete the entire road within ten years after the passage of the act. The act, approved May 2, 1872 (17 Stat., p. 59), required that the road be so commenced and constructed as to

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secure the completion of the entire road between the points above named within ten years after the passage of said act. This extended the time for completion to May 2, 1882, and the grant is not strictly within the class to which the resolution now before me applies; but in view of the failure of the company to construct any part of its road eastward from San Diego, I have decided to submit the facts in the matter.

The length of the entire line is estimated at 1,483 miles. Proof of the construction of 181 miles of this road in Texas has been furnished, but no evidence of construction beyond that has reached this office.

From the western boundary of Arizona to the western boundary of Texas the Southern Pacific Railroad Company, having no land grant, has built and is operating a road almost entirely within the limits of the grant to the Texas Pacific Railroad Company, and for the greater portion of the distance practically on the line adopted by the Texas Pacific Company.

NEW ORLEANS, BATON ROUGE, AND VICKSBURG RAILROAD COMPANY, NOW NEW ORLEANS PACIFIC RAILWAY COMPANY.

By section 22 of the act approved March 3, 1871 (16 Stat., p. 573), granting lands to the Texas Pacific Railroad Company, this company was granted the same number of alternate sections of public lands in Louisiana as were by that act granted in California to said Texas Pacific Railroad Company (to the amount of ten alternate odd-number sections per mile), on each side of the line of the road.

The company was required to complete its road within five years from the passage of the act. The estimated length of the line of the road is 318 miles. No evidence of the completion of any portion of this road within the time required by law has been furnished.

Other information respecting the grants to corporations above described appears in the tabulated statement herewith transmitted.

All roads not hereinbefore mentioned are believed to have been constructed within the statutory period.

The following statement completes the imformation asked for by the resolution:

COSTS OF SURVEYING, SELECTING, AND CONVEYING LANDS GRANTED TO AID IN THE CONSTRUCTION OF RAILROADS.

By the act of Congress approved July 1, 1864 (13 Stat., p. 335), as revised, paragraph 7, section 2238 Revised Statutes, fees to be paid the registers and receivers upon selections of lands under grants for railroad purposes were fixed.

Such fees have been paid on all selections forwarded to this office since July 1, 1864, the same having been fully collected by registers and receivers upon presentation of each list of selections.

A proviso in the act making appropriations for sundry civil expenses of the Government, approved July 15, 1870 (16 Stat., p. 305), declares that before any land granted to the Northern Pacific Railroad Company shall be conveyed to any party entitled thereto under the grant, the cost of surveying, selecting, and conveying the same shall be paid by the company or party in interest.

The act making appropriations for the same purpose, approved July 31, 1876, contained the following proviso:

"That before any land granted to any railroad company by the United States shall be conveyed to such company, or any persons entitled thereto under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there shall be first paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by said company or persons in interest." (19 Stat., p. 121.)

Being in an act making appropriations, the proviso of July 15, 1870, requiring the Northern Pacific Company to pay the costs of surveying and conveying lands granted to it escaped the attention of the branch of this office then charged with the adjustment of railroad grants, and I find no reference to it in the records until 1874. By letter of May 27, 1874, the resident attorney of said company was informed that no more patents would issue to the company until the expense of surveying and patenting 743,493.44 acres of land in Minnesota, for which patents had issued in 1873, should be paid.

The amount due from the company for the expense of surveying said land is $26,020.53; expense of conveying same, $161.85; making a total of $26,182.38.

It is understood that at the next session of Congress, after the date of said letter, the company sought relief from the payment of the cost of surveying, &c., and this may account for the fact that no further action was taken in the premises.

With the exception of one for 3,016.80 acres in Washington Territory, issued April 8, 1880 (upon which all costs were paid), no patents have issued to said company since May 27, 1874.

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The provision in the act of 1876, making appropriations as stated, also escaped notice until 1878, when attention was called to it in connection with an application for patents to the Southern Pacific Railroad of California. The matter was presented to the Department October 26, 1878, with an opinion that said company was exempt from the operation of this requirement so far as lands earned by construction prior to July 31, 1876, were concerned. In his decision of February 20, 1879 (Annual Report General Land Office for 1879, p. 115), your predecessor overruled this opinion.

Pursuant to this decision, on March 12, 1879, a demand was made upon the resident attorney of said company for the payment of the expense of surveying and conveying 230,500.30 acres, patented October 20, 1877. To this the attorney replied, on the 14th of the same month, that he had advised the officers of the company of the demand and would communicate their answer as soon as received. No response by the company has reached this office.

I find that said company is indebted to the Government for costs of surveying and conveying lands embraced in several smaller patents, for which no demand appears to have been made.

The amount due from said company is as follows:

Expense of surveying 320 acres in patent No. 8, dated September 30, 1876	$14 40	
Expense of conveying same	1 90	
		$16 30
Expense of surveying 22,600.48 acres in patent No. 9, dated February 27, 1877	1,017 02	
Expense of conveying same	4 80	
		1,021 82
Expense of surveying 230,500.30 acres in patent No. 10, dated October 20, 1877	10,718 52	
Expense of conveying same	26 30	
		10,744 82
Expense of surveying 40 acres in patent No. 11, dated January 31, 1878	1 80	
Expense of conveying same	2 50	
		4 30
Total amount due		11,787 24

The following amounts are due from the Central Pacific Railroad Company as successor to the California and Oregon Railroad Company. I find no record of any demand made therefor:

Expense of conveying 45,282.79 acres in patent No. 4, dated April 19, 1877		$11 75
Expense of surveying 238.26 acres in patent No. 5, dated May 21, 1877	$10 72	
Expense of conveying same and 320 acres additional in same patent, (surveys paid for)	2 60	
		13 32
Expense of surveying 10,904.62 acres in patent No. 6, dated February 28, 1878	490 70	
Expense of conveying same	4 20	
		494 90
Total amount due		519 97

The Oregon and California Railroad Company are also indebted to the Government for the expense of surveying 86,622.17 acres of land embraced in patent No. 5, dated June 18, 1877, $3,940.15, and expense of conveying the same, $26—making the total indebtedness $3,966.15, for which no demand appears to have been made.

For reference, the amounts above given are here tabulated:

Name of company.	Amount due for expense of surveys.	Amount due for conveying lands.	Total amount due from each company.
Northern Pacific	$26,020 53	$161 85	$26,182 38
Southern Pacific	11,751 74	35 50	11,787 24
Central Pacific, successor, &c	501 42	18 55	519 97
Oregon and California	3,940 15	26 00	3,966 15
Aggregate indebtedness	42,213 84	241 90	42,455 74

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It will be observed that in the case of the three companies last referred to the patents were all issued prior to the decision of your predecessor upon the act of 1876.

The failure to make and renew demands for payment was undoubtedly an oversight and due to the great pressure of business which has always existed in the division of this office charged with the adjustment of these grants. Now that the facts are brought to my attention, demands will be made for the several amounts due, and the result promptly reported to the Department.

The proviso in the act of 1876, before quoted, applies to all the "corporations" herein named, but the above are the only ones to which patents have issued that have failed to reimburse the Government for the expense of surveying and patenting lands.

In conclusion, I have to state that the information asked for by the resolution covered a wide range of subjects, and that to answer the same satisfactorily has required the unremitting labor of all the available clerks in the railroad division for the past forty days. The delay has been caused almost entirely by the failure on the part of this office in the past, at the time when land grants to aid in the construction of railroads were first extensively made, to adopt and perfect a comprehensive system of procuring and keeping in a concise and convenient form all matters of information relative to each particular grant. It has been necessary, in collecting much of the information here presented, to examine correspondence relative to a particular grant, covering a period of twenty-five years; also to measure, in almost every case, the line of definite location of a road in order to determine its length "as located," because of failure on the part of railroad companies to state the length of road, and because such information was not necessary to this office in the adjustment of a grant, and had not therefore been previously ascertained. In order to determine what roads had not been completed in the time named in the granting acts and amendments thereto, it was necessary to examine *every* grant made to a State or corporation, such fact, like the preceding one referred to, not being a necessary concomitant in the adjustment of a grant since the Schulenberg *vs.* Harriman case, hereinbefore referred to.

For many years past the majority of the force of the railroad division of this office has been engaged in the settlement of contests between settlers and railroad companies, and the increase of that class of cases has been so rapid, the rulings of the executive and judicial departments of the Government so diversified, and new legislative acts relative to land grants so numerous, that but a small portion of the division could have been assigned to the adjustment of railroad grants without detriment to the interests of settlers, which have been considered paramount to others in conducting the business. When it is understood that to properly adjust all the grants in question the status of each 40-acre tract must be examined and determined; that there are not only hundreds of thousands but millions of said tracts, and that the status of many tracts involves not one but many questions of law, the magnitude of the work to be performed will be apparent.

The interests of settlers within the limits of these grants, the interests of the railroad companies and those of the people of the United States, demand that these grants should be adjusted at the earliest possible date and the lands now withdrawn not needed to satisfy grants restored to entry, and that the proper force of competent clerks should be provided for such purpose.

The resolution does not call for any copies of papers or correspondence bearing upon the subject therein involved, consequently none have been prepared. Of course there is on file and of record a vast amount of correspondence pertaining to the business of these various railroad companies, and their controversies with individual settlers. To give copies of the same would require a long time and indefinitely postpone this report. If, however, Congress should desire and designate copies of any such correspondence, they will be furnished.

The resolution is herewith returned.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

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A.—*Statement showing States and corporations to which grants have been made to aid in the*

STATES.

Names of States to which grants have been made.	Date of act making grant and acts supplemental thereto.	Statutes.	Page.	Time in years within which road was to be completed.	Date of act extending period within which road was to be completed.	Time allowed by, or number of years allowed from, date of amendatory act.	Date when road should have been completed.	Date when road was completed.	Name of railroad.
Miss.	Aug. 11,'56	11	30	10	.....	.....	Aug. 11,'66	.....	Gulf and Ship Island.*a*
	Aug. 11,'56	11	30	10	.....	.....	Aug. 11,'66	.....	Tuscaloosa and Mobile (from Meridian to the Alabama State line).*b*
	Aug. 11,'56	11	30	10	.....	.....	Aug. 11,'66	.....	Mobile and New Orleans.*c*
Ala..	Aug. 11,'56	11	30	10	.....	.....	Aug. 11,'66	.....	.....do.....
La...	Aug. 11,'56	11	30	10	.....	.....	Aug. 11,'66	.....	.....do.....
Ala..	June 3,'56	11	17	10	.....	.....	June 3,'66	.....	Coosa and Tennessee.*d*
	June 3,'56	11	17	10	.....	.....	June 3,'66	.....	Coosa and Chattooga.*d*
	June 3,'56	11	17	10	.....	.....	June 3,'66	.....	Elyton and Beard's Bluff.*b*
	June 3,'56	11	17	10	.....	.....	June 3,'66	.....	Memphis and Charleston.*e*
	June 3,'56	11	17	10	.....	.....	June 3,'66	.....	Mobile and Girard.*f*...
	June 3,'56	11	17	10	.....	.....	June 3,'66	.....	Selma, Rome, and Dalton, formerly Alabama and Tennessee.*g*..
	May 23,'72	17	159	....					
	Mar. 3,'57	11	195	10	.....	.....	Mar. 3,'67	.....	Savannah and Albany*h*
Fla..	May 17,'56	11	15	10	.....	.....	May 17,'66	.....	Atlantic, Gulf and West India Transit, formerly Florida Railroad.
	May 17,'56	11	15	10	.....	.....	May 17,'66	.....	Pensacola and Georgia (Lake City to Pensacola).*i*
	May 17,'56	11	15	10	.....	.....	May 17,'66	.....	Florida, Atlantic and Gulf Central (Jacksonville to Lake City)*j*
La...	June 3,'56	11	18	10	.....	.....	June 3,'66	.....	North Louisiana and Texas, formerly Vicksburg, Shreveport and Texas.
	June 3,'56	11	18	10	.....	.....	June 3,'66	.....	Railroad from New Orleans to the State line in the direction of Jackson, Miss.*k*
Ark..	Feb. 9,'53	10	155	10	.....	.....	.....	.....	Little Rock and Fort Smith.*l*
	July 28,'66	14	338	....	July 28,'66	10 years from date act took effect.	May 13,'77	Feb. 17,'79	
	Apr. 10,'69	16	46						
	Mar. 8,'70	16	76						
	July 4,'66	14	83	(*)	.....	.....	July 1,'71	.....	Iron Mountain *m*.....
Mo...	July 4,'66	14	83	(*)	.....	.....	July 1,'71	June 17,'73	Iron Mountain, new Saint Louis, Iron Mountain and Southern.*n*
Mich.	June 3,'56	11	21	10	.....	.....	June 3,'66	.....	Detroit and Milwaukee (Grand Haven to Owasso).*o*
	Mar. 3,'79	20	490						
	June 3,'56	11	21	10	.....	.....	June 3,'66	.....	Port Huron and Milwaukee (Owasso to Port Huron).*p*
	Mar. 3,'79	20	490						
	June 3,'56	11	21	10	.....	.....	.....	.....	Jackson, Lansing and Saginaw (north of Lansing), and Northern Central Michigan (south of Lansing), formerly Amboy, Lansing and Traverse Bay.*q*
		14	78	....	July 3,'66	7 years from June 3,'66.	June 3,'73		
	Mar. 2,'67	14	425						
	Mar. 3,'71	16	586						

* Five years from July 1, 1866.

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construction of railroads which have not been completed within the time required by law.

STATES.

Length in miles as definitely located.	Number of miles of road completed before expiration of grant.	Number of miles of road completed after expiration of grant.	Number of miles of road uncompleted at date when road should have been completed.	Number of miles of road now uncompleted.	Number of sections, irrespective of area per section, granted for each mile of road.	Approximate estimate of the number acres so granted.	Number of sections containing 640 acres granted for each mile of road.	Estimated quantity of land (in acres) embraced in the limits of grant.	Lands transferred to the grantee by certification of approved lists, or by patent, as the case may be, in acres.
170	None	None	170	170	6	652,800			None
	None	None			6				None.
	None	None			6				None.
	None	None			6				None.
	None	None			6				None.
36½	None	None			6	140,160			67,784.96
37½	None	None			6	144,000			None.
	None	None			6				None.
	None	None			6				None.
223.6					6	858,624			504,145.86
167.35	100	43.93	67.35	23.42	6	641,285			457,215.37
	None	None			6				None.
305	155	44.88	150	105.12	6	1,171,200			290,183.28
307					6	1,178,880			1,275,579.52
59					6	226,560			29,384.18
189	94	None	95	95	6	725,760			353,212.68
	None	None			6				None.
165.16	159.43	5.73	5.73	None			10	1,057,024	916,740.34
	None	None			10				None.
94	20	77.84	77.84	None	10	601,600			None.
110					6	†355,420			30,998.75
90½		60			6	†313,384			6,468.68
	188.10	73.27	73.27	None					
290		60		20	6	†1,052,469			743,009.36

†In these estimates deductions were made for conflicting grants.

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A.—*Statement showing States and corporations to which grants have*

STATES—

Names of States to which grants have been made.	Date of act making grant and acts supplemental thereto.	Statutes.	Page.	Time in years within which road was to be completed.	Date of act extending period within which road was to be completed.	Time allowed by, or number of years allowed from date of, amendatory act.	Date when road should have been completed.	Date when road was completed.	Name of railroad.
Mich.	June 3, '56	11	21	10	.....	.....	.....	.....	Marquette and Ontonagon, new Marquette, Houghton and Otonagon. *r*
		13	137	....	June 18, '64	5 years.			
	June 18, '64	13	409						
	Mar. 3, '65	13	520	....	.....	.....	Dec. 31, '72		
		15	252	....	May 20, '68	Until Dec. 31, '72.			
	Apr. 20, '71	17	643						
	June 3, '56	11	21	10	.....	.....	June 3, '66	.....	Ontonagon and State Line, now Ontonagon and Brule River. *s*
Iowa.	May 12, '64	13	72	15	.....	.....	Sept. 20, '81	.....	Sioux City and Saint Paul. *t*
Wis..	June 3, '56	11	20	10	.....	.....	.....	.....	West Wisconsin, formerly La Crosse and Milwaukee, and Tomah and Saint Croix. *u*
	May 5, '64	13	66	....	May 5, '64	5 years....	May 5, '69 (Madison to Tomah).	Jan. —, '71	
		15	257	....	July 13, '68	3 years....	May 5, '72 (Tomah to Saint Croix).	Apr. 16, '72	
	Mar. 3, '75	17	634						
	June 3, '56	11	20	10	.....	.....	.....	.....	North Wisconsin, formerly Saint Croix and Lake Superior, now Chicago, Saint Paul, Minneapolis and Omaha. *v*
	May 5, '64	13	66	....	May 5, '64	5 years....	May 5, '69		
	May 5, '64	13	66	10	.....	.....	.....	.....	Wisconsin Central, formerly Portage, Winnebago and Superior. *w*
	June 21, '66	14	360						
		18	28	....	Apr. 9, '74	Until Dec. 31, '76.	Dec. 31, '76		
	Mar. 3, '75	18	511						
Minn.	Mar. 3, '57	11	195	10	.....	.....	.....	.....	Saint Vincent extension of Saint Paul and Pacific (East Saint Cloud to Saint Vincent) now Saint Paul, Minneapolis and Manitoba. *x*
	July 12, '62	12	624						
	Mar. 3, '65	13	526	....	Mar. 3, '65	8 years....	Mar. 3, 73, extended to—		
	July 13, '66	14	97						
	Mar. 3, '71	16	588						
		17	631	....	Mar. 3, '73	9 months..	Dec. 3, '73	Dec. 23, '79	
		18	203	....	June 22, '74	.....			
	June 22, '74	11	195	10	.....	8 years..	Mar. 3, '73, extended to Dec. 3, '73	Jan. 1, '78.	Western Railroad, formerly Brainerd Branch Saint Paul and Pacific (Watab to Brainerd). *y*
	Mar. 3, '57	13	526	....	Mar. 3, '65	.....			
	Mar. 3, '65	14	97	....	.....	.....			
	July 13, '66	16	588	....	.....	9 months			
	Mar. 3, '71	17	631	....	Mar. 3, '73				
	June 22, '74	18	203	....	June 22, '74	.....			
	July 4, '66	14	87	10	.....	.....	Feb. 25, '77	Dec. 8, '79	Southern Minnesota Railway Extension. *z*
	July 13, '66	14	97						
	July 4, '66	14	87	10	.....	.....	Mar. 7, '77	Dec. 15, '79	Hastings and Dakota *aa*
	July 13, '66	14	97						
	May 5, '64	13	64	8	.....	.....	May 5, '73	Feb. 28, '73	Lake Superior and Mississippi. *bb*
	July 13, '66	14	93						
	July 13, '66	14	97						

*In this estimate a deduction was made for a conflicting grant.

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been made to aid in the construction of railroads, &c.—Continued.

Continued.

Length in miles as definitely located.	Number of miles of road completed before expiration of grant.	Number of miles of road completed after expiration of grant.	Number of miles of road uncompleted at date when road should have been completed.	Number of miles of road now uncompleted.	Number of sections, irrespective of area per section, granted for each mile of road.	Approximate estimate of the number of acres so granted.	Number of sections containing 640 acres granted for each mile of road.	Estimated quantity of land (in acres) embraced in the limits of the grant.	Lands transferred to the grantee by certification of approved lists, or by patent, as the case may be, in acres.
98	52	None...	46	46	10	627, 200	.....	.....	437, 385
75	None...	20	75	55	6	232, 848	.....	.....	197, 584. 70
$83\frac{13}{80}$	$56\frac{1}{4}$	None...	$26\frac{73}{80}$	$26\frac{73}{80}$	10	*487, 240	.....	.....	407, 910. 21
244	217. 09	39	39	None	6 & 10	1, 305, 600	.....	.....	842, 866
226	None...	120	226	106	10	1, 408, 452. 69	.....	.....	843, 897. 56
341	231	26	110	84	10	1, 800, 000	.....	.....	575, 844. 56
314	140	174	174	None	10	2, 009, 600	.....	.....	1, 174, 330. 03
54. 21	None...	54. 51	54. 21	None	10	243, 712	.....	.....	† 121, 462. 31
$279\frac{1241}{2240}$	$149\frac{1844}{2240}$	$130\frac{27}{2240}$	$130\frac{27}{2240}$	None	.....	.....	10	1, 787, 953	452, 775. 95
202. 1	74	128. 1	128. 1	None	.....	.....	10	1, 293, 400	312, 770. 27
154. 42	30	124. 42	124. 42	None	.....	.....	10	988, 288	860, 564. 09

† 12,346.24 acres in Fort Ripley reservation relinquished August 10, 1881, leaving 109,116.07 acres chargeable to road.

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NOTES TO TABLE A. (Pages 812 to 815.)

a Grant treated as forfeited after August 11, 1866.

b No map of location or evidence of construction on file.

c No map of location filed. Grants treated as forfeited after August 11, 1866.

d No evidence of construction on file.

e State refused to accept grant.

f No evidence of construction on file. Believed to be constructed from Girard to Troy, 84 miles.

g Road beyond Jacksonville not built on located line for 23.42 miles. Act May 23, 1872, confirms all the lands certified for the company up to that date.

h No map of location filed.

i No evidence of the construction of any portion of the road on file. Believed to be constructed a distance of 150 miles.

j Believed to be constructed. No evidence of construction on file.

k No map of definite location filed.

l Act July 28, 1866, increases grant to 10 sections per mile. Act of April 19, 1869, extends time for completion of first 20 miles of road. Act of March 8, 1870, repeals the proviso of the act of April 10, 1869.

m Road never definitely located.

n Road constructed by a different line from that of definite location, and 74 miles thereof never accepted.

o No evidence of construction on file. Road believed to be constructed. The act of March 3, 1879, released to the State the reversionary interests of the United States in the lands certified.

p Believed to be completed. The act of March 3, 1879, released to the State the reversionary interest of the United States in the lands certified.

q Act of March 2, 1867, extends the time for completion of first 20 miles of road. Act of March 3, 1871, authorizes change of northern terminus of road.

r Joint resolution of June 18, 1864, explains the act of that date extending time for completion of road. The act of March 3, 1865, increases grant to ten sections per mile. Act of April 20, 1871, authorizes a relocation of a portion of the road.

s The lands certified were afterwards relinquished to the United States.

t The act of May 12, 1864, required the completion of the road within fifteen years from date of acceptance. Company accepted grant September 20, 1866.

u Act of May 5, 1864, increases grant to ten sections per mile from Tomah to Saint Croix Lake. The act of March 3, 1873, authorizes the company to select indemnity for certain lands lost.

v Act of May 5, 1864, increases grant to ten sections per mile.

w June 21, 1866, resolution explanatory of the act of May 5, 1864. Act of March 3, 1875, authorizes the company to straighten their road.

x Act of March 3, 1857, authorizes branch via Saint Cloud and Crow Wing to Red River. Joint resolution July 12, 1862, changes route of branch to Lake Superior. Act of March 3, 1865, extends time and increases grant. Act July 13, 1866, grants indemnity in certain cases. Act March 3, 1871, authorizes change of route. Act June 22, 1874, extends time for completion. Not operative.

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Notes ce able "A," pages 812 *to* 815—Continued.

y Act March 3, 1865, extends time and increases grant. Act July 13, 1866, grants indemnity in certain cases. Act March 3, 1871, authorizes extension of time from Crow Wing to Brainerd. Act June 22, 1874, extends time for completion of road. Not operative, 16.13 miles of road within Fort Ripley reservation, and company not entitled to lands.

z The act of July 4, 1866, required the road to be completed within ten years from date of acceptance. Grant accepted February 25, 1867. Act July 13, 1866, provides for certification, &c.

aa The act of July 4, 1866, required the road to be completed within ten years from date of acceptance. Grant accepted March 7, 1867. Act of July 13, 1866, provides for certification, &c.

bb The act of July 13, 1866 (14 Stats., 93), authorizes deficiency to be of made up of lands within 30 miles west of line of road. Act of July 13, 1866 (14 Stats., 97), provides for indemnity in certain cases. Not to diminish grant to this road.

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A.—*Statement showing States and corporations to which grants have*

CORPOR

Names of corporations to which grants have been made.	Dates of acts making grants and acts supplemental thereto.	Statutes.	Page.	Effect of acts.	Location of the grants.
Northern Pacific Railroad Company.	July 2, '64	13	365	Granting act. Required completion of entire road by July 4, 1876.	
	May 7, '66	14	355	Resolution. Extended the time for commencing and completing the road two years.	
	July 1, '68	15	255	Resolution. Extended the time for commencing work on the road two years, and required the completion of the entire road by July 4, 1877.	Wisconsin, main line.. Minnesota, main line..
	Mar. 1, '69	15	346	Resolution. Consented to the issue of bonds, &c.	Dakota, main line..... Montana, main line...
	Apr. 10, '69	16	57	Resolution. Authorized the extension of the branch line from Portland, Oreg., to Puget Sound.	Idaho, main line..... Oregon, main line..... Washington, main line Washington, branch..
	May 31, '70	16	378	Resolution. Authorized the issue of mortgage bonds; reversed the location of the main line and branch in Washington Territory, extended the indemnity limits, &c.	
	July 15, '70	16	305	Proviso. Required the company to pay the cost of surveying, selecting, and conveying lands granted before the issue of patents.	
California and Oregon Railroad Company, now Oregon Branch of the Central Pacific Railroad.	July 25, '66	14	239	Granting act. Required completion of the entire road on or before July 1, 1875.	
	June 25, '68	15	80	Extended the time for completing the road to July 1, 1880.	
	Apr. 10, '69	16	47	Provided that the lands granted shall be sold to actual settlers only, in quantities not greater than one-quarter section to one purchaser, and for a price not exceeding $2.50 per acre.	California .....
Oregon Central Railroad Company, now Oregon and California Railroad Company.	July 25, '66	14	239	Granting act. Required completion of the entire road on or before July 1, 1875.	
	June 25, '68	15	80	Extended the time for completing the road to July 1, 1880.	
	Apr. 10, '69	16	47	Amended granting act. Also, provided that the lands granted shall be sold to actual settlers only, in quantities not greater than one-quarter section to one purchaser, and for a price not exceeding $2.50 per acre.	Oregon .....

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been made to aid in the construction of railroads, &c.—Continued.

ATIONS.

Length of road, in miles, as located or proposed.	Number of sections (of 640 acres) granted for each mile of road.	Estimated quantity of land (in acres) embraced in the grant.	Date when the road should have been completed.	Number of miles completed before the date fixed for completion of the road.	Number of miles uncompleted at the date fixed for completion of the road.	Number of miles completed after the date fixed for completion of the road.	Number of miles now uncompleted.	Number of acres patented to the company.	Remarks.
92	20	907,520 00	July 4, '79	...	92	....	92	.....	The date given for the completion of this road is that fixed by the decision of the Secretary of the Interior, dated June 11, 1879 (see General Land Office Report for 1879, pp. 109 to 111). The limits of the main line and branch in Washington Territory overlap and the area in the overlapping limits is estimated as part of the grant for the main line only.
236	20	4,301,440 00	.....	228	8	....	8	743,493.44	
374	40	8,432,640 00	.....	197	177	177	.....	.....	
770	40	17,838,080 00	.....	....	770	73	697	.....	
72	40	1,900,800 00	.....	....	72	45	27	.....	
.....	40	3,575,680 00	.....	....	.....	.....	.....	.....	
511	40	11,258,880 00	.....	106	405	180	225	3,016.08	
215	40				215	....	215	.....	
2,270	....	48,215,040 00	.....	531	1,739	475	1,264	746,509.52	
288	20	2,126,526 78	July 1, '80	152	136	....	136	1,337,919 12	The quantity of land within the limits here given is the amount found by an actual examination made heretofore. An examination under existing rulings would probably increase it. No definite location north of township 46 north, range 5 west, Mount Diablo meridian, and no lands withdrawn north of said township.
315	20	3,701,760 00	July 1, '80	197	118	....	118	322,062.40	No definite location south of township 30 south, range 5 west, and no lands withdrawn south of said township.

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A.—*Statement showing States and corporations to which grants have*

CORPORATIONS

Names of corporations to which grants have been made.	Dates of acts making grants and acts supplemental thereto.	Statutes.	Page.	Effect of acts.	Location of the grants.
Atlantic and Pacific Railroad Company.	July 27, '66	14	292	Granting act. Required completion of the whole of the main line by July 4, 1878.	Missouri, main line.... Arkansas, main line.. Arkansas, branch..... Indian Territory, main line. Indian Territory, branch. Texas, main line..... New Mexico, main line Arizona, main line.... Nevada, main line .... California, main line..
	Apr. 20, '71	17	19	Authorized the company to mortgage its roads, lands, &c.	
Southern Pacific Railroad Company of California, main line.	July 27, '66	14	292	Sec. 18. Granting act. Required completion of the whole road by July 4, 1878.	California.....
	July 25, '68	15	187	Allowed the company until July 1, 1870, for construction of the first 30 miles of road.	
	June 28, '70	16	382	Resolution. Authorized construction on the route indicated by the map filed in the Interior Department January 3, 1867, and provided for issue of patents for lands along each section constructed.	
Oregon Central Railroad Company.	May 4, '70	16	94	Granting act. Required completion of the entire road within six years from the date of the act.	Oregon, main line..... Oregon, branch .....

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been made to aid in the construction of railroads, &c.—Continued.

—Continued.

Length of road, in miles, as located or proposed.	Number of sections (of 640 acres) granted for each mile of road.	Estimated quantity of land (in acres) embraced in the grant.	Date when the road should have been completed.	Number of miles completed before the date fixed for completion of the road.	Number of miles uncompleted at the date fixed for completion of the road.	Number of miles completed after the date fixed for completion of the road.	Number of miles now uncompleted.	Number of acres patented to the company.	Remarks.
89	20	1,100,160.00	July 4, '78	89	.....	....	.....	485,871.75	No grant in Texas. No withdrawal of lands within the limits of this grant in Nevada and Indian Territory has been ordered. In addition to the amount patented in Missouri, here given, 429,084.18 acres certified to said State prior to July 27, 1866, and 3,130.97 acres patented to the State after that date, all under the grant of June 10, 1852 (10 Stat., p. 8), for the Pacific and Southwestern Branch Railroad, are now charged against the grant to the Atlantic and Pacific Railroad Company as successor to a portion of the former company's road. The land patented in Arkansas is within the 30 mile (indemnity) limit of the main line in Missouri. No date fixed for completion of the branch. Allowance made for overlapping limits of main line and branch in Indian Territory.
.....	.....	.....	.....	....	.....	....	.....	18,082.61	
5	20	72,320.00	.....	....	5	....	5	.....	
355	40	13,170,560.00	.....	36	319	....	319	.....	
295	40		.....	....	295	....	295	.....	
200	....	.....	.....	....	200	....	200	.....	
416	40	10,215,680.00	.....	....	416	167	249	23,037.36	
380	40	9,242,240.00	.....	....	380	33	347	.....	
.....	20	34,560.00	.....	....	.....	....	.....	.....	
686	20	6,855,040.00	.....	....	686	....	686	.....	
2,426	....	40,690,560.00	.....	125	2,301	200	2,101	526,991.72	
522	20	5,511,264.26	July 4, '78	232	290	....	290	1,037,910.11	Area of this grant ascertained by actual examination heretofore.
122	20	1,130,880.00	May 4, '76	25	97	....	97	None	The branch is nearly all within the limits of the main line, and the estimate here given is for the main line only.
22½	20		.....	22½	.....	....	.....	None	
144½	....	1,130,880.00	.....	47½	97	....	97	.....	

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A.—*Statement showing States and corporations to which grants have*

CORPORATIONS

Names of corporations to which grants have been made.	Dates of acts making grants and acts supplemental thereto.	Statutes.	Page.	Effect of acts.	Location of the grants.
Texas Pacific Railroad Company, now the Texas and Pacific Railway Company.	Mar. 3, '71	16	573	Granting act. Required completion of the entire road within ten years after the passage of the act.	Texas New Mexico Arizona California
	May 2, '72	17	59	Changed the name; authorized the issue of construction bonds; required construction or operation of a road from the eastern terminus at Marshall, Tex., to Shreveport, La., provided that the entire line from Marshall to San Diego, Cal., should be completed within ten years from the date of this act, &c.	
	June 22, '74	18	197	Authorized the issue of one or more mortgages, and provided that the roads of the Southern Pacific Railroad Company and the Southern Transcontinental Railway Company, theretofore consolidated with this company, under the laws of Texas, shall be deemed and taken to be a part of its road for all purposes, &c.	
New Orleans, Baton Rouge and Vicksburg Railroad Company, now New Orleans Pacific Railway Company.	Mar. 3, '71	16	573	Sec. 22. Granting act. Required completion of the whole road within five years from the date of the grant.	Louisiana

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been made to aid in the construction of railroads, &c.—Continued.

—Continued.

Length of road, in miles, as located or proposed.	Number of sections (of 640 acres) granted for each mile of road.	Estimated quantity of land (in acres) embraced in the grant.	Date when the road should have been completed.	Number of miles completed before the date fixed for completion of the road.	Number of miles uncompleted at the date fixed for completion of the road.	Number of miles completed after the date fixed for completion of the road.	Number of miles now uncompleted.	Number of acres patented to the company.	Remarks.
795	....	.....	May 2, '82	181	614	....	614	.....	No grant in Texas. The length of road in Texas here given is that of the line fixed by the granting act. The constructed road given is part of this line. It is understood that this company has constructed and is now operating its road to the western boundary of Texas, but no proof of construction west of the 181 miles here given has been filed.
160	40	3,537,680.00	.....	....	160	....	160	None.....	
378	40	9,466,880.00	.....	....	378	....	378	None.....	
150	20	1,315,200.00	.....	....	150	....	150	None.....	
1,483	....	14,309,760.00	.....	181	1,302	....	1,302	.....	Proof of construction, under the act of 1872, of a road from Marshall to the eastern boundary of Texas, a distance of 20 miles, has been filed. The company has also filed maps showing 221 miles of branch lines in Texas constructed or acquired under authority of the act of 1874.
318	20	903,218.61	Mar. 3, '76	....	318	....	318	None.....	The area within the limits of this grant here given is the amount of vacant land available for the grant, found by actual examination heretofore. This company has recently filed in the Department proof of the completion of 130 miles of road, 60 of which were constructed by the New Orleans, Mobile and Texas Railroad Company, but this office has not been advised of the acceptance of any portion thereof.

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[H. Ex. Doc. No. 29, Forty-seventh Congress, second session.]

LAND PATENTS TO CERTAIN RAILROAD COMPANIES.

In answer to a resolution of the House of Representatives of December 14, 1882.

Letter from the Secretary of the Interior, in response to a resolution of the House of Representatives in relation to land patents to certain railroad companies.

DEPARTMENT OF THE INTERIOR,
Washington, December 29, 1882.

SIR: In answer to House resolution of the 14th instant, calling on me for information as to lands patented to railroad companies after the time fixed by law for their completion and copies of decisions and opinions on this subject, I have the honor to transmit herewith copy of the report of the Commissioner of the General Land Office on the resolution of this date, with the accompanying papers; also copy of the opinion of the Attorney-General of the 13th June last, in relation to lands claimed by the New Orleans Pacific Railway Company, in answer to questions submitted to him by my immediate predecessor. On this opinion no action has been taken by this Department.

Very respectfully,

H. M. TELLER,
Secretary.

The Hon. the SPEAKER
of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 29, 1882.

SIR: I have the honor to acknowledge the receipt on the 16th instant, by reference from you for report, of a resolution of the House of Representatives, passed the 14th instant, as follows:

"*Resolved,* That the Secretary of the Interior be, and he is hereby, directed to inform the House, at the earliest practicable period, whether any of the lands heretofore granted by Congress to any railroad company to aid in the construction of its railroad, and to which such company was not entitled to patents at the time when the period expired within which, by the terms of the law making such grant, such railroad was required to be completed, have been patented to such company since the expiration of the period within which such railroad was required by law to be completed; and if any such patents have been issued to any such companies that he inform the House how much land has been patented to each of the land-grant railroad companies for land to which they were not entitled to patents when the period within which their respective railroads were required to be completed expired, and the date of such patents; and that he also inform the House by and under what authority such patents were issued, and furnish to the House copies of all decisions made by the Secretary of the Interior in relation to the issuing of patents to any of such land-grant railroad companies for lands for which they were not entitled to patents at the expiration of the period above named; and also copies of all opinions and decisions made by any officer of the Government in relation thereto and filed in the Department of the Interior."

The railroads for the benefit of which patents or certificates (as the case may be) have been issued for lands lying opposite portions of such roads not completed within the period required by the law making the grant, and for which the patents or certificates have been issued *since* the expiration of said period, are as follows:

RAILROADS IN MINNESOTA.

SAINT VINCENT EXTENSION OF SAINT PAUL AND PACIFIC, FORMERLY BRANCH LINE OF SAINT PAUL AND PACIFIC, NOW SAINT PAUL, MINNEAPOLIS AND MANITOBA RAILROAD.

The grant for this road was made by act of March 3, 1857, and amendments thereto of July 12, 1862, March 3, 1865, March 3, 1871, and March 3, 1873. The road should have been completed December 3, 1873. On that date only 140 miles had been completed, leaving 174 miles unfinished, and which was not completed until December 23, 1879. The following described patents issued to the State of Minnesota for the benefit of

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said road conveyed the amount of land specified, which lies opposite portions of the road not constructed December 3, 1873:

	Acres.
Patent No. 1, January 14, 1875	157,731.45
Patent No. 2, July 12, 1880	355,746.67
Patent No. 3, February 19, 1881	33,524.14
Patent No. 4, June 23, 1881	517.70
Total	547,519.96

Said patents were issued under the provisions of the sixth section of the act of March 3, 1865. Patent No. 1 embraces 155,345.92 acres of indemnity land which, under the provisions of section 4 of the act of July 13, 1866, the State might dispose of, although it was not coterminous to a completed portion of the road. This would leave 2,385.53 acres of granted land included in said patent lying opposite a section of the road not completed in time. No specific authority appears for the patenting of said 2,385,53 acres. Said lands appear, however, to have been embraced in lists *certified* in April and July, 1874, to the State under the act of July 13, 1866. (14 Stats., 97.) It will be observed that the third section of said act provides—

"That all lands heretofore granted to the Territory and State of Minnesota to aid in the construction of railroads shall be certified to said State by the Secretary of the Interior, from time to time, whenever any of said roads shall be definitely located, and shall be disposed of by said State in the manner and upon the conditions provided in the particular act granting the same as modified by the provisions of this act. * * *"

Certification was therefore made without regard to construction. Up to September 29, 1874, it was held by this office and Department that the title to lands granted to Minnesota for railroad purposes passed by certification, and that no further conveyance was required. On said date (September 29, 1874), Acting Secretary Cowen decided (copy of decision herewith, marked A) that as the sixth section of the act of March 3, 1865, expressly provides for the issue of patents, and as such provision is not repealed in express terms by the act of July 13, 1866, patents must necessarily issue in order to convey title. Following this decision, or on January 14, 1875, all the lands that had previously been certified to the State for the benefit of this road were patented to the State. Among the lands so patented are the 2,385.53 acres before mentioned.

Patents numbered 2, 3, and 4 were issued after the completion of the road, and under decision of Secretary Schurz, dated June 10, 1880, a copy of which, marked B, is herewith submitted.

WESTERN RAILROAD, FORMERLY BRANCH OF SAINT PAUL AND PACIFIC RAILROAD.

(Acts of March 3, 1857, March 3, 1865, July 13, 1866, March 3, 1871, and March 3, 1873.)

No portion of this road was completed in time. Only one patent has been issued to the State for its benefit. Said patent issued April 21, 1879, and conveyed 121,462.31 acres. Of this amount 12,346.24 acres were subsequently relinquished by the State, and also by the company, leaving 109,116.07 acres chargeable to the road. Said patent was issued after completion of the road and under instructions contained in a decision made by Secretary Schurz on February 18, 1879. (Copy of said decision herewith, marked C; also copy of letter of this office, dated January 27, 1879, referred to in said decision, marked C_1; copy of letter of this office, dated November 7, 1879, marked C_2, and copy of decision, marked D, of Secretary Schurz, made October 16, 1880, together with opinion of Attorney-General Devens, of June 5, 1880, relative to this road.)

SOUTHERN MINNESOTA RAILWAY EXTENSION.

(Acts of July 4, 1866, and July 13, 1866.)

This road was not completed until December 8, 1879. It should have been completed February 25, 1877, but on that date only $149\frac{1844}{5280}$ miles had been constructed, leaving $130\frac{97}{5280}$ miles uncompleted. No patents have been issued to the State for its benefit. The company appears to have been satisfied with a conveyance by certification, under act of July 13, 1866. On April 27, 1880, two lists of land, aggregating 169,553.13 acres, lying opposite sections of the road not completed February 25, 1877, were certified to the State of Minnesota for the benefit of this road. Said certification was made in accordance with instructions of Secretary Schurz, issued December 5, 1879, and accompanied by an opinion of Attorney-General Devens, dated November 29, 1879. (Copy of said instructions and opinion herewith, marked E.)

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HASTINGS AND DAKOTA RAILROAD.

(Acts of July 4, 1866, and July 13, 1866.)

This road should have been completed March 7, 1877, but at that time only 74 miles were completed, leaving 128.1 miles uncompleted. The entire road was completed December 15, 1879. No patents have been issued to the State for the benefit of this road, all the land approved for the road having been certified to the State under the act of July 13, 1866. On May 4, 1880, and October 16, 1880, two lists aggregating 144,816.20 acres, lying opposite sections of the road not completed March 7, 1877, were certified to the State of Minnesota for the benefit of this road. Said lists were prepared under instructions contained in decision of Secretary Schurz, made April 17, 1880. (Copy herewith, marked F.)

LAKE SUPERIOR AND MISSISSIPPI RAILROAD.

(Acts of May 5, 1864, and July 13, 1866.)

This road should have been completed May 5, 1872. On that date, so far as the records of this office show, but 30 miles were completed, leaving 124.42 miles uncompleted, which were finished, according to certificate of governor of Minnesota, on February 28, 1873. Since the report of March 27, 1882, relating to railroads not completed within the time required by law was made to you, I have been unofficially informed that this road was completed in August, 1870, but the proper certificates to that effect have never been filed in this office or Department, hence I include said road in this report. No patents have been issued to the State of Minnesota for the benefit of this road, all the land approved to the State for same having been certified under the act of July 13, 1866. (14 Stats., 97.) On June 7, 1873, May 17, 1875, and September 28, 1875, after completion of the road, three lists, aggregating 193,215.51 acres, lying opposite sections of the road not completed (per certificates) May 5, 1872, were certified to the State of Minnesota for the benefit of this road.

RAILROADS IN WISCONSIN.

WISCONSIN CENTRAL, FORMERLY PORTAGE, WINNEBAGO AND SUPERIOR RAILROAD.

(Acts of May 5, 1864, June 21, 1866, and April 9, 1874.)

This road as located is 341 miles long, and should have been completed December 31, 1876. At that time only 231 miles of the 257 miles between Portage City and Ashland had been constructed, leaving a gap of 26 miles, commencing at Fifield and running north in the direction of Ashland. Said 26 miles were completed August 22, 1877, or about eight months after the proper time, and made a continuous road between Portage City and Ashland. Eighty-four miles of the located road are still uncompleted. The following is a summary of the lands lying opposite sections of the road not constructed December 31, 1876, which have been patented to the State of Wisconsin for the benefit of said road since said date:

	Acres.
In patent No. 8, January 9, 1878	12,387.69
Patent No. 9, August 10, 1878	29,398.51
In patent No. 11, November 23, 1882	40,679.91
Total	82,466.11

The first patent named (No. 8) was issued after the approval of a list (No. 8) of selections by the State and company, submitted to Secretary Schurz, with letter of this office dated November 16, 1877 (copy herewith inclosed, marked G), and returned by him approved, with letter of December 26, 1877 (copy herewith, marked H). It is proper to say that the statement made in said letter of November 16, 1877, to the effect that there was but 1,377,383.93 acres in the limits of the grant for this road, evidently relates only to that part of the road between Portage City and Ashland, and does not include the land within the limits of the road as located beyond Ashland. Patent No. 9 was issued after the approval by Secretary Schurz of a list (No. 9) of selections sub-

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mitted to him, with letter of this office dated July 29, 1878 (copy herewith, marked L, also copies of its inclosures marked L_1, L_2, L_3), and returned by him approved with letter of July 30, 1878 (copy herewith, marked K). It will be observed that the Secretary directs in effect in this (said) letter, that no more patents shall issue for the benefit of this road, "until otherwise instructed by this Department." Mention is made in said correspondence of requiring a relinquishment of 41,800 acres of indemnity land held to have been erroneously patented to the State, in view of the decision of the Supreme Court in the case of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* The United States (2 Otto, 733), which seems to hold that indemnity can only be taken for lands lost between the dates of the granting act and of the definite location of the road. Grants were adjusted upon that theory until the receipt by this office of the decision (hereinbefore referred to in connection with Western Railroad of Minnesota, and herewith, marked D), by Secretary Schurz, October 16, 1880, and opinion of Attorney-General Devens, of June 5, 1880, in which it was held that indemnity might be selected for losses on account of sales, pre-emptions, and other appropriations (excepting reservations) under the land laws, made *before* or *after* the date of the granting acts. This change in the rule rendered it unnecessary for the Wisconsin Central or the State to relinquish the 41,800 acres referred to, as they would under the new rule be entitled to more indemnity than they had received prior to October 16, 1880. On the 20th of February, 1882, the Wisconsin Central Railroad Company, through its attorney, applied to your predecessor (Secretary Kirkwood), by letter of that date, for patents for lands within their granted and indemnity limits, and stated that they had filed a list of indemnity land selections in this office, which was ready for submission to your Department for approval preparatory to issue of patent; also that "the selections embrace lands due for road constructed within the limitation of the law." (See copy herewith, marked L_4.) Secretary Kirkwood referred said letter to this office with the following indorsement:

"Has the entire line of the road been completed; if so, was it all done within the time prescribed by the law making the grant?"

On March 30, 1882, by letter of that date (copy inclosed, marked M), I informed Secretary Kirkwood that the road had not been completed in time, and that 110 miles remained uncompleted December 31, 1876, since which date only 26 miles had been built. I also said (in effect) that if it were fully determined that the company was entitled to the full complement of lands for 231 miles of road constructed in time, it would be entitled to much more land than had theretofore been patented for its benefit, but I suggested, in view of the fact that "the whole question concerning grants which have lapsed by failure to complete the road within the statutory period is now before Congress," that no further steps should be taken at present looking to the patenting of more lands for the benefit of the grant named. Previous to said date (March 30, 1882), during the early part of the last session of Congress, Secretary Kirkwood verbally instructed me to take no action looking to the certification or patenting of lands to or for any grant where the road had not been wholly completed in time, involved in the Congressional inquiry then pending, and I verbally instructed the clerks in charge of such matters accordingly. All action relative to listing lands for this road was accordingly suspended. On September 18, 1882, the company, by letter of that date (copy herewith, marked N), again applied (to you) for the issue of patents for lands earned by the construction of sections of road in time. On October 2, 1882, by letter of that date (copy herewith inclosed, marked N_1), you directed me to submit to you for approval the list of indemnity selections in question. You approved said list (No. 10) on October 13, 1882, and patent (No. 10) was issued for the land (all of which lies opposite sections of the road constructed in time) on October 21, 1882. On the 13th ultimo, with letter of that date (copy herewith, marked N_2), I submitted to you for approval a list of granted lands aggregating 43,280.99 acres. In said letter, through the carelessness of the clerk or clerks in charge of the matter, it is incorrectly stated (in effect) that said lands lie opposite portions of the road constrncted in time, whereas 40,679.19 acres of the same lie opposite the 26 miles mentioned not reported to this office as constructed until eight months after the expiration of the time limited for completion. It is absolutely impossible for me to examine personally details of this character, but I have taken measures to fix the responsibility of this erroneous statement where it belongs, and will report the same to you for proper action. Said certified list, however, when correctly stated, is in accord with your recommendations and instructions in the case of the Atlantic and Pacific Railroad hereinafter referred to, and also with the case of the Northern Pacific Railroad, referred to in your letter of September 18, 1882, not yet reached in the due course of business, in both of which I am directed to issue patents for lands lying opposite portions of the roads recently constructed out of time.

Nevertheless, had I been truly advised of the situation I would not have forwarded said list to you without previous consultation. You approved said list on the 15th ultimo, and on the 23d ultimo a patent (No. 11) was issued for the lands embraced in said list.

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CORPORATIONS.

ATLANTIC AND PACIFIC RAILROAD.

Act of July 27, 1866 (14 Stats., 292).

The main line of this road was required to be completed by July 4, 1878. No time was fixed for the completion of the branch. The length of the main line is estimated at 2,126 miles and the branch at 300 miles, making in all 2,426 miles. Prior to July 4, 1878, the road had been completed and accepted from Springfield, Mo., to Vinita, Indian Territory, a distance of 125 miles; that portion between Springfield and Pierce City, Mo., having been constructed by the Pacific and Southwestern Branch Railroad Company. It appears from the records of this Department that Secretary Schurz, on October 15, 1880, requested the opinion of the Attorney-General (Devens) on the application of the Atlantic and Pacific Railroad Company for the appointment of three commissioners to examine a section of 25 miles of its road constructed west from Albuquerque, N. Mex.

On October 26, 1880, Attorney-General Devens rendered an opinion (copy herewith, marked P) on the matter, to the effect that the grant had not been forfeited by a breach of the condition named in the granting act, and until some action should be taken by Congress in the nature of a declaration of forfeiture of the grant it would be the duty of the Executive Department to give the company the benefit of its grant. On December 15, 1880, with letter of that date (copy herewith inclosed, marked R), Secretary Schurz submitted to the President of the United States a report of the commissioners appointed by him to examine that section of road beginning at a point in township 8 north, range 2 east, near Isleta, N. Mex., and running westwardly 50 miles, constructed by the Atlantic and Pacific Railroad Company. Secretary Schurz recommended that said section be accepted, and "that patents for lands earned by the construction thereof be issued to said company pursuant to the fourth section of the act approved July 27, 1866 (14 Stats., 295)." On December 17, 1880, President Hayes approved the recommendations of Secretary Schurz, who notified this office accordingly by letter of same date (copy herewith inclosed, marked S). On January 3, 1881, my immediate predecessor, with letter of that date (copy herewith inclosed, marked T) submitted to Secretary Schurz a list (No. 1) embracing 23,037.36 acres of land lying opposite the section of road accepted December 17, 1880, above mentioned. On January 7, 1881, he approved said list, and on January 10, 1881, a patent was issued for said 23,037.36 acres. On April 18, 1881, 50 miles of this road was accepted, upon the recommendation of your predecessor, Secretary Kirkwood. On January 5, 1882, 100 miles, and on December 14, 1882, 250 miles of this road, all constructed since July 4, 1878, were accepted by the President of the United States, but no patents have yet been issued for lands opposite said sections of road.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. H. M. TELLER,
Secretary of the Interior.

SAINT PAUL AND PACIFIC RAILROAD, SAINT VINCENT EXTENSIGN.

A.

DEPARTMENT OF THE INTERIOR,
Washington, September 29, 1874.

SIR: I have examined the appeal of the Saint Paul and Pacific Railroad, Saint Vincent Extension, from your decision of August 13, 1874, rejecting its application for patents under the act of March 3, 1865, instead of certified transcripts. You founded your ruling upon the third section of the act of July 13, 1866, and the practice that has grown up in your office under it.

The sixth section of the act of March 3, 1865, expressly provides that patents shall issue for the lands granted when the governor shall certify that any section of 10 consecutive miles is completed in a good, substantial, and workmanlike manner, and the Secretary of the Interior shall be satisfied that the State has complied in good faith with the requirements of law. It further provides that said lands "shall not in any manner be disposed of except as the same are patented under the pro visions of this act." This language is clear, plain, and explicit. It requires the issuing of patents, and forbids any sale until after patent. Has this requirement been repealed? There is no express repeal. If repealed at all, it is by implication. Repeals by implication are not favored. It is presumed that Congress, if it intends to repeal one of its acts, or any part thereof, will use apt words to express that intent.

You held that it had repealed this provision by the third section of the act of July 13, 1866. I cannot agree with you. That section provides "that all the lands heretofore granted to the Territory and State of Minnesota to aid in the construction of

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railroads shall be certified to said State by the Secretary of the Interior from time to time, whenever any of said roads shall be *definitely located*, and shall be disposed of by said State in the manner and upon the conditions provided in the particular act granting the same, as modified by the provision of this act." We have already seen that one of the conditions upon which the lands may be disposed of, as "provided in the particular act granting the same," is that patents shall issue before sale. The section under consideration provides that the lands shall be certified to the State by the Secretary of the Interior whenever the line shall be definitely located; that is, before construction and before the State has done anything to earn the lands. If certification is equivalent to a conveyance, the State becomes the owner without complying with the law in constructing its road.

I prefer to construe the certification referred to as intended to inform the State in advance what lands it will be entitled to have patents for when its road is built in accordance with law. This construction gives force to the provisions of both acts, and allows both to stand. It also leaves in force the provisions of the act of August 3, 1854, cited in your decision. That act authorizes the Commissioner of the General Land Office to make a certified list of lands which shall operate as a conveyance in fee-simple, when the law making the grant "does not convey the fee-simple title of such lands, or require patents to be issued therefor." In the case under consideration the law making the grant does require "patents to be issued," and therefore it is not one where a certificate can be substituted for a patent.

To hold otherwise is to say that the act of August 3, 1854, is also repealed by implication by the third section of the act of July 13, 1866.

I am of opinion that there is no such repeal. I reverse your decision, and herewith return the papers transmitted with your letter of the 26th instant.

Very respectfully,

B. R. COWAN,
Acting Secretary.

The COMMISSIONER GENERAL LAND OFFICE.

B.

DEPARTMENT OF THE INTERIOR,
Washington, June 10, 1880.

SIR: I am in receipt of your report of the 27th of May last upon the status of the grant of lands made to the State of Minnesota to aid in the construction of a railroad from Saint Cloud to Saint Vincent in that State.

The report and accompanying map show that a road has been constructed between the above-named points by a company recognized by the State authorities as being entitled to the benefits of the grant; that the road was not completed within the time directed by the statutes of the United States; that no forfeiture of the grant has been declared, and that the line of the road as constructed deviates in some places from the line of definite location indicated by the map filed in this Department in 1871, upon which the withdrawal for the benefit of the grant was made, the largest deflections being between Glyndon and Saint Vincent.

Upon these facts you submit two questions for my consideration, and request to be instructed in the premises.

1st. Whether, considering the failure to complete the road within the time directed by the statute, the State is entitled to patents for the benefit of the Saint Paul, Minneapolis and Manitoba Railway Company, the present owner of said road.

2d. Whether, in view of the deviations in the line of construction from the line of definite location, the State is entitled to patents under the grant for the benefit of said company.

Upon the first point you express the opinion, in effect, that notwithstanding the road was not completed within the time mentioned in the act of March 3, 1873 (17 Statutes, p. 631), the State is entitled to patents under the grant. I fully agree with you upon this point, the act of June 22, 1874 (18 Statutes, p. 203), the conditions of which have not been accepted by the company, being held as neither enforcing nor declaring a forfeiture of the grant. (Kemper *vs.* Saint Paul and Pacific Railroad Company, Copp's L. O., vol. 3, p. 170.) The law controlling this question is well settled. (Schulenberg *vs.* Harriman, 21 Wall., 44.)

Upon the second point you express no opinion. The only question for determination, however, is whether the deflections in the line of the constructed road are of such character as to make it a different road from that contemplated by the granting acts, and for which the withdrawal was intended. If the constructed road is not the one contemplated by the grant and withdrawal then the State has no right to patents for the lands claimed. But it is the road so contemplated if the deflections became necessary in order to avoid engineering obstacles which could not be otherwise overcome without exaggerated expense, or to remedy defects in the original location. In other words, if the road as constructed is a substantial compliance with the granting acts, the State is entitled to the benefits of the grant. (Opinion of the Attorney-General of February 2, 1880, Copp's L. O., vol. 7, 12; case of McGregor and Western Rail-

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road Company, *id.*, 27; case of Hastings and Dakota Railroad Company, decided April 14, 1880.)

Since your report was received the said company has filed in this Department affidavits showing why the road between Glyndon and Saint Vincent was not constructed on the line as located in 1871. The affidavits were made by the following parties respectively: Charles A. F. Morris, who was chief engineer of the Saint Paul and Pacific Railroad Company in the years 1871 and 1872, and who surveyed and located the line in 1871, and re-examined it preparatory to constructing the road between Glyndon and Saint Vincent, in 1872; Charles J. A. Morris, civil engineer, who was employed by said company, in 1871 and 1872, in the location and construction of said road between the points aforesaid; Andrew De Graff, railroad constructor for said company, under whose personal supervision a large part of the Saint Vincent extension road was built; Norman W. Kittson, whose business for many years required him to make journeys yearly from Saint Paul to Manitoba, via the Red River Valley, and who is well acquainted with the country through which said road is built; James J. Hill, who was engaged from 1868 to 1879 in the transportation business on the Red River of the North, between Saint Paul and Winnipeg, in Manitoba, and who has passed through the Red River Valley at all seasons of the year, and is well qualified to depose as to the facts alleged by him; and William P. Payte, a civil engineer, well acquainted with the topography of the country through which the said road passes.

The affidavits of these witnesses show that there are extensive swamps and marshes in townships 143, 144, 145, 146, 147, and 154, ranges 47 and 48, and in townships 156, 157, and 158, in ranges 49 and 50; that the season during which the location of 1871 was surveyed was very dry in the section of country through which the road was so located; that at that time the said swamps and marshes were comparatively dry, and the surveyors walked over them without difficulty; that the line was located over said swamps in the belief that it was a feasible route, and upon which the necessary material could be easily obtained for grading and ballasting; that in the winter of 1871-'72 there were heavy falls of snow in that vicinity, and the weather of the spring and summer of 1872 was very wet; that upon a re-examination of said line in 1872, preparatory to commencing the construction of said road, it was found that the country for a great distance in the above-named townships, and over which the line of 1871 was located, was under water to the depth of several feet; that earth in sufficient quantities to raise the road-bed above water could not be obtained except by hauling it for a long distance at great expense; that the largest of said swamps was in township 147, ranges 47 and 48, and was twelve miles wide; that said swamps were under water at certain seasons almost every year, and presented engineering difficulties in the way of building said road of such a character as to make it necessary to locate the line of construction far enough to the east to avoid the same; that the point of crossing the margin of the large swamp above mentioned governed the location of the road for many miles north and south thereof; that upon careful examination it was found that no ground over which it was practicable to build the road could be found nearer to the definitely located line than to the east of said swamps and marshes where the road is constructed; that the point of crossing of Red Lake River at Crookston was the most feasible one and the best adapted for bridging that could be found for many miles in either direction; that no lands in that vicinity were settled upon or entered with reference to the line of definite location prior to the establishment of the line of actual construction; that the progress of settlement kept pace with the construction of the road, and that the road as built is the shortest and best practicable one that could be had between Glyndon and Saint Vincent.

From the foregoing it is apparent that the deflections from the line located in 1871, between the points last above mentioned, were necessary to the proper construction of the road.

It is clear that the road as now constructed is of immeasurably more value to the inhabitants of the Red River Valley along its line, and better adapted to the purposes for which the road was intended than it would have been had it been built through said swamps and marshes, to say nothing of the extra expense of building and keeping it in repair over the latter route.

One of the principal objections to varying from the line of definite location in constructing a land-grant road does not exist in this case, viz, that settlers locate and purchase lands at the advanced rates in view of the definite location and for convenience to the road.

The deflections south of Glyndon do not appear to be material.

I am therefore of opinion that the said road was built in substantial compliance with the requirements of the granting acts, and that the State is entitled to patents for the granted lands; and you will proceed in the work of the adjustment of the grant accordingly, having due regard to all conflicting claims to the lands.

The affidavits aforesaid are herewith transmitted for filing in your office.

Very respectfully,

C. SCHURZ, *Secretary.*

The COMMISSIONER OF THE GENERAL LAND OFFICE.

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C.

WESTERN RAILROAD, FORMERLY BBANCH OF SAINT PAUL AND PACIFIC RAILROAD—DECISIONS AS TO LAND GRANT BY COMMISSIONER OF GENERAL LAND OFFICE, SECRETARY OF THE INTERIOR, AND ATTORNEY-GENERAL.

DEPARTMENT OF THE INTERIOR,
Washington, February 18, 1879.

SIR: I have received your communication of the 27th ultimo in relation to the lands relinquished to the United States by the governor of the State of Minnesota, and also by the Western Railroad Company of Minnesota, said lands being the same formerly included in the grant to the Saint Paul and Pacific Railroad Company, Brainerd Branch.

On the receipt of your letter above mentioned, the deeds of relinquishment were transmitted to the governor of said State for correction in the particulars referred to by you. Said deeds have been returned corrected. This removes every objection now known to this Department to the approval of the lands to the latter named company. You will therefore proceed, upon the proper application by the governor of the State of Minnesota, to prepare the list of lands inuring to the grant, not already approved and patented for the approval of this Department.

The deeds and accompanying papers are herewith transmitted.

Very respectfully,

C. SCHURZ, *Secretary.*

The COMMISSIONER OF THE GENERAL LAND OFFICE.

C1.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 27, 1879.

SIR: I have the honor to acknowledge the receipt, through reference by you for report, of a letter from the Hon. J. S. Pillsbury, dated Saint Paul, November 21, 1878, transmitting a deed, executed by him as governor of Minnesota, relinquishing to the United States certain lands within the limits of the grant by act of Congress approved March 3, 1857, and the acts amendatory thereof to said State, to aid in the construction of the so-called Brainerd Branch of the Saint Paul and Pacific Railroad. Accompanying the letter and deed are various papers, more particularly referred to hereinafter.

I have the honor to submit the following in reply:

By an act of Congress, approved March 3, 1857, there was granted to the then Territory, now State, of Minnesota, to aid in the construction of certain railroads, among which was a road "from Stillwater, by way of Saint Paul and Saint Anthony, to a point between the foot of Big Stone Lake and the mouth of Sioux Wood River, with a branch via Saint Cloud and Crow Wing, to the navigable waters of the Red River of the North, * * * every alternate section of land, designated by odd numbers, for six sections in width on each side of said road and branches," and indemnity was provided for within limits of 15 miles on each side.

By an act of the legislature, approved May 19, of the same year, the grant of March 3 was accepted on the terms, conditions, and restrictions therein contained, and an act passed on the 22d of May, granted to the Minnesota and Pacific Railroad Company, to aid in the construction of several lines and branches of roads, including the branch from Saint Cloud to Crow Wing and the navigable waters of the Red River, all the interest, present and prospective, of the Territory and future State of Minnesota on said lines and branches, to any and all lands granted to the Territory by said act of March 3, together with all the rights, privileges, and immunities conferred, or intended by said act. A map of the definite location of the branch from Saint Anthony to Crow Wing, was filed in this office December 5, 1857, and in 1860, 1861, and 1864 the lands inuring to the grant were certified and approved to the State.

In 1862 (March 10) the legislature of the State, on account of the failure of the Minnesota and Pacific Railroad Company aforesaid to build and complete the road in accordance with the terms of the grant of May 22, 1857, aforesaid, created the Saint Paul and Pacific Railroad Company, and granted to it all the rights, benefits, and privileges, property, and franchises of the first-named company, including the lands.

By joint resolution, approved July 12, 1862, Congress provided that in lieu of the branch via Saint Cloud and Crow Wing to the navigable waters of the Red River there might be constructed a new branch line, having its southwestern terminus at

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any point on the existing line between the Falls of Saint Anthony and Crow Wing, and extending in a northeasterly direction to the waters of Lake Superior; and in its aid a grant like the one of 1857 was made.

By an act, approved March 3, 1865, Congress extended the time for the completion of the road, and increased the grant to ten sections per mile, with the right to select indemnity within 20 miles.

By an act, approved March 3, 1871, Congress provided, upon certain conditions, that the Saint Paul and Pacific Railroad Company "may so alter and amend its branch lines that instead of constructing a road from Crow Wing to Saint Vincent, and from Saint Cloud to the waters of Lake Superior, it may locate and construct in lieu thereof, a line from Crow Wing to Brainerd to intersect with the Northern Pacific, * * * with the same proportional grant of lands to be taken in the same manner along said altered lines as is provided for the present lines by existing laws."

By act of March 3, 1873, the time for the completion of the road from Saint Anthony to Brainerd was extended to December 3, 1873.

By act of June 22, 1874, the time for the completion of said branch (among others) was extended until March 3, 1876, and no longer, upon the following conditions: "That all rights of actual settlers and their grantees who have heretofore, in good faith, entered upon and actually resided on any of said lands prior to the passage of this act, or who otherwise have legal rights in any of such lands shall be saved and secured to such settlers or such other persons in all respects the same as if said lands had never been granted to aid in the construction of the said lines of railroads." The second section provided "that the company taking the benefit of this act shall, before acquiring any rights under it, by a certificate made and signed by the president and a majority at least of the directors, and sealed with the corporate seal, accept the conditions in this act, and file such acceptance with the Secretary of the Interior for record and preservation."

Under that act many persons who had, prior to its passage, settled upon lands within the limits of the grant to said Brainerd Branch line presented their claims, which, with few exceptions, were admitted or recognized, subject to appeal by the company to the Secretary. In a few instances patents issued, but in most cases their claims never reached the status of entries.

When the question was brought to the attention of your predecessor, the Hon. Z. Chandler (in a case, by appeal from the decision of this office in favor of the settler), he decided that the company not having accepted the conditions of the act it was inoperative for any purpose, and that the right of settlers were not saved by the first section thereof.

Further action by Congress has not been taken; and the grant has been, for three years past, subject to forfeiture for non-fulfillment of the terms of the granting act.

The legislature of the State of Minnesota, by an act approved March 1, 1877, resumed the grant theretofore held by the Saint Paul and Pacific Company, appertaining to the uncompleted portion—between Watab and Brainerd—and conferred it upon a railroad company to be organized of at least five persons, who were to be the holders of a majority of the $15,000,000 bonds, commonly known as the "extension line bonds," upon certain conditions. In the event of a failure by those persons to do and perform certain things within a specified period, then any company or corporation then organized or to be thereafter organized, might "succeed to and acquire the right to complete, own, maintain, and operate the uncompleted portions of said line of railroad mentioned * * * by filing with the governor a written notice of its desire and intention, under and subject to the provisions of this act, to complete, equip, maintain, and operate the then uncompleted portions of said line of railroad."

The company, to be composed of the bondholders aforesaid, did not perform the acts required; but the Western Railroad Company of Minnesota, a corporation duly qualified, has completed and equipped the said line of road between Watab and Brainerd aforesaid.

The tenth section of the act of the State legislature provides that "The Saint Paul and Pacific Railroad Company, or any other company or corporation taking the benefits of this act, shall not in any manner, directly or indirectly, acquire or become seized of any right, title, interest, claim, or demand in or to any piece or parcel of land lying or being within the granted or indemnity limits of said branch lines of road to which legal and full title has not been perfected in said Saint Paul and Pacific Railroad Company, or their successors or assigns upon which any person or persons have in good faith settled and made or acquired valuable improvements thereon on or before the passage of this act, or upon any of said lands upon which has been filed any valid pre-emption or homestead filing or entry not to exceed 160 acres to any one actual settler; and the governor of this State shall deed and relinquish to the United States all pieces or parcels of said lands so settled upon by any and all actual settlers, as aforesaid, to the end that all such actual settlers may acquire title to the lands upon which they actually reside from the United States as homesteads or otherwise; and upon the acceptance of the provisions of this act by said company it shall be

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deemed by the governor of this State as a relinquishment by said company of all such lands so occupied by such actual settlers; and in deeding to the United States such lands the governor shall receive, as *prima facie* evidence of actual settlement on said lands, the testimony and evidence, or copies thereof heretofore, or which may, be hereafter, taken in cases before the local United States land offices, and decided in favor of such settlers."

Under and by authority contained in that act the governor has deeded and relinquished unto the United States certain lands for the use and benefit of the settlers named in the deed. Accompanying the deed is a certificate by the governor, bearing even date therewith, that the relinquishment executed by him in behalf of the State of Minnesota to the United States "embraces a description of all lands within the limits of the grant pertaining to the line of railroad constructed by the 'Western Railroad Company of Minnesota,' upon which any person or persons have in good faith settled and made or acquired valuable improvements, or upon which there had been filed any valid pre-emption homestead filing or entry prior to March 1, 1877," &c.

A deed of relinquishment by the Western Railroad Company of Minnesota to the United States of the same lands, and in favor of the same settlers described and named in the deed from the State, dated December 6, 1878, accompanies the papers.

The resolution of the board of directors authorizing the president of the company to execute the relinquishment, and under which authority it was executed, contains, however, the following reservation: "That in the event that any of such settlers shall fail, or, for any cause, be unable to acquire title to said lands from the United States upon settlement and improvements made prior to March 1, 1877, that the president make application to the Interior Department to have such lands again certified to the State for the benefit of this corporation."

The deeds from the State and the company have been carefully compared, and are found to agree in the description of the lands released, but in the names of the settlers in whose favor the relinquishments are made some few discrepancies are found, and note thereof have been made, in pencil, upon the deed from the company. An examination of the tract-books of this office shows that none of the lands have been clouded by erroneous conveyances.

In many instances the proofs of settlement, as presented under the act of June 22, 1874, are before me, and show satisfactorily the good faith of the claimants, but only in cases where entries were permitted have proofs of the qualifications of the claimants been filed; and I am, therefore, unable to state whether or not all of the persons named in the relinquishments can acquire title to the lands released.

In many instances entries have been made; in other, applications to enter only been received, while many of the parties named have never, so far as I can find, presented any proofs or claims. Several entries admitted under the act of June 22, 1874, have been canceled in accordance with decisions by the Department denying the rights of the claimants. In a few instances I find that the party in whose favor a tract is released has no claim of record, while declaratory statements were filed under the act of 1874 by persons not included in the list. In one case—viz, that of Rasmus Hanson—the party has a homestead entry of record for 160 acres, while the deed releases but one-half that quantity in his favor. No reason therefor is given, and I cannot understand why the whole tract embraced in his entry was not included in the relinquishment.

I find some few claims before this office which are not included in the deeds, but as the governor certifies that the relinquishment embraces all tracts upon which any person had in good faith settled, it is presumed that the persons referred to have abandoned the lands and do not assert claims thereto.

And I desire to state that no complaints have, thus far, reached me from any source to the effect that any claims have been overlooked or omitted. As stated, it is not known whether all of the persons named in the deeds are qualified to enter, and without specific proof in each case that point cannot, of course, be determined. But, after a careful consideration of the whole subject, I can see no reason why the relinquishments should not be accepted. If it should appear, in carrying out the details of executing the intention and wish of the State that any of the persons named in the deeds are not properly qualified, through any cause, to acquire titles to the lands relinquished in their favor, no wrong could be done either the State or the company, for the remedy was intended for those only who had settled upon the lands prior to the 1st of March, 1877, and does not extend to persons who may hereafter seek to enter any of the tracts relinquished.

In the certificate of the governor hereinbefore referred to is the following, in addition to the language quoted:

"And I do further certify and return that the following described pieces and parcels of lands lying within the said granted or indemnity limits of the line of railroad above mentioned are not included in the accompanying deed of relinquishment, for the reason that the same had been patented by the United States to the persons whose

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names are set opposite the descriptions, respectively, prior to the passage of said act of March 1, 1877."

Then follows a description of the lands so patented with the names of the patentees.

In his letter the governor gives very fully the reasons why those tracts were not embraced in the deeds.

Accompanying the papers referred by you, I find a protest and argument by William Lochren, esq., of Minneapolis, attorney for some of the claimants under the patented entries, against the action of the governor in omitting from the relinquishment the tracts embraced in their claims; but as the facts are clearly stated and the question is entirely a legal one I deem it unnecessary to submit any remarks thereon, but leave it for your consideration.

The papers received with the governor's letter are herewith returned.

Very respectfully, your obedient servant,

J. A. WILLIAMSON,
Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

C2.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., November 7, 1879.

SIR: I have the honor to acknowledge receipt, by reference from the Department on the 4th instant, of an application by W. P. Clough, esq., attorney for the State of Minnesota, for the patenting to said State of "lands granted by the United States to aid in the construction of that certain line of railroad therein situated, which extends from Watab northwardly to Brainerd."

The application sets forth the legislation by Congress and the State in the premises, and concludes by presenting as the claim of the grantee the following:

1. That patents should issue for every alternate section of land not sold, reserved, or otherwise appropriated, lying within a strip of territory bounded on either side by a line running parallel with the line of the road, and six miles distant therefrom; and

2. That patents should also issue for enough lands in alternate sections, not otherwise appropriated, to be selected from two other strips of territory lying on either side of the line of road, each bounded laterally by lines running parallel with the line of road, and respectively 6 and 20 miles distant therefrom.

It was referred for report upon the matters therein stated, and the reasons, if any exist, why the request, as therein made, should not be granted.

I have the honor to submit the following in reply:

By an act of Congress approved March 3, 1857 (11 Stat., 195), there was granted to the then Territory of Minnesota, to aid in the construction of certain railroads, among which was a road "from Stillwater, by way of Saint Paul and Saint Anthony, to a point between the foot of Big Stone Lake and the mouth of Sioux Wood River, with a branch via Saint Cloud and Crow Wing to the navigable waters of the Red River of the North, * * * every alternate section of land, designated by odd numbers, for six sections in width on each side of said road and branches." It provided that "in case it shall appear that the United States have, when the lines or routes of said roads and branches are definitely fixed, sold any sections or any parts thereof, granted as aforesaid, or that the right of pre-emption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the governor of said Territory or future State, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tiers of sections above specified, so much land, in alternate sections or parts of sections, as shall be equal to such lands as the United States have sold, or otherwise appropriated, or to which the rights of pre-emption have attached, as aforesaid: * * * *Provided*, That the land to be so located shall in no case be further than 15 miles from the lines of said roads or branches, and selected for and on account of each of said roads or branches." Any and all lands theretofore reserved to the United States for the purpose of aiding in any object of internal improvement, or for any other purpose whatever, were reserved from the operation of the said grant.

Section 4 declared "that the lands hereby granted to said Territory or future State shall be disposed of by said Territory or future State only in the manner following: That is to say, that a quantity of land not exceeding 120 sections for each of said roads and branches, and included within a continuous length of 20 miles of each of said roads and branches may be sold; and when the governor of said Territory or future State shall certify to the Secretary of the Interior that any 20 continuous miles of any of said roads or branches is completed, then another quantity of land hereby granted, not to exceed 120 sections for each of said roads and branches having 20 continuous miles completed as aforesaid, and included within a continuous length

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of 20 miles of each of such roads or branches, may be sold; and so from time to time until said roads and branches are completed; and if any of said roads or branches is not completed within ten years no further sale shall be made and the lands unsold shall revert to the United States."

By an act of the legislature approved May 19, of the same year, the grant of March 3 was accepted on the terms, conditions, and restrictions therein contained; and an act passed May 22, granted to the Minnesota and Pacific Railroad Company, to aid in the construction of several lines and branches of roads, including the branch from Saint Cloud to Crow Wing and the navigable waters of the Red River of the North, all the interest, present and prospective, of the Territory and future State of Minnesota, on said lines and branches to any and all lands granted to the Territory by said act of March 3, together with all the rights, privileges, and immunities conferred or intended, by said act. A map of the definite location of the branch from Saint Anthony to Crow Wing was filed in this office December 5, 1857.

In 1862 (March 10) the legislature of the State, on account of the failure of the said Minnosota and Pacific Railroad Company to build and complete the road in accordance with the terms of the grant of May 22, 1857, aforesaid, created the Saint Paul and Pacific Railroad Company and granted to it all the rights, benefits, and privileges property, and franchises of the first-named company, including the lands.

By joint resolution, approved July 12, 1862 (12 Stat., 624), Congress provided that in lieu of the branch via Saint Cloud and Crow Wing to the navigable waters of the Red River, there might be constructed a new branch line having its southwestern terminus at any point on the existing line between the Falls of Saint Anthony and Crow Wing, and extending in a northeasterly direction to the waters of Lake Superior; and in its aid there were granted "the alternate sections within 6 mile limits of such new branch line of route, * * * with a right of indemnity between the 15 mile limits thereof."

By an act approved March 3, 1865 (13 Stats., 526), Congress extended the time for the completion of certain railroads, among which was the one under consideration, and declared "that the quantity of lands granted to the State of Minnesota to aid in the construction of certain railroads in said State, as indicated in the first section of an act entitled 'An act making a grant of land to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads, in said Territory,' * * * approved March 3, 1857, shall be increased to ten sections per mile for each of said railroads and branches, subject to any and all limitations contained in said act and subsequent acts, and as hereinafter provided."

Section 2 provided that the first proviso in the first section of the act aforesaid should be so amended as to read as follows, to wit: "*Provided*, That the land to be so located shall in no case be further than 20 miles from the lines of said roads and branches, to aid in the construction of which said grant is made."

By section 3, similar exception to that contained in the grant of 1857, was made of lands reserved to the United States, for purposes of internal improvement; but it was provided "that any lands which may have been granted to the Territory or State of Minnesota for the purpose of aiding in the construction of any railroad, which lands may be located within the limits of this extension of said grant or grants, shall be deducted from the full quantity of lands hereby granted," &c.

The sixth section of the act provided for the disposal of the lands; the certification by the governor to the Secretary of the Interior upon the completion of any section of 10 consecutive miles, and the patenting of lands granted, not exceeding ten sections per mile.

By an act of March 3, 1871 (16 Stats., 588), Congress provided that upon certain conditions the Saint Paul and Pacific Railroad Company "may so alter and amend its branch lines that instead of constructing a road from Crow Wing to Saint Vincent, and from Saint Cloud to the waters of Lake Superior, it may locate and construct in lieu thereof a line from Crow Wing to Brainerd, to intersect with the Northern Pacific, * * * with the same proportional grant of lands, to be taken in the same manner, along said altered line as is provided for the present lines by existing laws."

By act of March 3, 1873 (17 Stats., 631), the time for the completion of the road from Saint Anthony to Brainerd was extended to December 3, 1873.

By act of June 22, 1874 (18 Stats., 203), the time for the completion of said branch (among others) was extended, upon certain conditions, until March 3, 1876. The company did not accept the condition of that act, and upon that ground it has since been declared by the Department inoperative.

Further legislation by Congress has not been taken; but the State, by an act approved March 1, 1877, resumed the grant theretofore held by the said Saint Paul and Pacific Railroad Company appertaining to the uncompleted portion between Watab and Brainerd, and conferred it upon a company to be organized in manner provided. In the event of a failure by said company to do and perform certain things within a specified time, then any company or corporation then organized, or to be thereafter

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organized, upon the performance of certain requirements was to succeed [to] the rights intended to be conferred by the act, &c.

Under this legislation the Western Railroad Company of Minnesota, a corporation duly qualified, succeeded to those rights, and completed and equipped the said line of road between Watab and Brainerd aforesaid, as appears from satisfactory evidence presented to this Department.

In a letter to this office, of 18th February last, you stated that every objection known to the Department to the approval of the lands due to the company was removed, and directed the preparation of lists of lands inuring to the grant to be submitted for your approval.

Accordingly, on the 8th of April last a list containing 121,502.31 acres of lands, found to be vacant, and lying within 10 miles of the road, was submitted. It received your approval April 11, and on April 21 patent was regularly executed. A request was then made by the company for patent on the lands embraced in the indemnity selection, covering 153,089.34 acres, but it became necessary under the rule announced by the Supreme Court in Leavenworth, Lawrence and Galveston *vs.* United States (2 Otto, 733), and adopted by the Department December 26, 1877, in the case of the Wisconsin Central grant, and followed in several others, to know the quantity of lands the State was entitled to receive before complying with the request. To this end a careful examination of the records was made, and it was thereby disclosed that the disposals contemplated by the said rule were very limited, scarcely exceeding 2,000 acres, along this road. This fact (and that in consequence thereof patent as desired could not issue) was verbally communicated to the company; and further action by this office in the premises has not been taken.

The State, through her agent, Mr. Clough, has, as before stated, presented an application to have patents issued, and in an elaborate and exhaustive argument seeks to show that the rule aforesaid and upon which the examination of the records was made, does not in any manner affect this grant.

The principle referred to, and which was adopted by the Department as aforesaid, is that in railroad grants not of specific quantity indemnity was not given for land within the granted limits disposed of prior thereto, but only for such lands as might have been disposed of subsequent to the date of the granting act and prior to the time when the grant vested by definite location.

The reason of the rule, as I understand it, is that Congress could only grant what it possessed, and not owning lands theretofore disposed of, it did not intend to give equivalent therefor by the employment of words authorizing indemnity for any of the lands "hereby granted" which might have been sold, pre-empted, or otherwise disposed of.

An examination of the original grant of 1857 shows clearly that so far as the language there used is concerned the decision cited would apply with like force as to that of the grant to the Leavenworth, Lawrence and Galveston Railroad by act of March 3, 1863; but as respects the act of 1865 it is, in my opinion, different. That act in very plain language declares that the grant made by the act of 1857 shall be increased to *ten sections* per mile; and to the end that that quantity may be secured enlarged the territory within which the selections can be made to lateral limits of 20 miles, and in so doing Congress undoubtedly, from its language, recognized the former grant as having been one of quantity, and the change was not made by substituting in the latter grant words of larger import for those used in the former but by express declaration. It is true that the enlarged quantity was granted "subject to any and all limitations contained in said act and subsequent acts," but those words do not affect the extent of the grant so much as the conditions thereof. So far as I am able to see no words of limitation save those contained in the third section of the act of 1865 are used.

If my construction be correct, the question then arises is the State entitled to *ten* full sections per mile for each mile of constructed road? The road as built by the said Western Railroad Company is from Watab to Brainerd, yet the company has never located the line north of Crow Wing, some 8 miles distant from Brainerd, at least no map of such location has ever been filed. Notwithstanding, therefore, the construction of the road between Crow Wing and Brainerd, I do not think it can be considered as entitled to the lands within the grant "in place" or "indemnity" for such as may have been disposed of. Nor do I believe the company entitled to indemnity for lands relinquished on the 6th of December last in favor of certain settlers under the tenth section of the act of the State legislature of March 1, 1877, aforesaid, nor for lands reserved from the grant by the third section of the act of 1865.

The application of Mr. Clough is herewith returned.

Very respectfully, your obedient servant,

J. M. ARMSTRONG,
Acting Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

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D.

DEPARTMENT OF THE INTERIOR,
Washington, October 16, 1880.

SIR: Referring to your report of November 7, 1879, in the matter of the right of the State of Minnesota to receive from the United States, under the acts of March 3, 1857 (11 Stat., 195), and March 3, 1865 (13 Stat., 526), embracing, among others, what is known as the Western Railroad, the full quantity of ten sections per mile of public lands along the line of constructed road, I have to state that the subject was, on the 4th of June last, submitted to the Hon. Attorney General for an authoritative expression of his views; and a copy of his opinion, rendered June 5, 1880, is transmitted herewith for your information and guidance, the same having been fully examined and concurred in by this Department.

The opinion holds, in effect, that the grants made by these and similar acts for railroad purposes, where the language employed is descriptive of "every alternate section for six or ten sections in width," as the case may be, are grants of lands in place as distinguished from grants of quantity, such as are made by descriptive words, "to the amount of any designated number of sections per mile," &c.

The Minnesota grants, and all others governed by the same limitations, are therefore to be treated as grants in place, conveying only such amount of lands as fall within the lines of every alternate section for the prescribed distance in width on each side of the respective lines of road.

The opinion further holds that these grants embrace all lands contained in such sections not sold, pre-empted, nor reserved at the date when said grants attach, and indemnity for such sections or parts of sections as may have been sold or pre-empted prior to such date, whether before or after the date of the granting acts. Such indemnity grant does not, however, apply to lands lost by reservation, made by competent authority, prior to the date of the respective acts. Such lands are held to have been absolutely reserved, by express provision, from the operation of the grants, and consequently cannot be considered within them nor affected by them for any purpose.

Entertaining these views of the law, the Attorney-General advises a return to the practice in vogue before the promulgation of the Supreme Court decisions in the cases of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* The United States (2 Otto, 733), and United States *vs.* Burlington and Missouri River Railroad Company (8 Otto, 334), which seems to hold that indemnity can only be taken for lands lost between the dates of the granting act and of the definite location of the road.

Upon consideration and comparison of these with other decisions of the courts he arrives at the conclusion that the weight of authority is in favor of the doctrine that reservations alone are altogether excepted from the operation of the grants, while indemnity may be selected for losses on account of sales, pre-emptions, and other appropriations under the land laws, and that this doctrine is not inconsistent with the real import of the decisions in the cases cited.

The foregoing suggestions are believed to be sufficiently explicit to enable your office to adjust the indemnity rights of the various grantees, care being necessary in determining the exact status of lands alleged to be lost in place, keeping well in mind the distinction between reservations and other appropriations as defined in the opinion of the Attorney-General.

The papers accompanying the case are forwarded herewith.

Very respectfully,

C. SCHURZ, *Secretary.*

The COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF JUSTICE,
Washington, June 5, 1880.

SIR: The letter of the Acting Commissioner of the General Land Office, accompanying your communication of the 4th instant, submits the following facts:

By an act of Congress approved March 3, 1857 (11 Stat., 195), there was granted to the then Territory of Minnesota, to aid in the construction of certain railroads, among which was a road from "Stillwater, by way of Saint Paul and Saint Anthony, to a point between the foot of Big Stone Lake and the mouth of Sioux Wood River, with a branch via Saint Cloud and Crow Wing to the navigable waters of the Red River of the North, * * * every alternate section of land designated by odd numbers, for six sections in width on each side of said roads and branches."

It provided that "in case it shall appear that the United States have, when the lines or routes of said roads and branches are definitely fixed, sold any sections or any parts thereof, granted as aforesaid, or that the right of pre-emption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the

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governor of said Territory or future State, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tiers of sections above specified, so much land in alternate sections, or parts of sections, as shall be equal to such lands as the United States have sold, or otherwise appropriated, or to which the rights of pre-emption have attached as aforesaid. * * * Provided, that the land to be so located shall in no case be further than fifteen miles from the lines of said roads or branches, and selected for and on account of each of said roads or branches." Any and all lands theretofore reserved to the United States for the purpose of aiding in any object of internal improvement, or for any other purpose whatever, were reserved from the operation of the said grant.

Section 4 declared "that the lands hereby granted to said Territory or future State shall be disposed of by said Territory or future State only in the manner following, that is to say: That a quantity of land not exceeding one hundred and twenty sections, for each of said roads and branches, and included within a continuous length of twenty miles of each of said roads and branches, may be sold; and when the governor of said Territory or future State shall certify to the Secretary of the Interior that any twenty continuous miles of any of said roads or branches is completed, then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said road and branches having twenty continuous miles completed as aforesaid, and included within a continuous length of twenty miles of each of such roads or branches, may be sold; and so from time to time until said roads and branches are completed; and if any of said roads or branches is not completed within ten years, no further sale shall be made and the lands unsold shall revert to the United States."

By an act of the legislature, approved May 19 of the same year, the grant of March 3 was accepted on the terms, conditions, and restrictions therein contained; and an act passed May 22 granted to the Minnesota and Pacific Railroad Company, to aid in the construction of several lines and branches of roads, including the branch from Saint Cloud to Crow Wing and the navigable waters of the Red River of the North, all the interest, present and prospective, of the Territory and future State of Minnesota, on said lines and branches to any and all lands granted to the Territory by said act of March 3, together with all the rights, privileges, and immunities conferred or intended by said act. A map of the definite location of the branch from Saint Anthony to Crow Wing was filed in the General Land Office December 5, 1857.

In 1862 (March 10) the legislature of the State, on account of the failure of the said Minnesota and Pacific Railroad Company to build and complete the road in accordance with the terms of the grant of May 22, 1857, aforesaid, created the Saint Paul and Pacific Railroad Company, and granted to it all the rights, benefits, and privileges, property, and franchises of the first-named company, including the lands.

By joint resolution approved July 12, 1862 (12 Stat., 624), Congress provided that in lieu of the branch via Saint Cloud and Crow Wing to the navigable waters of the Red River there might be constructed a new branch line having its southwestern terminus at any point on the existing line between the Falls of Saint Anthony and Crow Wing, and extending in a northeasterly direction to the waters of Lake Superior; and in its aid there were granted "the alternate sections within six mile limits of such new branch line of route * * * with a right of indemnity between the fifteen mile limits thereof."

By an act approved March 3, 1865 (13 Stat. 526), Congress extended the time for the completion of certain railroads, among which was the one under consideration, and declared: "That the quantity of lands granted to the State of Minnesota, to aid in the construction of certain railroads in said State, as indicated in the first section of an act entitled 'An act making a grant of land to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said Territory * * * approved March 3, eighteen hundred and fifty-seven,' shall be increased to ten sections per mile for each of said railroads and branches, subject to any and all limitations contained in said act and subsequent acts, and as hereinafter provided."

Section 2 provided that the first proviso in the first section of the act aforesaid should be so amended as to read as follows, to wit: "*Provided*, That the land to be so located shall in no case be further than twenty miles from the lines of said roads and branches, to aid in the construction of which said grant is made."

By section 3 similar exception to that contained in the grant of 1857 was made of lands reserved to the United States for purposes of internal improvement; but that it was provided "that any lands which may have been granted to the Territory or State of Minnesota for the purpose of aiding in the construction of any railroad, which lands may be located within the limits of this extension of said grant or grants, shall be deducted from the full quantity of lands hereby granted," &c.

The fourth section provided "that the sections and parts of sections of land, which by said acts and this grant shall remain to the United States, within ten miles on each side of said roads and branches, shall not be sold for less than double the minimum price of public lands when sold, nor shall any of said lands become subject to sale at

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private entry until the same shall have been first offered at public sale to the highest bidder at or above the minimum price as aforesaid."

The sixth section of the act provided for the disposal of the lands, the certification by the governor to the Secretary of the Interior upon the completion of any section of ten consecutive miles, and the patenting of lands granted not exceeding ten sections per mile.

By an act of March 3, 1871 (16 Stat., 588), Congress provided that, upon certain conditions, the Saint Paul and Pacific Railroad Company "may so alter and amend its branch lines that instead of constructing a road from Crow Wing to Saint Vincent, and from Saint Cloud to the waters of Lake Superior, it may locate and construct in lieu thereof a line from Crow Wing to Brainerd, to intersect with the Northern Pacific, * * * with the same proportional grant of lands, to be taken in the same manner along said altered line as is provided for the present lines by existing laws."

By act of March 3, 1873 (17 Stat., 631), the time for the completion of the road from Saint Anthony to Brainerd was extended to December 3, 1873.

By act of June 22, 1874 (18 Stat., 203), the time for the completion of said branch (among others) was extended upon certain conditions, until March 3, 1876. The company did not accept the conditions of that act, and upon that ground it has since been declared by the Interior Department inoperative.

Further legislative action by Congress has not been taken, but the State, by an act approved March 1, 1877, resumed the grant theretofore held by the said Saint Paul and Pacific Railroad Company, appertaining to the uncompleted portion between Watab and Brainerd, and conferred it upon a company to be organized in manner provided. In the event of a failure by said company to do and perform certain things within a specified time, then any company or corporation then organized, or to be thereafter organized, upon the performance of certain requirements was to succeed to the rights intended to be conferred by the act, &c.

Under this legislation the Western Railroad Company of Minnesota, a corporation duly qualified, succeeded to those rights, and completed and equipped the said line of road between Watab and Brainerd aforesaid, as appears from satisfactory evidence presented to your Department.

All objections known to the Interior Department to the approval of the lands due to the company having been removed, on February 18, 1879, you directed the General Land Office to prepare lists of lands inuring to the grant and submit them for your approval. Accordingly, on April 8 of that year, a list containing 121,502.31 acres of land, found to be vacant, and lying within ten miles of the road, was submitted to you and received your approval on the 11th of the same month, and on the 21st patent was regularly executed.

A request is now made by the company for patent of the lands embraced in the indemnity selection, covering 153,089.34 acres; and in order to properly decide upon this request, you submit to me two inquiries:

1. Is the grant of March 3, 1857, as altered or amended by the act of March 3, 1865, to be treated as a grant of quantity in the sense that the railroad is to be entitled to receive ten sections of land for each and every mile of road constructed by it?

2. Whether this be so or not, is the railroad company entitled to indemnity for the sections of land which may have been sold by the United States, or pre-empted, previous to the original grant of March 3, 1857?

1. The grant of March 3, 1857, was a grant of "every alternate section of land, designated by odd numbers, for six sections in width on each side of each of said roads and branches." This grant was therefore a grant of lands in place. It was a grant of *particular parcels* (sections) of land lying within prescribed lateral limits to the road, each of which was definitely marked out and numbered by the public surveys, and to each of which the grant attached by distinct terms of description. The indemnity which was provided for by the grant of lands in lieu of such of the lands thereby granted as might be found, upon the definite location of the road, to have been pre-empted or sold, was equally precise, as such lieu lands were to be selected "from the lands of the United States nearest to the tiers of sections above specified, so much land, in alternate sections or parts of sections, as shall be equal to such lands as the United States have sold, or otherwise appropriated, or to which the rights of pre-emption have attached, as aforesaid." Such indemnity lands so located were to be in no case farther than fifteen miles from the lines of said roads or branches.

The fourth section of the act provided for a disposition by the Territory or future State of the lands granted, and contemplated that the road itself was to be built in divisions of a continuous length of twenty miles each, the Territory or future State being entitled to sell a quantity of land not exceeding 120 sections for each division of twenty miles.

Upon consideration of this act, I am of opinion that no grant was intended which should be considered one of quantity as distinguished from a grant of lands in place. The location of the lands granted, and of the indemnity lands, is definitely stated.

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Both the granted lands and the indemnity lands together are in point of quantity not to exceed 120 sections for every twenty miles of road. The quantity might obviously be less than 120 sections; as under the grant (which is limited to the odd numbered sections lying within the width of six sections on each side of the road, and does not call for an amount of land equal to the one-half of six sections in width on each side of the road) a claim to six sections for every linear mile of the road and its branches, including all sinuosities and deflections from a straight line, would not be tenable; and this according to what is deemed by me to be well-settled law. (5 Opin., 518.)

If this was not a grant of quantity, but a grant of lands in place, did it become a grant of quantity by the operation of the statute of 1865?

The word "quantity" is undoubtedly used as a convenient mode of designating the possible amount of lands granted, and the first section of the act of 1865 increased the quantity of lands granted to the State of Minnesota, by the act of 1857, "to ten sections per mile for each of said railroads and branches, subject to any and all limitations contained in said act and subsequent acts, and as hereinafter provided." The effect of this is to amend the act of 1857 by substituting for the word "six" the word "ten," and, if the rest of the act be taken into consideration, it will be satisfactorily seen that this is the full scope of the first section. An attempt is made to give to the word "limitations" in the clause above quoted the narrow and peculiar sense which it bears in the real estate law; but this seems to me to be unwarranted. The meaning to be attributed to this clause is not different from that which it would have if it read "subject to all the terms and conditions in the act of March 3, 1857."

The second section of the act of 1865, provides that the location of the land "shall in no case be further than twenty miles from the lines of said roads and branches, to aid in the construction of each of which said grant is made." The granted limits having been extended from six to ten, the indemnity limits are thus extended from fifteen to twenty.

The fourth section of the same act renews the provision in the original act, that the lands which "shall remain to the United States, within ten miles on each side of said roads and branches, shall not be sold for less than double the minimum price of public lands when sold," contemplating that the United States is under this act, as under the act of 1857, to own the even sections.

The sixth section provides for the construction of the road in divisions of ten miles in length each, and the lands granted and selected, not exceeding ten sections per mile, are to be selected opposite to and within a limit of twenty miles of the line of the completed division, extending along the whole length thereof. The use of the phrase "not exceeding ten sections per mile" indicates that, owing to the sinuosities of the road, less than ten sections per mile may actually become due to the State for the construction of a mile of road. By this section it is also contemplated that it may be that the indemnity lands within particular divisions of ten miles, may not be sufficient to compensate the loss in the granted lands appertaining to such divisions, and provision is made for such deficiency by a clause which may, perhaps, better be considered in connection with the second branch of your inquiry.

This case is readily distinguishable from the case of the United States *vs.* The Burlington and Missouri River Railroad Company, in Nebraska, where the grant was held to be one of quantity as distinguished from a grant of land in place. From the language used in that case, the grant was distinctly a grant to the amount of ten alternate sections; there were no lateral limits to the grant, and there was no indemnity provision. It was thus well held to be a grant of an amount of land by way of compensation for the public service of constructing the railroad.

In the view of the applicant it would seem that this grant is at first a grant of lands in place, and that afterwards it becomes a grant of lands by the quantity. It can hardly bear this double character. Were this so, the indemnity would be used, not to compensate the applicant for that which it had lost alone, but, further, to give it the benefit of an additional grant.

In direct answer to your first inquiry, I am, then, of opinion that the grant is to be treated as a grant of lands in place, as distinguished from a grant of an amount or quantity of land.

2. The second inquiry proposed, in view of the remarks that have been made in opinions of the learned judges of the Supreme Court, undoubtedly presents a question of considerable difficulty.

It is understood that up to the time of the decision of the case of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* The United States (2 Otto, 733), the rule of the Department had been to indemnify the railroad, not only for lands which had been sold or pre-empted after the date of the passage of the granting act, but previous thereto, and that in consequence of the remarks made in that case the rule has been changed.

The case referred to involved the title to the Osage Indian lands in the State of Kansas; the question being whether said lands were reserved to the United States under the provisions of the Indian treaty, and also under the last proviso of the first

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section of the act of March 3, 1863, or were granted to the State of Kansas, under the act of 1863, to aid in the construction of railroads. It was held that those lands never passed by the grant to the State of Kansas or the railroad companies; that they were reserved and excepted out of it, and, therefore, that the patents which had issued therefor had improvidently issued. To that extent the decision is undoubted authority, and it must be held, therefore, that all lands reserved to the United States by an act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatever, under the last proviso of the first section of the act of March 3, 1857, do not pass to the railroad companies, nor are said companies entitled to indemnity therefor. In commenting, *arguendo*, upon the indemnity clause, Mr. Justice Davis remarks: "The words employed show clearly that its only purpose is to give sections beyond that limit" (the original ten mile limit), "for those lost within it by the action of the Government, between the date of the grant and the location of the road." But it is to be observed that he does not rest his decision upon this point, but upon the fact heretofore adverted to, that the lands in question (whose ownership he was then discussing) were excepted from the grant made. His remark, therefore, is a dictum entitled only to the weight which is given to the dicta of eminent judges.

In the case of the United States *vs.* The Burlington and Missouri River Railroad (8 Otto, 334), the main question under discussion was whether the grant was or was not a grant of a specific amount of quantity of land. It was held to be one of quantity, and the selection of the land was subject, in the opinion of Mr. Justice Field, to certain limitations, the fourth of which was that it must not have been sold, reserved, or otherwise disposed of by the United States, and a pre-emption or homestead claim must not have attached to it at the time the line of the road was definitely located. In this case, however, there was no question of indemnity. Upon this part of the case, the grant being held to be one of quantity, the only inquiry was where the lands were to be selected which were to make up the quantity to which the road was entitled. The mere fact that in considering this question Mr. Justice Field, speaking of many other grants, incidentally remarks that they are intended to provide "for the selection of land elsewhere, to make up any deficiency arising from the disposition of a portion of it within such limit, between the date of the act and the location of the road," cannot be considered as a distinct expression of opinion by that learned judge that in a case like this only deficiencies were to be compensated when land had been disposed of by sale or pre-emption after the date of the act.

On the other hand, Mr. Justice Harlan, in an opinion (concurred in by the circuit and district judges) in the case of the Madison and Portage Railroad Company *vs.* The Treasurer of the State of Wisconsin, &c. (circuit court of the United States for the western district of Wisconsin), in commenting upon the mode in which deficiencies of lands *in place* were to be made up from indemnity limit, says:

"In supplying deficiencies, it must be by sections, whether full or fractional, and by legal subdivisions. Deficiencies *in place*, limits caused by sales or pre-emption previous to the location of routes, whether before or after the passage of the acts, may be supplied from the indemnity limits."

In view of these conflicting expressions, it would seem to me that the safer course for the Department would be to return to its original construction; and, while it holds that all lands reserved to the United States by any act of Congress, or in other manner by competent authority, do not pass to the railroad company, and that there can be no indemnity therefor, also to hold that, when lands have been sold or pre-empted along the line of the road within its granted limits, there should be indemnity for the lands thus lost, even if such sale or pre-emption took place previous to the date of the grant. This construction is in no wise in conflict with the decision made in the case of the Leavenworth, Lawrence and Galveston Railroad. It gives the company no title to indemnity for lands reserved from and excepted out of the grant, but does entitle it to indemnity when within the granted limits there are found lands which have been sold by the United States, or pre-empted, whether such sale or pre-emption took place prior or subsequently to the passage of the act of 1857, and prior or subsequently to the definite location of the road. But this indemnity can be carried no further than to compensate the railroad for the lands which it has thus lost. It cannot be extended so far as to indemnify the road for lands which were never included within its grant. Where, therefore (act of March 6, 1865, sec. 6), a division of ten consecutive miles of road has been completed, the railroad is entitled to lands, not exceeding ten sections a mile, situated opposite to and within the limits of 20 miles of the line of said road, and within the lateral limits of the division. If such lands are not found within the granted limits of ten miles on each side of the road, then they may be obtained by the road within the corresponding indemnity limits. Until the road is finally completed, this is to be the arrangement as division after division is finished. As it may happen, however, that on certain divisions there may be neither within the granted limits, nor within the indemnity limits, sufficient public lands to satisfy the grant for such divisions, while on other divisions there may have been no

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deficiency, or there may have been more than enough within the indemnity limits to satisfy the deficiency, provision is made by which, at the completion of the railroad, the Secretary of the Interior "shall issue to the said State patents to all the remaining lands granted for and on account of said completed road and branches in this act, situate within the said limits of 20 miles from the line thereof throughout the entire length of said road and branches." This language must be construed as intending that when the road is fully completed, as required by law, the company so completing is entitled to lands in any or all divisions of its entire length to make up the losses sustained in any one division. But the scheme of the act distinctly shows that these selections are confined to such alternate odd-numbered sections as remain undisposed of in the respective divisions. It was only these sections which were included within either the granted or the indemnity limits. And the indemnity is not made in order that the road shall have necessarily a hundred sections of land for each ten miles in length of its road, but only so far as it is required to make the grant good. If there were, therefore, reservations within the granted limits to the United States, or if the road was not entitled to one hundred sections of land for any ten miles constructed by it in consequence of the curvature or sinuosities of the road in that division, there can be no indemnity for a deficiency thus arising. The indemnity is limited strictly by the sections lost *in place*, which were granted by the United States, but were previously or subsequently sold or pre-empted.

In direct answer to your second inquiry, I am, therefore, of opinion that the road is entitled to indemnity, provided the lands can be found within the proper limits, for the lands which it may have lost by reason of the fact that lands within the granted limits were sold or pre-empted previously or subsequently to the date of the grant.

In view of the interest manifested in the questions submitted by you, on account of their relation to other railroads as well as the one immediately concerned, I have felt it my duty fully to hear arguments of all other parties who have deemed that rights might be affected by any opinion which should be given in the present case.

Very respectfully, your obedient servant,

CHAS. DEVENS,
Attorney-General.

Hon. CARL SCHURZ,
Secretary of the Interior.

E.

OPINION OF SECRETARY OF THE INTERIOR AND ATTORNEY-GENERAL IN CASE OF SOUTHERN MINNESOTA RAILWAY EXTENSION COMPANY'S CLAIM FOR LANDS.

DEPARTMENT OF THE INTERIOR,
Washington, December 5, 1879.

SIR: I transmit herewith a copy of the opinion of the Attorney-General, dated the 29th ultimo, in reply to certain inquiries submitted by me February 19 last, in connection with the application of the governor of Minnesota to have certain lands certified for the benefit of the Southern Minnesota Railway Extension Company.

It will be observed that the Attorney-General is of the opinion that the lands opposite the four sections of 10 miles each constructed since February 25, 1877, the date when the grant became subject to forfeiture, should be certified to the State, in view of the fact that no act, legislative or judicial, has been taken to revest the title of the United States.

I concur in this opinion, and your office will be governed accordingly in the adjustment of the grant. The papers and maps submitted to the Attorney-General are herewith returned to your office.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF JUSTICE,
Washington, November 29, 1879.

SIR: Your letter of February 19, 1879, informs me that by an act of Congress approved July 4, 1866 (14 Statutes, 87), there was granted to the State of Minnesota certain lands to aid in the construction of a line of railroad from Houston, through the counties of Fillmore, Mower, Freeborn, and Faribault, to the western boundary of the State. This grant was accepted by the legislature of the State of Minnesota February 25, 1867, and the lands in question granted to the Southern Minnesota Railroad Company.

Maps of the definite location of this road were approved by the board of directors

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of the company, and filed in the General Land Office, as follows: From a point in township 104, range 8 west, to a point in township 103, range 18 west, adopted by resolution of the board of directors of the company January 1, 1867, received at the General Land Office February 11, 1867; from a point in township 103, range 18 west, to a point in township 104, range 37 west, adopted by resolution of the board of directors November 29, 1866, and received at the General Land Office December 10, 1866; from a point in township 104, range 37 west, to a point in township 104, range 39 west, adopted by resolution of the board of directors October 24, 1866, received at the General Land Office December 10, 1866; from a point in township 104, range 39 west, to the western boundary of the State. Survey ordered by resolution of the board of directors December 2, 1869, and the map received at the General Land Office May 4, 1871.

The company constructed the road from Houston to Winnebago City, in township 104, range 28 west, prior to February 25, 1877, at which date, in the event of a failure to complete the road, it was provided that the lands granted and not patented should revert to the United States. (See the proviso to the fourth section of the act of July 4, 1866, above mentioned.)

By an act of the legislature of the State of Minnesota, approved March 6, 1878, all the lands, rights, powers, and privileges granted to and conferred upon the State of Minnesota by the act of Congress approved July 4, 1866, appertaining to the uncompleted line of road of the Southern Minnesota Railroad Company (viz, the line from Winnebago City to the western boundary of the State), were granted, transferred, and vested in the Southern Minnesota Railway Extension Company, under certain conditions, among others that the road should be constructed to the village of Jackson, in Jackson County, before the end of the year 1879, and to the west line of the State before the end of the year 1880.

The Department of the Interior is in receipt of a map and accompanying evidence, establishing the fact that the Southern Minnesota Railway Extension Company, between April 16, 1878, and December 2, 1878, constructed a line of railroad from Winnebago City (the western terminus of the road constructed prior to February 25, 1877), to a point in township 102, range 35 west, in Jackson County, a distance of forty-three continuous miles of road. From Jackson to the western boundary of the State is a distance of nearly one hundred miles; and under the act of the Minnesota legislature, approved March 6, 1878, the road must be completed to the west line of the State before the end of the year 1880. It appears by your letter that the governor of Minnesota has filed with the Department a request for a patent to the State of the lands granted opposite the four sections of constructed road, of ten consecutive miles each, between Winnebago City and the village of Jackson, in Jackson County, as provided in the fourth section of the granting act.

You state that you have hesitated to comply with this request, as the time provided in the granting act for the completion of the road expired February 25, 1877, ten years from the date of the acceptance of the grant by the State of Minnesota.

The line of road constructed in the year 1878 by the Southern Minnesota Railway Extension Company deviates from the line of definite location of the road adopted by the board of directors of the Southern Minnesota Railroad Company November 29, 1866. At Jackson, the western terminus of the road, the variation is ten miles. East of that point, and between the same and Winnebago City, the variation is from one to six or eight miles from the line as located in 1866.

It will be observed that the granting act only designated through what counties the road shall pass east of and including Faribault County.

In view of these facts you submit to me the following questions:

"1. Is this Department authorized, under the law, to issue patents to the State of Minnesota for the lands opposite that portion of the road constructed in sections of ten consecutive miles each since February 25, 1877, the date at which, according to the fourth section of the act of July 4, 1866, it was provided, in the event that the road was not completed, that the lands not patented should revert to the United States?

"2. Should the Department accept proof of the construction of the road on a line different from the one originally adopted and approved, if constructed within the limits of the grant as first located?

1. *As to the effect of the proviso to the fourth section of the act of July* 4, 1866:

While the part of the road to which your inquiries relate was not completed within the time limited by law, no attempt has been made to enforce any forfeiture of the lands granted to the State of Minnesota, or by any means, legislative or other, to revest the title in the United States. The question whether the State of Minnesota may still claim, under the act of Congress, lands which have been earned by the construction of the road since the expiration of the period is determined by the case of Schulenberg *v.* Harriman (21 Wall., 44). This was the case of a grant of lands to the State of Wisconsin, to aid in the construction of a certain railroad within that State, by an act of June 3, 1856. The language there used in reference to the condition upon which the grant might be defeated by non-completion of the road within ten years was as

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follows: "No further sales shall be made, and the lands unsold shall revert to the United States." The road had not been completed within the time required for its construction, which had not been extended, and Congress had passed no act, nor taken any judicial proceeding to enforce any forfeiture of the grant for failure to construct the road within the period prescribed. Upon this state of facts it was held that a present interest was passed by the grant to the State of Wisconsin; that the proviso was in the nature of a condition subsequent; that the prohibition against further sales if the road were not completed added nothing to the force of the proviso, because a cessation of sales was necessarily implied in the condition that the lands should revert, but that if the condition were not enforced the power to sell continued as before its breach, limited only by the objects of the grant and the manner of sale prescribed by the act; and that, as no action had been taken either by legislation or judicial proceedings, to enforce a forfeiture or revest the title in the United States, that title remained in the State as completely as it existed on the day that the title by location of the line of the railroad acquired precision and became attached to the adjoining alternate sections. In direct answer to your inquiry upon this point, I therefore reply that the Department is authorized by law to issue patents to the State of Minnesota opposite that portion of the road constructed in sections of ten consecutive miles February 25, 1877, the date at which, according to the fourth section of the act of July 4, 1866, it was provided, in the event that the road was not completed, that the lands not patented should revert to the United States, and this for the reason above stated, that no act, legislative or judicial, has been taken to revest the title of the United States.

Supplementary to this inquiry, I perhaps should add that, on examination of the relations between the Southern Minnesota Railway Extension Company and the Southern Minnesota Railroad Company, it appears that the title granted to the old company was forfeited to the State of Minnesota by reason of the fact that the conditions annexed to it were not performed; and that this forfeiture was impliedly asserted in the act making a grant to another company. (Farnsworth *vs.* Minnesota and Pacific Railroad Company, 2 Otto, 50.)

2. *As to the effect of change of line:*

So far as the lands now in question are concerned, it is not important whether the road was completed on the location of 1866 or whether it is completed on the present constructed line, since, under the terms of the grant, precisely the same lands will be found in place within the ten-mile limit in either case. They are alike within ten miles of the location of 1866 and ten miles of the constructed road. The fact that if the constructed line had been the line of original location other lands in addition to these now sought would have been withdrawn from the market, cannot affect the question of the right to these lands which actually were withdrawn from the market.

How far a railroad is authorized, after having made and filed a map of its location, to change such location and build upon a new and different line, does not seem necessary to be considered in the present case.

The facts in the present case, as they appear from your statement and an examination of the legislative act, indicate that there was no proper location by which the road, or any other parties interested, could be bound until after the act of the State legislature of February 25, 1867. A location was made in 1866, after the act of Congress had been passed granting the lands to the State of Minnesota, but before the legislature had accepted the trust connected with the land grant. That location is what is termed the old line or location of 1866. The maps of this location were transmitted by the governor to the Secretary of the Interior December 4, 1866. When, however, the legislature of the State accepted the grant—which was on February 25, 1867—the act by which they accepted it (referred to in your letter) required the line as constructed to run to Fremont and thence to Jackson.

This was a legislative modification of the line which constituted a statutory direction to its own officers, and to the company, and appears to have been fully understood at the General Land Office. The road cannot be considered to have received an official definite location until after the acceptance by the legislature, which acceptance contemplated this modification. The present constructed road appears to deviate only from the original survey to such an extent as was necessary to cause it to conform to the requirements of the legislative act. Waiving, therefore, as before indicated, any discussion of the question how far railroads which have filed locations are generally authorized in construction to deviate therefrom, I answer your inquiry by saying that the Department should accept proof of the construction of the road, although on a line different from the one originally approved, and certify the lands in question.

Very respectfully, your obedient servant,

CHAS. DEVENS,
Attorney-General.

Hon. CARL SCHURZ,
Secretary of the Interior.

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F.

HASTINGS AND DAKOTA RAILROAD, DECISION OF SECRETARY OF THE INTERIOR AS TO LAND GRANT OF.

DEPARTMENT OF THE INTERIOR,
Washington, April 17, 1880.

SIR: By act of July 4, 1866 (14 Statutes, p. 87), a grant was made to the State of Minnesota in aid of a railroad from Hastings, through the counties of Dakota, Scott, Carver, and McLeod, to such point on the western boundary of the State as the legislature might determine.

This grant was accepted by the State March 7, 1867. Prior to that time, viz, on the 4th of January, 1867, the governor had approved a map of definite location, which was, at some time prior to the 4th day of April, 1867, placed on file in this Department.

Certain modifications and adjustments were made to carry the construction of the road through several towns named in the act of acceptance, and all questions relating to the location of the road as far west as Glencoe, in the county of McLeod, are considered as settled. I think the action of the State authorities and of the company grantee in allowing the line to remain unchanged from Glencoe westward and to rest in the Department files unchallenged, the lands along the route having been also withdrawn within the lateral limits of such line to satisfy the grant, must be treated as a clear recognition of the same as a line of definite location from which the grant cannot now be floated.

January 10, 1879, the governor forwarded a certified map of construction running from Glencoe to Montevideo, a distance of eighty miles, and on the 12th of January last he supplemented the same by a map from the latter point westward to Ortonville on the boundary of the State, a distance of forty-five miles; and request is now pending for certification of the granted lands in favor of the Hastings and Dakota Railroad Company, upon whom the grant has been conferred by the State. An inspection of the maps filed shows a departure in construction from the line of definite location, the variation in distance amounting at some points to six or seven miles on the portion east of Montevideo, and from a few rods to about three or four miles to the westward of that station. The road from a point in range 38 runs north of the Minnesota River, while the original line crossed at that point and followed the south bank. Notwithstanding these deviations it is claimed by the grantee that the road has been completed in substantial compliance with law, and whatever deviation is shown has been caused by material difficulties and obstructions, which rendered the old route impracticable, and fully explain and justify the modification and correction of the line.

To establish these allegations certain letters and statements of engineers of the company were filed, which, not being upon oath, were not recognized as sufficient.

I am now in receipt of corroborative affidavits from the following parties: Gates A. Johnson, who, as engineer of the company, made the original survey and located the line as filed in 1867; A. B. Rodgers, the present chief engineer, who has had charge of the location and construction of the completed road; D. C. Shepard, a civil engineer of thirty years' experience; and R. H. L. Jewett, civil engineer and surveyor, who executed in the field the United States surveys of the townships for fifty miles along the route, and who has acted, by appointment from the governor, as State inspector of construction and equipment of newly-built railroads in Minnesota.

These all speak from personal examination and knowledge of the locality and lines. From their statements it appears that the line as originally run crossed a very rough country of deep gorges and ravines, called "Coolies," which would have rendered very difficult and expensive the construction of the road; that the Minnesota bottoms are composed almost entirely of granite, rendering earthwork impossible and compelling the use of trestle-work and bridging; that a bridge across the river must have been a mile or more in length, costing from one-half million to one million dollars; that the tributary known as Hawk Creek is an immense gorge lying along and nearly parallel to the river, and that it could not be crossed successfully below the present line near its head; that to cross lower down would necessitate a steep grade to reach the summit and again descend to the river, the distance being so short as to render the attempt impracticable; that to cross the river at the point fixed would also require a bridge across the Yellow Medicine, and the bridging of numerous creeks, also requiring miles of embankments across river bottoms subject to overflow, where embankments would be liable to wash out; that these and other difficulties and expenses, recited in detail, have been avoided by the present location, which is on a direct and practicable route, and accommodates thriving and well-populated settlements, while the lands south of the river and on the Sioux Reserve are comparatively unsettled and unproductive. Without further discussion of these papers, which are transmitted with the other papers before me for your files, I conclude that the deviations in question cannot justly

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be objected to or held to destroy the identity of the road, and, following the principles indicated in my communication of the 9th instant in the case of the McGregor road, I have to direct that the lands be certified in satisfaction of the grant.

Very respectfully,

C. SCHURZ, *Secretary.*

The COMMISSIONER OF THE GENERAL LAND OFFICE.

G.

RAILROADS IN WISCONSIN—WISCONSIN CENTRAL RAILROAD, AS TO LAND GRANT TO, FORMERLY PORTAGE, WINNEBAGO AND SUPERIOR RAILROADS.

[Decisions and accompanying papers, exhibits G, H, K, L^1, L^2, L^3, M, N^1, N^2.]

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., November 16, 1877.

SIR: I have the honor to submit herewith for approval list No. 8 of selections by the Wisconsin Central Railroad Company, containing 102,732.49 acres, granted in the Eau Clare, Wausau, and Bayfield districts, Wisconsin, by the act of Congress approved May 5, 1864.

In this connection I desire to state that an examination of the records of this office show that the number of acres in odd-numbered sections within the granted or ten-mile limits of said road is 1,377,383.93.

The number of acres disposed of by the Government prior to the passage of the granting act is 789,622.00, the number of acres disposed of subsequent to said date, but prior to the definite location of the line of the road, is 161,659.53. The quantity patented to the company within the granted limits aggregated 240,363.54 acres, and the quantity patented within the *indemnity* limits amounts to 203,459.62 acres.

It has been the practice of this office and Department, since the inauguration of the railroad land-grant system, to allow indemnity for all lands lost to the grant by reason of sale, reservation, &c., prior to the definite location of the road, but by the decision of the Supreme Court of the United States in the case of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* United States (2 Otto), it would appear that that practice was erroneous; that indemnity could only be allowed for land sold or disposed of after the passage of the granting act.

On this subject the court says: "* * * the only purpose of that clause [indemnity] is to give lands outside of the ten-mile limits for those lost inside by the action of the Government in keeping the land offices open between the date of the granting act and the location of the road."

Applying this rule to the grant under consideration the company has received patents for 41,820.09 acres in excess of the indemnity authorized by the granting act.

The tracts embraced in the list herewith, together with those heretofore selected and patented, aggregate 343,096.03 acres, leaving yet unselected 83,006.37 acres in the granted limits.

It is proposed by Mr. W. K. Mendenhall, resident attorney for the company, that the Government issue patents for the tracts embraced in the list now submitted, and authorize the selection of the 83,006.37 acres aforesaid, but that the last amount shall be withheld from patent until arrangements can be made by which the excess indemntiy patented can be reconveyed to the United States.

I would recommend that this proposition be acceded to.

The company has selected and paid fees upon 167,072.14 acres of *indemnity lands,* which have not, as yet, been patented. It is desired that the fees thus paid may be applied to the tracts in the granted limits yet to be selected. I would recommend that this request be denied. The selections were made under a supposed correct construction of the grant, and the fees paid thereon were for services performed by the local officers. I do not believe that because the selections were erroneously made that the additional labor of examining and certifying a second list should be imposed upon the local officers.

Under the first section of the act of July 1, 1864, it is held that the registers and receivers are each entitled to receive a fee $1 for each selection of 160 acres, and I am of opinion that the company should be required to pay the prescribed fees thereby, should the selection of the tracts in the granted limits be authorized.

I inclose herewith two letters from Mr. Mendenhall upon the subject of this communication, dated October 4 and 18, 1877.

Very respectfully, your obedient servant,

J. A. WILLIAMSON,
Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

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H.

DEPARTMENT OF THE INTERIOR,
Washington, December 26, 1877.

SIR: Referring to your letter of the 16th ultimo, transmitting for approval list No. 8 of selections by the Wisconsin Central Railway Company, containing 102,732.49 acres, granted in the Eau Claire, Wausau, and Bayfield districts, Wisconsin, by the act of Congress approved May 5, 1864, I have to state that I have this day approved the same, and it is herewith returned.

In your communication you state that the records show that there are 1,377,383.93 acres within the granted or 10-mile limits of said company's road; that the number of acres disposed of by the Government prior to the granting act was 789,622 acres; and that the number of acres disposed of between the date of the granting act and the definite location of the road was 161,659.53 acres; and that the quantity patented to the company within the idemnity limits amounts to 203,459.62 acres.

The Supreme Court of the United States, in its elaborate decision in the case of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* The United States, reaffirmed the doctrine formerly announced "that a tract lawfully appropriated to any purpose becomes thereafter severed from the mass of public lands, and that no subsequent law or proclamation will be construed to embrace it or to operate upon it, although no exception be made of it.

It follows that land *lawfully sold or disposed of* by the United States prior to the passage of the act granting lands to the State of Wisconsin was excepted from the operation of said grant, and, if so, no indemnity can be obtained for the land thus lost.

On this point the court, in the case before cited, says:

"The idemnity clause has been insisted upon. We have before said that the grant itself was *in præsenti*, and covered all the odd sections which should appear, on the location of the road, to have been within the grant when it was made. The right to them did not, however, depend on such location, but attached at once on the making of the grant. It is true they could not be identified until the line of the road was marked out on the ground; but, as soon as this was done, it was easy to find them. If the company did not obtain all of them within the original limit, by reason of the power of sale or reservation retained by the United States, it was to be compensated by an equal amount of substituted lands. The latter could not, on any contingency, be selected within that limit; and the attempt to give this effect to the clause receives no support, either in the scheme of the act or in anything that has been urged by counsel. It would be strange, indeed, if the clause had been intended to perform the office of making a new grant within the ten-mile limit, or enlarging the one already made. Instead of this, the words employed show clearly that its only purpose is to give sections beyond that limit for those lost within it by the action of the Government between the date of the grant and the location of the road. This construction gives effect to the whole statute, and makes each part consistent with the other. But, even if the clause were susceptible of a more extended meaning, it is still subject to and limited by the proviso, which excludes all lands reserved at the date of the grant, and not simply those found to be reserved when the line of the road shall be definitely fixed. The latter contingency had been provided for in the clause; and, if the proviso did not take effect until that time, it would be wholly unnecessary. And these lands being within the terms of the proviso, as we construe it, it follows that they are absolutely and unconditionally excepted from the grant; and it makes no difference whether or not they subsequently became a part of the public lands of the country."

The indemnity clause in the act of May 5, 1864 (13 Stat., 66), is in substance the same as the indemnity clause in the act of March 3, 1863 (12 Stat., 772). Applying this rule to the grant now under consideration, it will be seen that there has been patented to the Wisconsin Central Railroad Company 41,800.09 acres in excess of what it is entitled to.

You are therefore instructed to call upon the company to relinquish its claim to the said quantity of land, in order that the same may be restored to the public domain.

It appears from the statement of Mr. Mendenhall, attorney for the company, that it has caused to be selected 167,072.14 acres as indemnity land, and paid the fees thereon, amounting to $2,087.13.

Under the rule announced by the court, above cited, these lands cannot be patented to the company, and the request is made that credit be given for the fees thus paid, to apply on the lands to be selected in place.

The fees thus received by the local officers were paid as compensation under the provision of section 2238 of the Revised Statutes, for labor actually performed at the request of the company; and there is no law which authorizes this Department to require the local officers to perform the additional labor of making new selections without compensation. Your recommendation that the request be denied is approved.

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The company also request that in view of the changed practice in the adjustment of indemnity lands, it be permitted to relinquish its claim to the lands already patented and select others within its indemnity limits, where most convenient and desirable. The basis of this request is that, under the rule of this Department in force prior to the decision of the Supreme Court above cited, the company would have received all the vacant lands in the indemnity limits; hence its selections were made in a body, taking all the vacant lands in the several sections along the line of the road; but under the rule now in force in the Department, the selections would be differently made.

The lands for which patents have issued were voluntarily selected by the company. The Government and the public have been influenced in their action by this adjustment, and I see no sufficient reason why it should be set aside and the additional labor and expense incident to the adjustment of new selections incurred.

The request is therefore denied.

The papers in the case are herewith returned.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

K.

DEPARTMENT OF THE INTERIOR,
Washington, July 30, 1878.

SIR: I herewith return, with my approval, list No. 9, containing 29,398.51 acres of land in place inuring to the Wisconsin Central Railroad Company, under the act of Congress approved May 5, 1864, submitted by you on the 29th instant.

I also return the stipulation, dated May 20, 1878, and signed by the company, to the effect that said company will ask for no further certificates or patents for lands within the limits of its grant, "until the question as to the excess of indemnity, which it is alleged has heretofore been patented to the company to the amount of 41,800 acres, shall be settled by a relinquishment of the same or by a decision of a proper tribunal."

You will be governed by the terms of this agreement, until otherwise instructed by this department.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

L.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., July 29, 1878.

SIR: I have received selections by the Wisconsin Central Railroad Company, under act of Congress approved May 5, 1864, of lands within the 10-mile limits of the grant, amounting, as shown by the accompanying clear list (No. 9), to 29,398.51 acres.

In connection therewith I have also received a letter from the president of the company inclosing an agreement on behalf of the company, conditioned upon approval and patenting of these selections, "not to ask for any further certificates or patents of lands within the limits of its grant until the question as to the excess of indemnity, which it is alleged has heretofore been patented to the company to the amount of 41,800 acres, shall be settled by a relinquishment of the same, or by a decision of a proper tribunal."

From the tenor of the communication accompanying this agreement, and of one of the 20th instant, referred to this office by you, both of which, and the agreement, are herewith transmitted, I infer that the selection of these lands is the result of an understanding, between the Department and the company in the matter.

I have therefore examined and certified to the selections in the usual manner, and lay the list of the same before you for your action.

I have the honor to be, sir, very respectfully, your obedient servant,

J. A. WILLIAMSON,
Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

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L_1.

WISCONSIN CENTRAL RAILROAD COMPANY,
Milwaukee, Wis., May 20, 1878.

DEAR SIR: I inclose herewith an agreement, as required by the Secretary of the Interior, which will entitle this company to an approval of the lists for 30,000 acres of its grant recently filed in the Wausau, Eau Claire, and Bayfield offices.

I request that the rule of the Department which requires that lists for approval shall remain on file five months before patent shall issue may be set aside in this case.

I understand that the rule was adopted in order to give parties having adverse claims an opportunity to present proof of their claims and have them acted upon by the Department.

As the lands embraced in our lists were withdrawn from sale in 1869, all claims adverse to the title of this company must have been disposed of, and therefore the necessity for the rule no longer exists. It is of the utmost importance that the company should receive patents for the lands embraced in these lists immediately, and I hope the usual five months' delay may be avoided.

I have sent you by express a map properly certified by the governor of Wisconsin and the chief engineer of the company, showing the completion of the seventh section—26 miles—north from Stevens Point. This map, with those previously filed in the General Land Office, completes the line of route of the railroad from Portage to Stevens Point and from Stevens Point to Ashland.

Very respectfully,

CHAS. L. COLBY,
President.

Hon. J. A. WILLIAMSON,
Commissioner of General Land Office, Washington, D. C.

Mr. Marble, solicitor of the Interior Department, drew up the agreement inclosed.

L_2.

[Wisconsin Central Railroad Company, Charles L. Colby, president.]

MILWAUKEE, WIS., *July* 20, 1878.

DEAR SIR: A few months ago I had the pleasure of an introduction to you through Gov. William E. Smith, and you favored me with one or two personal interviews in regard to our land grant, which you doubtless remember.

The following are some of the points alluded to: I explained—

1st. That we had invested many millions of dollars in the construction of our road, the principal inducement for which was our *land grant*, which we were informed was large and valuable, and which the United States Land Commissioner in an official letter informed us amounted to 1,357,000 acres. The printed circulars issued by the Department states the amount of the grant to our company to be 1,800,000 acres.

2d. It now appears that the official statements are fearfully incorrect, and that there are only about 800,000 acres unsold in the whole limits of our grant south of Bayfield, including the indemnity.

3d. Under recent decisions of the Supreme Court you have deemed it necessary to cut down even this amount about 25 per cent. more.

4th. We are very anxious to receive our patents for all the lands to which we are entitled, and the cutting down of our grant is ruinous to our company.

5th. A short time ago you declined to give us further patents, even for lands in place, on the ground that if you should give us all we are entitled to in place, you would then have patented to us 41,800 acres more than under the decision referred to you would consider us entitled to.

At our personal interview, to which I refer, I asked that patents be issued to us for 30,000 acres more, and the balance (some 57,000 acres) to be withheld until we should either relinquish 41,800 acres from lands already patented us for indemnity, or until the question of excess of indemnity be definitely settled by some competent tribunal.

On May 9 I had my last interview with your solicitor, Mr. Marble, to whom the matter was referred. He then advised me to apply for 30,000 acres in 10-mile limits, and with this list file an agreement not to ask for more patents until the question at issue should be settled. He also very kindly worded for me the form in which the agreement should be expressed.

Probably this statement will remind you and Mr. Marble of all the circumstances of our interviews. And I desire here to express my appreciation of the courtesy and kindness with which you listened to all my explanations.

In accordance with Mr. Marble's advice, the necessary lists were prepared and filed

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in the Department. The agreement, as proposed by him, was forwarded to the Commissioner of the General Land Office at Washington on May 20, 1878, with my letter of explanation.

The summer is fast slipping away, and with it my opportunities to sell the land applied for and bring in new settlers. You know how important time is to us, and that a few weeks more or less in the right season makes a difference of thousands of dollars.

Am I trespassing too much upon your kindness in asking you to instruct the Commissioner of the General Land Office to make this a special case, and to make and deliver the patents to us immediately? This is a matter of great importance to us. Thanking you again for your several courtesies.

I am, yours, very truly,

CHAS. L. COLBY,
President Wisconsin Central Railroad Company.

Hon. CARL SCHURZ,
Secretary of the Interior, Washington, D. C.

L3.

[Wisconsin Central Railroad Company, Charles L. Colby, president.]

MILWAUKEE, WIS., *May* 20, 1878.

SIR: In applying for approval of list for 30,000 acres, in Wausau, Eau Claire, and Bayfield districts, filed in May, 1878, and for patent for lands therein described, the Wisconsin Central Railroad Company hereby agrees not to ask for any further certificates or patents of lands within the limits of its grant until the question as to the excess of indemnity, which it is alleged has heretofore been patented to the company to the amount of 41,800 acres, shall be settled by a relinquishment of the same or by a decision of a proper tribunal.

WISCONSIN CENTRAL RAILROAD COMPANY,
By CHAS. L. COLBY, *President.*

L4.

WASHINGTON, D. C., *February* 20, 1882.

SIR: The Wisconsin Central Railroad Company is an applicant for patents for lands within their granted and indemnity limits for which selections have been made, and to the extent of the indemnity tracts are ready for submission to your Department for approval preparatory to issue of patent, but I learn informally from the Commissioner of the General Land Office that for the present it is not your desire that lists of railroad selections shall be submitted for approval, this because of the several resolutions and bills before Congress relative to railroad land grants.

While these resolutions are broad in their scope, yet we know of none that reach to or are intended to reach to or affect in any way lands earned by the companies by construction of road *within* the statutory limitation. This is the status of the Wisconsin Central Railroad Company upon its present applications.

The selections embrace lands due for road constructed within the limitation of the law.

The files of the General Land Office will, we are confident, show that the company had constructed within the legal time not less than 200 miles of its road, which would entitle it to about 1,200,000 acres of land; and that all the lands patented to it to date, together with those which we have selected and for which we desire patents, will not near satisfy this lien. The company has received patents for only 575,000 acres. Hence to approve these lands and give the company patents therefor will in no way be against the spirit or letter of these legislative resolutions or present your Department as showing a disregard for their possible effect. We therefore ask that you will direct that our lists may be submitted for and that [they] will receive your approval for patent.

Very respectfully,

W. K. MENDENHALL,
Attorney Wisconsin Central Railroad Company.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

[Indorsement.]

DEPARTMENT OF THE INTEEIOR.

Commissioner MCFARLAND:

Has the entire line of the road been completed; if so, was it all done within the time prescribed by the law making the grant?

S. J. K.

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M.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 30, 1882.

SIR: I am in receipt of a letter from W. K. Mendenhall, esq., addressed to you and referred by you to this office for a report, in which he requests that you will direct that certain lists of selections, made by the Wisconsin Central Railroad Company, be submitted by this office for your approval, and that the same may be approved for patent.

You ask, "Has the entire line of road been completed; if so, was it all done within the time prescribed by the law making the grant?"

The grant for this railroad was made by act of May 5, 1864 (13 Stat., 64), and is for every alternate section, designated by odd numbers, for ten sections in width on each side of the road, with indemnity limits of 20 miles, or 10 miles additional, upon each side of the line of route.

Indemnity may be had for all lands found to have been reserved or otherwise disposed of, or to which pre-emption or homestead rights had attached, prior to the date of definite location of the road.

The granting act was amended by act of June 21, 1866 (14 Stat., 360), to authorize the location of the line of route as specified in said amendatory act.

The act of April 9, 1874 (18 Stat., 28), extended the time for completion of the road until December 31, 1876.

The act of March 3, 1875 (18 Stat., 511), allowed the company to straighten the line of road between Portage City and Stevens Point, taking, however, only such lands, falling *within* the 10-mile limits of the amended line, as were included in the original withdrawal; those falling outside the said 10-mile limits of the amended line reverted to the United States.

The length of the line as finally located from Portage City to Superior is 341 miles, of which 231 miles were constructed prior to December 31, 1876, the date of expiration of the time limited, and 26 miles have been constructed since said date, making a total of 257 miles of constructed road, leaving uncompleted at expiration of the time limited 110 miles, and now remaining uncompleted 84 miles.

The grant, at ten sections per mile for 341 miles, would give an aggregate of 2,182,400 acres, but as the line is located along the lake from Ashland to Superior the area of the grant is lessened thereby, and the total area is estimated at about 1,800,000 acres, or the entire line.

The records of this office show that 575,844.56 acres have been patented for said railroad.

The list, now ready for submission for approval for patent, and referred to by Mr. Mendenhall, contains 23,578.08 acres.

Were it fully determined that the company is entitled to the full complement of lands granted for that portion of the road constructed before the expiration of the time named for the completion of the entire road, there would be, in my opinion, no valid objection to the approval of the list in question, as it is apparent from the above statement that the company has earned, by the construction of the 231 miles built prior to December 31, 1876, much more than the aggregate of the lands heretofore patented, plus those in the list under consideration. As, however, the whole question concerning grants which have "lapsed" by failure to complete the roads within the statutory period is now before Congress, it is my judgment that no steps should be taken, at present, looking to the patenting of further lands for the benefit of the grant in question.

Mr. Mendenhall's letter is herewith returned.

Very respectfully,

N. C. MCFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

N.

WASHINGTON, D. C., *September* 18, 1882.

SIR: On the 20th February last I had the honor to address your Department on behalf of the Wisconsin Central Railroad Company, upon the subject of receiving patents for lands earned by the construction of road prior to the expiration of the grant.

This communication was referred by your predecessor to the Commissioner of the General Land Office for a report as to the construction of the road. That report shows that the company had constructed within the limitation of the statute 231 miles of road, which entitled it to 1,400,000 acres of land; that only 575,844 acres have been patented, and that the list of selections for which we ask approval and patent cover

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but 230,578 acres, leaving nearly 600,000 acres yet due the company for the road constructed in time, but which we cannot obtain because of the want of lands to satisfy it. The Commissioner adds to his report as follows: "Were it fully determined that the company is to have the full complement of lands granted for that portion of road constructed before the expiration of time there would be no valid objection to the approval of the list;" but he suggests that as the whole question concerning grants which have lapsed by failure to complete the road within the statutory period is now before Congress, no steps should be taken at present looking to the patenting of further lands for the benefit of the grant in question.

No action has been taken as yet by your Department upon our application and said report, and we beg to again call your attention to the subject and to the following remarks:

As to our right to the lands earned by construction within the limitation we cannot believe you entertain a doubt. There is no room for argument on the subject. The grant itself decides it so and the courts have so held. The seventh section of the act (May 5, 1864) provides that as each 20 miles of road is constructed patents shall issue for the lands earned on said 20 miles, and so far as the road is completed. In section 9 it provides that if the road is not completed within ten years "no further patents shall be issued to said company;" that is, no patents further than the company may have earned by construction—no further patents than are authorized to be issued by section 7, to wit, for the number of miles of road constructed within the time imposed. This is the strictest construction which can be given to the statute. Assume that the company is now before you for the first time asking for patents for lands earned by construction of road before expiration of grant, will it be held that because none have issued, none could issue because of such expiration, and thus that we must lose the whole? Yet the argument applies to the whole as to a part. Such reasoning makes the grant a mere matter of diligence in procuring patents and is too fallacious to stand.

That this is a grant *in presenti* needs not to be argued; that question is *stare decisis.* The title became perfect and indefeasible when the conditions subsequent were performed; and the Department is directed to issue the patents upon the performance of such conditions.

To the extent of our present request the company has done its part. Every requirement of the statute has been fulfilled—we have located our line, built our road, and it has been accepted by the State; the title has become complete; the absolute fee to any and every concession or grant made by the act has vested; the Supreme Court of the United States has so decided in Schulenberg *vs.* Harriman (24 Wall., 44); the court there goes even further and says, relative to the prohibition against further sales (patents in our case), "If the condition be not enforced *the power to sell continues as before the breach*, limited only by the objects of the grant and the manner of sale prescribed by the act." So in the matter of the Atlantic and Pacific Railroad Company the Attorney General expressed the opinion that the Company is entitled to patents for lands earned by construction of the road *subsequent* to the expiration of the grant, and your department issued patents to it accordingly. Much stronger, then, is our present claim for patents for lands earned by construction prior to such expiration; clearly and indubitably earned before any forfeiture could attach; earned by a full compliance with every condition imposed by the Government; so fully earned that our right cannot be taken away by any "Be it enacted" of Congress.

There is, then, no legal question for consideration; all conditions of the law have been complied with, and the only duty remaining to the Department is purely ministerial, to wit, the issue of the patents.

We therefore ask that our patents be given us for these lands. The questions before Congress do not involve us in this respect, because it would be futile to so consider us. The questions there bear upon and are considered only as bearing upon that portion of grants not earned by construction prior to their expiration; and that body certainly does not desire or expect the Department to withhold (because of the legislation they are considering) patents for lands completely earned and over which they have, and can have, no jurisdiction; lands, the title to which has, beyond peradventure, vested in the company.

We are urgently in need of the patents asked for and the delay in their issue is embarrassing to the company.

We therefore ask your attention to this matter at the earliest moment, and that you will authorize the issue of patents to us for all lands earned by construction of road prior to the date of expiration of the grant, December 31, 1876.

Very respectfully,

W. K. MENDENHALL,
Attorney for Wisconsin Central Railroad Company.

Hon. H. M. TELLER,
Secretary of the Interior.

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N₁.

DEPARTMENT OF THE INTERIOR,
Washington, October 2, 1882.

SIR: I herewith inclose letters from W. K. Mendenhall, esq., dated, respectively, February 20 and September 18, 1882, on behalf of the Wisconsin Central Railroad Company, in which a request is made for the patenting of lands earned by the construction of that railroad prior to the expiration of the grant.

By your letter of the 30th of March ultimo it appears that the road has received 575,844.56 acres, and that the lists ready for submission for approval contain 23,578.08 acres, and that these two amounts will fall short of the number of acres earned by the construction of 231 miles of road completed prior to December 31, 1876.

In the matter of the grant to the Wisconsin Central Railroad there is no question that the road was entitled to alternate sections so soon as progressive sections of the road should be completed. That being the case, I see no reason why the list mentioned in your letter should not be submitted to me for approval, and you are directed accordingly.

Very respectfully,

H. M. TELLER,
Secretary.

Hon. N. C. MCFARLAND,
Commissioner of the General Land Office.

N₂.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., November 13, 1882.

SIR: Referring to your communication of the 2d ultimo, authorizing the submission to you for approval of lists of lands inuring to the grant for the Wisconsin Central Railroad, to the extent that said lands were earned by construction of road prior to the expiration of the grant, I submit herewith list No. 11, containing 43,280.99 acres within the granted ten-mile limits in the Eau Claire, Bayfield, and Wansau districts, Wisconsin.

Very respectfully, your obedient servant,

N. C. MCFARLAND,
Commissioner.

Hon. H. M. TELLER.
Secretary of the Interior.

P.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT, OPINIONS OF ATTORNEY-GENERAL, COMMISSIONER GENERAL LAND OFFICE, AND SECRETARY OF THE INTERIOR, EXHIBITS P, R, S, T.

DEPARTMENT OF JUSTICE,
Washington, October 26, 1880.

SIR: Your letter of the 15th instant presents for my consideration the application of the Atlantic and Pacific Railroad Company for the appointment of three commissioners to examine a section of 25 miles of its road west from Albuquerque, N. Mex., under section 4 of the act of Congress of July 27, 1866.

The Atlantic and Pacific Railroad Company was created by and organized under the act of Congress above mentioned, and was granted the right of way and the public lands of the United States within certain defined limits from Springfield, Mo., through the Indian Territory and New Mexico, to the Pacific coast.

Before 1871, it appears that the company constructed its road from Springfield to the western boundary line of the State of Missouri, and this portion of the road was duly accepted by the President, and patents for the land issued. This action was in accordance with the provision of section 4 of the granting act, which provides that when the company shall have 25 consecutive miles of any portion of said railroad ready for the service contemplated, the President of the United States shall appoint three commissioners to examine the same; and if it shall appear that 25 consecutive miles of road have been completed in all respects required by the act, the commissioners shall so report to the President of the United States, and patents to lands, as provided for by the third section of the act, shall be issued to the company.

The company next completed 34 miles in the Indian Territory prior to 1871; but because the United States had not extinguished the Indian title, no steps were taken for the issuance of patents along the road in that Territory.

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From the early part of the year 1871 down to August or September of the present year, no section or portion of the road was constructed by the company; in fact no work of any kind or description was done by the company on the road.

Section 8 of the act makes it a condition of each and every grant, right, and privilege given to the company, that the company "shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than 50 miles per year after the second year, and shall construct, equip, furnish, and complete the main line of the whole road by July 4, 1878."

The company has not conformed to this condition, as it appears that for six years prior to July 4, 1878, no road was constructed; and, in addition, that for two years subsequent to that date no portion of the road was constructed.

The ninth section of the act recites that the conditional grants were made and accepted upon the further condition that "if the company make any breach of the conditions and allow the same to continue for upwards of one year, then in such case, at any time hereafter, the United States may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."

By section 20 Congress has retained the right to add to, alter, amend, or repeal this act, having due regard for the rights of said railroad company.

Having in view the provisions and conditions of the granting act, and the failure on the part of the railroad company to perform the conditions prescribed in the manner recited, you request my opinion upon the following question:

"Is it within the power and the duty of the Executive to appoint commissioners to examine the section of road submitted by the Atlantic and Pacific Railroad Company, to accept the same if completed in all respects required by the act of July 27, 1866, and to cause patents to be issued to said company for lands situated opposite to and coterminus with the section of road, if completed?"

As I think the grant to this railroad must be treated as a present grant, to be made afterwards definite, as from time to time the various portions of the road are completed, the only inquiry would seem to be whether or not the conditions upon which the company received the grant are in their nature conditions precedent or subsequent. If conditions precedent, the failure to perform such conditions would deprive the road of its right to make application for the benefits of the act, if, after such conditions were violated, it proceeded to build portions of the road. If conditions subsequent, then it would be necessary for the United States to take advantage of such conditions by acting under the ninth section of the act, and proceeding itself to do acts and things which might be safe or necessary to insure a speedy completion of the road, or by declaring a forfeiture of the grant by legislative action or by providing for enforcing the same by a judicial proceeding. If the United States were disposed to revest in itself or to enforce a forfeiture of the lands granted, it would be necessary to take some action indicative of that intention.

The case of Schulenberg *vs.* Harriman is apparently decisive of the present inquiry. That was the case of a grant of lands to the State of Wisconsin, to aid in the construction of a certain railroad within that State, by the act of June 3, 1856. The language of the first section of that act was, "That there be, and hereby is, granted to the State of Wisconsin," the lands specified. Similar language is found in the third section of the act of July 27, 1866, "That there be, and hereby is, granted to the Atlantic and Pacific Railroad Company," &c. In that case the grant was made upon a condition that if the road be not completed within ten years "no further sale shall be made, and the lands unsold shall revert to the United States." The road had not been completed within the time required for its construction, which had not been extended, and Congress had passed no act nor provided for any judicial proceedings to enforce any forfeiture of the grant for failure to construct the road within the period prescribed. Upon this state of facts it was held that the grants to the State of Wisconsin were grants *in præsenti*, which required precision, as the route of the road became fixed by its location, and that the lands had not reverted to the United States, although the road was not constructed within the period prescribed, no action having been taken either by legislation or judicial proceedings to enforce a forfeiture of the grants.

The conditions in the present case must be held in view of this authority to be conditions subsequent. Apparently they are much more strongly so than in the case referred to. The section nine, in which they are found, distinctly contemplates that the United States will do some act and may do certain acts upon the breach of the conditions.

I am, therefore, of opinion that the grant to the railroad has not been forfeited by its failure to build its road within the time named in the act, no action by reason of its failure to perform the conditions having been taken by authority of Congress. It having then a present grant, even if it be treated as one liable to forfeiture, it has still a right to proceed to construct the road, and until in some form advantage shall be taken of the breach of the conditions it would be the duty of the executive department to give it the benefit of the grant.

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I am also of opinion, therefore, that it would be within the power and duty of the Executive to appoint commissioners to examine the section of road submitted by the Atlantic and Pacific Railroad Company, to accept the same if completed in all respects required by the act of July 27, 1866, and to cause patents to be issued to said company for lands situated opposite to and coterminous with the section of road if completed.

I have the honor in this connection to refer to the opinion delivered to your Department by me, of the date of November 29, 1879 (upon which I understand the Department has acted), in which the case of Schulenberg *vs.* Harriman, *supra,* was considered.

Very respectfully, your obedient servant,

CHAS. DEVENS,
Attorney-General.

Hon. CARL SCHURZ,
Secretary of the Interior.

R.

DEPARTMENT OF THE INTERIOR,
Washington, December 15, 1880.

SIR: I have the honor to submit herewith, for your consideration, the report of Messrs. Hoyt Sherman, J. E. Bloom, and A. B. Nichols, who were appointed by you commissioners to examine the sixth section of the railroad and telegraph line constructed by the Atlantic and Pacific Railroad Company. Said section begins at a point in township 8 north, range 2 east, near Isleta, at the junction with the New Mexico and Southern Pacific Railroad, runs westwardly, and ends at a point 50 miles from the place of beginning, all in the Territory of New Mexico.

The commissioners report said section to be built in "a workmanlike and creditable manner," and in substantial conformity with law and the instructions of this Department. I therefore recommend that said section be accepted by you, and that patents for lands earned by the construction thereof be issued to said company, pursuant to the fourth section of the act approved July 27, 1866. (14 Stat., 295.)

Very respectfully,

C. SCHURZ,
Secretary.

The PRESIDENT.

S.

DEPARTMENT OF THE INTERIOR,
Washington, December 17, 1880.

SIR: I inclose herewith copy of letter addressed to the President by me, on the 15th instant, transmitting report of commissioners appointed by him to examine 50 miles of the Atlantic and Pacific Railroad, lying immediately westward of the Rio Grande, at Isleta, N. Mex., and recommending that the section (sixth) be accepted, and that the lands earned by the construction thereof be issued to the Atlantic and Pacific Railroad Company, together with copy of the President's indorsement thereon, approving the recommendations.

I also transmit herewith the map and profile of said section, which accompanied the report of the commissioners, that you may carry out the President's order.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

T.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 3, 1881.

SIR: By act of Congress approved July 27, 1866, certain lands were granted to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and the Atlantic and Pacific Railroad Company was incorporated and made the beneficiary. Section 8 of the said act provided that the company should commence work on the road within two years from its approval, build not less than 50 miles per year after the second year, and complete the whole line by July 4, 1878.

Section 9 enacted that if any of the conditions of the grant were broken, and continued so one year, "the United States may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."

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The road has not been completed, but there has been no further action by Congress concerning the grant.

There is no provision in the granting act for a forfeiture of the same. In the case of Schulenberg *et al. vs.* Harriman (21 Wallace, 44) the Supreme Court of the United States decided, concerning a grant for railroad purposes, which provided in case of a breach of its conditions that the lands should revert to the United States, that there could be no reversion or forfeiture without judicial proceedings or legislative action, and that in the absence of such proceedings or action the title remained unimpaired in the grantee.

It is clear that the same principle will apply with greater force to the grant to the Atlantic and Pacific Railroad Company, which does not provide for any reversion of the lands nor for a forfeiture of the grant. With your letter of December 18, 1880, you transmitted a map and profile of the road as constructed from a point in township 8 north, range 2 east, near Isleta, westwardly, a distance of 50 miles, all in the Territory of New Mexico.

Your letter also transmitted a copy of the letter addressed by you to the President on the 15th ultimo, transmitting the report of commissioners appointed to examine said section of road, recommending its acceptance, and that the lands earned by the construction aforesaid be patented to the company. The copy of your letter to the President bears a copy of his indorsement, dated the 17th ultimo, approving your recommendation. Thus the grant is fully recognized by the courts and the Executive as being in full force and effect. By letter of December 8, 1880, the register at Santa Fé transmitted a list of selections by the company, duly executed, of lands within its "granted" limits. The list was received in this office the 14th ultimo.

It is the rule to hold lists of selections by railroad companies five months before submitting lists for approval upon which to issue patents, in order that full protection may be given to valid adverse claims.

It has been represented to me that it is very desirable that the company shall receive patent at an early day for the lands in question, to show the recognition of the grant.

Under the circumstances I think the request a reasonable one, and have concluded to waive the stated rule, inasmuch as the lands in question have been long surveyed.

I submit herewith, for your approval, list No. 1 of lands in the Santa Fé district, New Mexico, containing 23,037.36 acres.

The records and returns, so far as received, have been carefully examined, and the lands included in the list are found free from any conflict or adverse claim.

Very respectfully, your obedient servant,

J. A. WILLIAMSON,
Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

NEW ORLEANS PACIFIC RAILWAY, SUCCESSOR TO THE NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD COMPANY, AS TO TRANSFER OF LAND GRANT, OPINION OF ATTORNEY-GENERAL UNITED STATES.

DEPARTMENT OF JUSTICE,
Washington, D. C., June 13, 1882.

SIR: By a letter dated the 5th of January last, your predecessor submitted to me a number of questions arising upon an application of the New Orleans Pacific Railway Company for certain lands claimed under the land grant made to the New Orleans, Baton Rouge and Vicksburg Railroad Company by the act of Congress of March 3, 1871, chapter 122.

The land grant mentioned is contained in the twenty-second section of that act, which provides:

"That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect, by the most eligible route to be selected by said company, with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its construction from New Orleans to Baton Rouge, thence by way of Alexandria, in said State, to connect with the said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public lands per mile, in the State of Louisiana, as are by this act granted in the State of California to said Texas Pacific Railroad Company; and said lands shall be withdrawn from market, selected, and patents issued therefor, and opened for settlement and pre-emption, upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company, within said State of California: *Provided,* That said company shall complete the whole of said road within five years from the passage of this act."

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The eastern terminus of the Texas Pacific Railroad, as fixed by the same act, was a point at or near Marshall, Tex.

The New Orelans, Baton Rouge and Vicksburg Railroad Company was incorporated by an act of the legislature of Louisiana passed December 30, 1869, which authorized it to construct and operate a railroad "from any point on the line of the New Orleans, Jackson and Great Northern Railroad, within the parish of Livingston, running from thence to any point on the boundary line dividing the States of Louisiana and Mississippi," the route here indicated lying east of the Mississippi River. It was also authorized to construct and operate a branch railroad from its main line (above described) to the city of Baton Rouge; and for the purpose of connecting its railroad with the railroads of other companies, &c., it was furthermore authorized "to construct, maintain, and use, by running thereon its engines and cars, such branch railroads and tracks as it may find necessary and expedient to own and use;" and such branch railroads were, for all the purposes of the act, to be deemed and taken to constitute a part of the main line of its railroad within the State of Louisiana.

On November 11, 1871, that company filed in the General Land Office a map designating the general route of a road projected thereby from Shreveport, by way of Alexandria, to Baton Rouge, and thereupon the withdrawal of the public lands along the same was ordered, which became effective in December following.

Subsequently, by an act of the legislature of Louisiana, passed December 11, 1872, the same company was given "full power and authority to commence the construction of their road in the city of New Orleans, or Shreveport, or at any intermediate point on their line of road as may best suit the convenience of said company and facilitate the speedy construction of a continuous line from the city of New Orleans to the city of Shreveport, or perfect railroad communication with the Texas Pacific Railroad, or any other railroad in Northwestern Louisiana, at or near the Louisiana State line: *Provided, however,* That the said company shall construct the line of its road between the city of New Orleans and the city of Baton Rouge on the east side of the Mississippi River, to the corporate limits of the said city of Baton Rouge, or adjacent thereto."

In the mean time, by the act of Congress of May 2, 1872, chapter 132, the Texas and Pacific Railway Company (formerly styled the Texas Pacific Railroad Company) was "authorized and required to construct, maintain, control, and operate a road between Marshall, Texas, and Shreveport, Louisiana, or control or operate any existing road between said points, of the same gauge as the Texas and Pacific Railroad." The same act further provided that "all roads terminating at Shreveport shall have the right to make the same running connections, and shall be entitled to the same privileges, for the transaction of business in connection with the said Texas and Pacific Railway, as are granted to roads intersecting therewith."

On February 13, 1873, a second map was filed in the General Land Office by the New Orleans, Baton Rouge and Vicksburg Railroad Company, designating the general route of a road projected thereby from New Orleans to Baton Rouge, and a withdrawal of the public lands along the same was ordered, which took effect in April, 1873. The route between those places, those designated, lies on the east side of the Mississippi River. That company has not constructed any part of its road, either on the route between New Orleans and Baton Rouge or on the route between the latter place and Shreveport; nor, indeed, has there been a *definite location* of its road anywhere between the points mentioned. Nothing beyond the designation of the general route thereof appears.

Pursuant to a resolution of its board of directors, adopted December 29, 1880, all the right, title, and interest of that company in and to the aforesaid grant of public lands made by the act of March 3, 1871, were deeded by it to the New Orleans Pacific Railway Company. This action of the board of directors and officers of the former company was afterwards approved and ratified by the stockholders thereof at a meeting held in December, 1881.

The New Orleans Pacific Railway Company was originally incorporated under the general laws of the State of Louisiana, in June, 1875. Its charter was subsequently amended by acts of the Louisiana legislature, passed February 19, 1876, and February 5, 1878. It is thereby authorized to construct a railroad "beginning at a point on the Mississippi River, at New Orleans or between New Orleans and the parish of Iberville, on the right bank of the Mississippi, and Baton Rouge, on the left bank, &c., or from any point within the limits of this State, and running thence towards and to the city of Shreveport," which is made its northwestern terminus.

The route of this company as projected is understood to extend from New Orleans to Baton Rouge, and thence by way of Alexandria to Shreveport. Between New Orleans and Baton Rouge it lies on the west side of the Mississippi River; while the designated route of the New Orleans, Baton Rouge and Vicksburg Railroad Company, between the same points, lies on the east side of that river. Between Baton Rouge and Shreveport its general course and direction correspond, in the main, with the route designated by the last-named company. It is throughout its entire length

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from New Orleans to Shreveport within the limits of the before-mentioned withdrawals of public lands.

In October, 1881, the president of the New Orleans Pacific Railway Company made affidavit that three sections of its road were then completed and ready for examination by the Government; whereupon a commissioner was appointed to examine the same, the result of whose examination appears in a report made by him to the Secretary of the Interior, under date of the 26th of that month. One of the sections embraces 68 miles of road, beginning on the west bank of the Mississippi River, opposite New Orleans, and ending near the town of Donaldsonville; another embraces 20 miles of road near Alexandria; and the third embraces 50 miles of road terminating at Shreveport. For each of these sections lands are claimed by that company under the aforesaid land grant, as assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company.

No map of definite location of any portion of its road has been filed, other than those of constructed portions.

It appears that in February, 1881, the New Orleans Pacific Railway Company purchased from Morgan's Louisiana and Texas Railroad and Steamship Company, the road constructed on the west bank of the Mississippi River by the New Orleans, Mobile and Texas Railroad Company, from Westmego to White Castle, a distance of 68 miles, and that the same has become a part of the main line of the road of the New Orleans Pacific Railway Company.

The following are the questions submitted:

"1. Was the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company a grant *in præsenti?*

"2. Had the New Orleans, Baton Rouge and Vicksburg Railroad Company, at the date of its alleged transfer of lands to the New Orleans Pacific Railway Company, such an interest in the lands, under said act, as was assignable?

"3. Is the New Orleans Pacific Railway Company such a successor to or assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company as is contemplated by said act?

"4. Should it appear that the 68 miles of the New Orleans, Mobile and Texas Railroad was constructed *prior* to the act of March 3, 1871, granting lands to *aid in the construction* of the New Orleans, Baton Rouge and Vicksburg Railroad, can the New Orleans Pacific Company (its assignee) claim any benefit from the grant? Or in case of such prior construction, and the non-construction of any portion of the New Orleans, Baton Rouge and Vicksburg Road, has the purpose for which the grant was made failed, and the grant consequently lapsed?

"5. If the New Orleans, Mobile and Texas Road was constructed, subsequently to the date of said act, is so much of its road as is now owned by the New Orleans Pacific Company such a road as is contemplated for acceptance by the President within the meaning of said act, and may patents issue to the latter for lands opposite to and coterminous with such constructed portion of road?"

These questions are accompanied by a request for an opinion upon such other questions of law as may suggest themselves touching the transfer of said land grant, to which reference is above made.

Of the above-stated questions the first three may be considered together in connection with the following inquiry, which presents itself at the outset, whether the *assent of Congress* to the transfer made by the New Orleans, Baton Rouge and Vicksburg Railroad Company of all its interest in said land grant to the New Orleans Pacific Railway Company is necessary (by reason of anything in the provisions of the grant itself) to entitle the latter company to the benefit of said grant in aid of the construction of the road projected by it.

The act of March 3, 1871, passed to the New Orleans, Baton Rouge and Vicksburg Railroad Company a *present interest* in a certain number of alternate sections of public lands per mile within the limits there prescribed. Its language is, "there is hereby granted to the said company" the number of alternate sections mentioned; words which import a grant *in præsenti*, and not one *in futuro*, or the promise of a grant. (97 U. S. Rep., 496.) But the grant thus made is in the nature of a float. It is of sections to be afterward located, their location depending upon the establishment of the line of the road. Until this is definitely fixed the grant does not attach to any specific tracts of land. Upon the line of the road being definitely located the grant then first acquires precision, and the company becomes invested with an inchoate title to the particular lands covered thereby, which can ripen into a perfect title only as the construction of each section of 20 miles of road is completed and approved, when the right to patents for the lands opposite to and coterminous with such constructed section accrues.

The *proviso* in the grant that the company shall complete the whole of its road within five years from the date of the act is a condition subsequent, the failure to perform which does not *ipso facto* work a forfeiture of the grant, but only gives rise to a right in the Government to enforce a forfeiture thereof. Yet in order to enforce a for-

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feiture such right must be asserted by a judicial proceeding, authorized by law, or by some legislative action amounting to a resumption of the grant. (Schulenberg *vs.* Harriman, 21 Wall., 44.) Hence, until advantage is taken of the non-performance of the condition, under legislative authority, the interest of the grantee in the grant remains unimpaired thereby.

Such being the nature and effect of the grant and its accompanying condition, and no action having been taken either by legislation or judicial proceedings to enforce a forfeiture thereof, it follows that at the period of said transfer by the New Orleans, Baton Rouge and Vicksburg Railroad Company this company was invested with a present interest in the number of alternate sections of public lands per mile granted by the act of 1871, notwithstanding it was already in default in the performance of the condition referred to, and that it still retained a right to proceed with the construction of the road in aid of which the grant was made until advantage should be taken of the default. But as it had not then definitely fixed the line of its road, although a map designating the general route thereof was duly filed, that interest did not attach to any specific tracts of land, but remained afloat, as it were, needing a definite location of the road before it could become thus attached. Was the interest here described assignable to another company, so as to entitle the latter to the benefit of the grant in aid of the construction of *its* road between the places named therein, without the assent of Congress?

Doubt has perhaps arisen on this point in view of the fact that in one or two instances it has been thought expedient to obtain legislation by Congress confirming or authorizing a similar assignment (see section 2 of the act of March 3, 1865, chapter 88, and section 1 of the act of March 3, 1869, chapter 127), and also in view of the adverse ruling of this Department in the case of the Oregon Central Railroad Company. (13 Opin., 382.) However, a similar assignment made in 1866 by the Hannibal and Saint Joseph Railroad Company to the Pike's Peak Railroad Company, afterward known as the Central Branch Company, was held to be valid by Attorney-General Stanbury in an opinion given to the Secretary of the Treasury under date of July 25, 1866.

In the latter case the Hannibal and Saint Joseph Company, which was incorporated by the State of Missouri, with authority to construct a railroad between Hannibal and Saint Joseph, within that State, was, by the Pacific Railroad act of July 1, 1862 (section 13), authorized to "extend its road from Saint Joseph, via Atchison, to connect and unite with the road through Kansas, * * * and may for this purpose use any railroad charter which has been or may be granted by the legislature of Kansas," &c., and by the fifteenth section of the same act it was provided that "wherever the word company is used in this act it shall be construed to embrace the words their associates, successors, and assigns the same as if the words had been properly added thereto." Subsequently, in 1863, an assignment was made by that company of all its rights under said act (which included an interest in both a land and a bond subsidy) to the Atchison and Pike's Peak Railroad Company, a company previously organized under a charter granted by the legislature of Kansas. The latter company having constructed a section of 20 miles of the proposed road west from Atchison claimed the benefit of the grant made to the Hannibal and Saint Joseph Company, as its assignee, and this claim was recognized and allowed, in accordance with the opinion of the Attorney-General. It will be observed, however, that the Hannibal and Saint Joseph Company was authorized to "use any railroad charter which has been or may be granted by the legislature of Kansas," and this, together with the provision in the fifteenth section quoted above, may have been regarded as sufficient to sustain the assignment.

In the case of the Oregon Central Railroad Company, mentioned above, a grant of a right of way through the public lands, and also of alternate sections thereof, was made to that company, "and to their successors and assigns," by the act of May 4, 1870, chapter 69, for the purpose of aiding in the construction of a railroad and telegraph line between certain places in Oregon. In August following an instrument was executed by the company assigning all its interest in the grant to the Willamette Valley Railroad Company, and thereupon the question arose whether the grant was susceptible of being thus transferred. The Attorney-General (Mr. Akerman), to whom the question was submitted, after reviewing the various provisions of the act, some of which (see section 5) imposed certain duties and required certain important acts to be performed by the company, decided in the negative, holding that, upon consideration of those provisions, the Oregon Central Company was alone within the contemplation of Congress in respect of the donation made and duties imposed by that act. The words "their successors and assigns," as used in the act, were regarded as words of limitation merely.

But the grounds upon which that decision appears to have been based are not found to exist in the case now under consideration. Here a grant of a certain number of alternate sections of public lands per mile is made to the New Orleans, Baton Rouge and Vicksburg Railroad Company, its successors and assigns, in aid of the construction of a road from New Orleans, by the route indicated, to connect with the eastern

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terminus of the Texas and Pacific Railroad, which lands are required to be "withdrawn from the market, selected, and patents issued therefor, and opened for settlement and pre-emption upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company." The grant is coupled with no special duties or trusts, for the performance of which there is reason to believe the particular company named therein was more acceptable to Congress than any other. Its purpose is to secure the construction of a railroad between the points designated, and whether this purpose be fulfilled by that company or by another company must be deemed unimportant in the absence of any provision indicative of the contrary. The interest derived by the grantee, though it remain only afloat, is a vested interest, and it is held under the same limitations which apply after it develops into an estate in particular lands until extinguished by ferfeiture for non-performance of the condition annexed to the grant. I perceive no legal obstacle arising out of the grant itself to a transfer of such interest by the grantee to another company, and should the latter construct the road contemplated agreeably to the requirements of the grant, and thus accomplish the end which Congress had in view, I submit that it would clearly be entitled to the benefits thereof.

The question of the assignability of the interest of the grantee would be more difficult if, after definitely locating the line of its road, and thus attaching the grant to particular lands along the same it was proposed to transfer that interest to another company for the benefit of a road to be constructed by the latter on a different line, though following the general course of the other road. But in the present case the facts give rise to no such difficulty. The grant had not previous to the transfer become thus identified with a particular line of road, and was thereafter susceptible of location upon the line of the road projected by the assignee (the New Orleans Pacific Company), provided this road met the requirements of the grant in other respects, as to which no doubt is suggested.

My conclusion is that the assent of Congress to the assignment made by the New Orleans, Baton Rouge and Vicksburg Railroad Company, as above, is not necessary in order to entitle the assignee to the benefit of the land grant in question.

The remaining questions relate to the 68 miles of railroad formerly belonging to the New Orleans, Mobile and Texas Railroad Company, but now owned by the New Orleans Pacific Company, and made a part of its main line between New Orleans and Baton Rouge.

The land grant in question was, as its language imports, made in *aid of the construction* of a railroad between certain termini, contemplating a road to be constructed, not one already constructed. It has not been the policy of Congress thus to aid constructed roads. Had a constructed road existed at the date of the grant, which extended from one terminus to the other, and afterward the New Orleans, Baton Rouge and Vicksburg Railroad Company, instead of entering upon and completing the construction of a road, had purchased the road already constructed, this, it seems to me, would not have satisfied the purposes of the grant so as to entitle the company to the benefit thereof. The same objection would apply where the constructed road extended over only a part of the route contemplated by the grant. So far as I am advised, the action of the Government hitherto has accorded with this view. On the other hand, if such road was constructed subsequently to the date of the grant, and is owned by the grantee or the assignee of the latter, I see no ground for excluding it from the benefit of the grant should it otherwise fulfill the requirements thereof.

Agreeably to the foregoing views, and in direct response to the several questions submitted, I have the honor to reply as follows: The first, second, and third questions I answer in the affirmative. The fourth question (including the alternative added thereto) I answer in the negative. The fifth question I answer in the affirmative—assuming, as I do, the company named therein to be an assignee of the grantee in the act referred to.

I have the honor to be, very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. H. M. TELLER,
Secretary of the Interior.

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RAILROADS NOT COMPLETED IN TIME FIXED BY LAW.

The House Committee on Public Lands, through its chairman, requested information from the General Land Office as to land-grant railroads not completed in time fixed by law. The information so furnished is in House Misc. Doc. No. 17, Forty-seventh Congress, second session.

Letter from the Secretary of the Interior inclosing a report by the Commissioner of the General Land Office, transmitting further information concerning railroads that were not completed within the period fixed by law.

DEPARTMENT OF THE INTERIOR,
Washington, January 13, 1883.

SIR: Your letter of the 21st ultimo, calling for further information concerning railroads that were not completed within the period fixed by law, was received and referred to the Commissioner of the General Land Office. I have the honor to transmit herewith copy of his report on the subject, under date of the 11th instant.

Very respectfully,

H. M. TELLER,
Secretary.

Hon. T. C. POUND,
Chairman Committee on Public Lands, House of Representatives.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 11, 1883.

SIR: I am in receipt, by reference from you for report, of a letter addressed to you by Hon. T. C. Pound, chairman of the Public Lands Committee of the House of Representatives, in which he says:

"On the 28th day of March last you transmitted to the House of Representatives a report of the Commissioner of the General Land Office giving information respecting land-grant railroads, called for by a house resolution of February 9, 1882. That report contained the names of a number of railroads to whom grants of land have been made, either directly or through the State, who had not completed their roads within the time prescribed by law, and other information called for by that resolution. This report was printed as House Ex. Doc. No. 144. Supplementary to that report, and for the purpose of action on pending bills before this committee, I respectfully request that you cause this committee to be informed at the earliest moment practicable."

Here follows a series of questions, seven in number, which I shall endeavor to answer in the order in which they are presented, by arranging the questions under separate heads, and giving a question and answer under each head.

I.—"Whether any companies therein named have since said report made any progress in building or towards completion of their lines of railroad."

Since March 27, 1882, the date of report referred to, the following described evidence of construction of railroads has been received at this office:

ATLANTIC, GULF, AND WEST INDIA TRANSIT RAILROAD.

Certificate of the governor of Florida, dated August 5, 1882, of the construction of $26\frac{520}{5280}$ miles of road from Ocala, Marion County, in the direction of Tampa.

PENSACOLA AND GEORGIA (NOW PENSACOLA AND ATLANTIC) RAILROAD.

Two certificates of the governor of Florida, dated December 6, 1882, of the completion of two sections of 20 miles each of road.

First section.—Commencing in Walton County, at a point 60 miles east of connection with Alabama and Florida (now the Pensacola) Railroad, and running eastwardly towards Chattahoochee, on the Apalachicola River.

Second section.—Commencing on the east bank of the Choctawhatchee River, in Washington County, and running eastwardly toward Chattachoochee. Total, 40 miles.

NORTH WISCONSIN RAILROAD.

Certificate of the governor of Wisconsin, dated July 20, 1882, of the completion of 20 miles of road beginning at a certain point in section 18, township 43, range 7 west,

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and ending at station 1,056 in section 14, township 45, range 6 west. Certificate of governor of Wisconsin, dated July 20, 1882, of the completion of 20 miles of road, beginning at a certain point in section 35, township 40, range 12 west, and ending in section 25, township 43, range 12 west. Certificate of the governor of Wisconsin, dated October 23, 1882, of the completion of 20 miles of road, beginning at a certain point in section 25, township 43, range 12 west, and ending in section 22, township 46, range 12 west. Total, 60 miles.

NORTHERN PACIFIC RAILROAD.

On September 19, 1882, six maps, showing 200 miles of constructed road in Montana Territory, beginning at a point on the south bank of the Yellowstone River, about 1½ miles west of O'Fallon Creek, and ending at a point on west bank of Canyon Creek, 7 miles west of the town of Billings, in section 22, township 1 south, range 25 east, accepted by the President of the United States on September 16, 1882. On September 19, 1882, one map showing 25 miles of constructed road, beginning at the Northern Pacific Junction near Thomson, and ending near Bluff Creek in Superior, Wisconsin, accepted by the President of the United States September 16, 1882. On October 12, 1882, a map showing 50 miles of constructed road, beginning at a point 3 miles south of Sand Point, in Idaho Territory, and ending at a point on the west bank of Clark's Fork of the Columbia River, about 5 miles south of Elk Creek, Montana Territory, accepted by the President of the United States October 9, 1882.

On October 22, 1882, a map showing 25 miles of constructed road in Montana Territory, beginning at a point 275 miles eastward of Wallula Junction, in Washington Territory, and ending at a point 300 miles distant from said junction, accepted by the President October 20, 1882.

On December 7, 1882, three maps, showing 100 miles of constructed road, beginning at a point on the west bank of Canyon Creek, 7 miles west of the town of Billings, Montana Territory, and ending at a point on the south bank of the Yellowstone River, west of Little Boulder Creek, and opposite the old Crow Agency, accepted by the President of the United States December 5, 1882.

On December 7, 1882, a map showing 4.58 miles of constructed road, accepted by the President of the United States December 5, 1882, beginning at a point in the city of Bismarck, on the east bank of the Missouri River, in section 4, township 138 north, range 80 west, fifth principal meridian, and ending at a point on the west bank of the Missouri River, in the village of Mandan, in section 26, township 139 north, range 81 west. Total 404.58 miles.

ATLANTIC AND PACIFIC RAILROAD.

On December 19, 1882, two maps showing sixth and seventh sections of 25 miles each of the central division of road, constructed in the Indian Territory, beginning at a point 1.54 miles west of the crossing of the Missouri, Kansas and Texas Railway, and ending at point 50 miles west of place of beginning; also eight maps showing sections 9 to 16, inclusive, of road constructed in the Territory of Arizona, beginning at a point 200 miles west of junction of this railroad with the New Mexico and Southern Pacific Railroad, near Isleta, N. Mex., and ending at a point 200 miles westward of the place of beginning. Total, 250 miles, accepted by the President of the United States December 14, 1882.

II.—"All cases of such grants where no work has been done toward building the road so far as the Department is advised."

I have not been advised of the construction of any portion of the following-named railroads since March 27, 1882, viz:

In Mississippi.—Gulf and Ship Island, Tuscaloosa and Mobile, Mobile and New Orleans (also in Alabama and Louisiana).

Alabama.—Coosa and Tennessee, Coosa and Chattanooga, Elyton and Beard's Bluff, Memphis and Charleston.

Louisiana.—Railroad from New Orleans to the State line, in direction of Jackson, Miss.

Arkansas.—Iron Mountain, authorized by second section of act of July 4, 1866, from southern boundary line of Missouri to Helena, Ark.

III.—"All cases where efforts are now being made to complete the proposed roads and earn the grants."

All of said cases are stated under the first head, except that of the Oregon Central Railroad hereinafter referred to under the fifth head, and the Vicksburg, Shreveport and Texas Railroad, hereinafter referred to under the seventh head.

IV.—"The quantity of and, if any, patented to the said several roads, if any, since said report."

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No lands have been approved or patented for any uncompleted road since said report of March 27, 1882, was made, except in the case of the Wisconsin Central Railroad, hereinafter referred to under the seventh head.

V.—"All cases where claims for the completion or further construction of any of said roads have been made or filed as a basis for the claim that further quantities of land be patented to the State or companies."

The following-named roads are embraced in the terms of this inquiry: Atlantic, Gulf and West India Transit, Pensacola and Georgia, North Wisconsin, Northern Pacific, Atlantic and Pacific. All of said roads are named under the first head, portions of the same having been constructed during the past year.

The Oregon and California, formerly the Oregon Central Railroad Company, in April and September of last year filed certain maps of definite location of road in Oregon and asked for a withdrawal of lands lying opposite said road. I referred said maps to you with letter of September 23, 1882 (copy herewith inclosed, marked A), and declined to recommend the withdrawal asked for. No action has been ordered by you in said case since said date. I have been unofficially advised that the New Orleans Pacific Railway Company, formerly New Orleans, Baton Rouge and Vicksburg Railroad Company, have filed in your office evidence of the construction of the major portion of their located road, and have made claim for the lands lying opposite thereto, but I have not received any official information on the subject. The Vicksburg, Shreveport and Texas Railroad might properly be included under this head, but its status will be found hereinafter under the seventh head.

VI.—"As to the roads, toward the building of which nothing has been done, whether the building of them has been probably abandoned, if known, and the cause of delay in building the same."

I am not in possession of any information which leads me to believe that any of the roads named under the second head will be constructed.

The president of the Gulf and Ship Island Railroad Company, however, as shown by the records of this office, applied to you July 17, 1882, by letter (copy herewith, marked B), for a withdrawal of lands along the line of the road as located in 1860. You referred said letter to this office for report, which was submitted to you on July 24, 1882 (copy herewith, marked C), and on October 20, 1882, by letter of that date (copy herewith, marked D), you rejected said application. No cause is assigned for the delay and failure in building this road.

VII.—"Any information the Department may possess which may be useful in determining whether any of the said grants should be declared forfeited and the lands to revert to the Government."

No attempt has been made, nor is any contemplated, so far as I am informed, to earn the grant for any of the roads named under the second head except the Gulf and Ship Island Railroad, the action in regard to which is hereinbefore fully explained. The grants for the roads named in the State of Mississippi were made by act of August 11, 1856 (11 Stats., 30), and the grants for the roads named in the States of Alabama and Louisana, by act of June 3, 1856 (11 Stats., 17, 18).

The grant for the Iron Mountain Railroad in Arkansas was made by the second section of the act of July 4, 1866 (14 Stats., 83).

No lands are reserved for the benefit of any of the roads named in said States, except for the Coosa and Chattanooga, in Alabama. Nothing further appears to have been done since my report of March 27, 1882, by the Mobile and Girard Railroad Company looking to the completion of that portion of the road lying between Troy and Mobile, regarding which I made certain recommendations to your predecessor, Hon. S. J. Kirkwood, by letter of April 14, 1882 (copy herewith, marked E).

In my report of March 27, 1882, as to the Vicksburg, Shreveport and Texas Railroad, I stated that the company had filed affidavits to the effect that it was proceeding with the construction of the uncompleted portion of its road as rapidly as possible. As said affidavits and the communication accompanying them give reasons for the delay and difficulty in completing the road, I submit herewith copies of same, marked F, G, and H. No certificate, however, of the construction of any portion reported March 27, 1882, as unconstructed, has been filed in this office. The Wisconsin Central Railroad is referred to in said report as having 84 miles of located road unconstructed. I have not been advised of the construction of, or intent to construct, any portion of said 84 miles. On October 21, 1882, there were 23,223.92 acres, and on November 23, 1882, 43,280.99 acres, patented to the State of Wisconsin for the benefit of this road, as explained in my report of December 29, 1882, printed as House Ex. Doc. No. 29.

I return herewith the letter of Hon. T. C. Pound.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. H. M. TELLER,
Secretary of the Interior.

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A.

OREGON AND CALIFORNIA RAILROAD CO.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., September 23, 1882.

SIR: On the 6th of April, 1882, you referred to this office, without instructions, a letter dated April 5, 1882, from H. Villard, president of the Oregon and California Railroad Company, addressed to Hon. John H. Mitchell, with two maps of the definite location of said road, to wit:

Map No. 1, showing an amended line of route of the said railroad from the south line of section 36, 27 south, 6 west, to a point in section line between sections 5 and 6, 30 south, 5 west, or from station 1,131 × 50 to station 1,298 of the original located line, as shown by the original map of location which was accepted by the Department, and upon which a withdrawal of lands was made by letter from this office of March 31, 1871. This change in location is a very limited one, and was found necessary in order to obtain a better crossing of the Umpqua River, and would not affect the withdrawal of the lands made on the original location.

Map No. 2, showing the location of a section of 20 miles south of that described above, commencing at station 1,320 × 50 in section 6, 30 south, 5 west, and ending at station 2,376 × 50 in township 31 south, 7 west.

On the 5th September, 1882, you referred to this office, for report and recommendation, a letter dated August 24, 1882, filed by W. K. Mendenhall, attorney for the Oregon and California Railroad Company, and map accompanying the same, showing the definite location of the line of said railroad from station 2,376 × 50, in township 31 south, 7 west, to the north line of section 33, 34 south, 6 west.

Mr. Mendenhall requests that you direct the withdrawal of the lands along the line of definite location, as shown by these maps, in accordance with the act of July 25, 1866, granting lands to aid in the construction of said road.

The line of road, as shown upon the said maps, appears to have followed the direction indicated in the granting act, to a point in section 33, 34 south, 6 west, about 38 miles north of the State boundary, and in a direction to connect with the line of the California and Oregon Company of California, which has located its road to the north line of township 46 north, 5 west, in a northerly line from its starting point on the Central Pacific road.

The act approved July 25, 1866 (14 Stats., p. 239), provided for the construction of a railroad from Portland, Oregon, to the Central Pacific in California; the California and Oregon Railroad Company to construct that part of the road in California, beginning at a point on the Central Pacific Railroads and running thence northerly to the northern boundary of the State, and the Oregon and California Company to construct that part of the said road in Oregon, beginning at Portland, and running thence southerly to the southern boundary of Oregon, where the same should connect with that part of the said line to be built by the first-named company.

The act required the completion of the entire road on or before July 1, 1875. By the act of June 25, 1868 (15 Stats., p. 80), the time for completing the said road was extended to July 1, 1880.

The estimated length of the lines of said road in Oregon is 315 miles. Prior to July 1, 1880, 197 miles of road, from Portland to Roseburg, were completed. No evidence of further construction has been received at this office.

In view of the fact that the statutory period within which the entire road should have been constructed has long since expired, and of the further fact that legislation concerning all grants in like condition has been proposed and is now pending, this office is not prepared at this time to recommend the acceptance, by the Department, of these maps nor any further withdrawal of lands for the benefit of the grant in question.

The maps are accordingly returned herewith, together with the letters filed with the same.

Very respectfully,

N. C. MCFARLAND,
Commissioner.

Hon. H. M. TELLER,
Secretary of the Interior.

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B

GULF AND SHIP ISLAND RAILROAD COMPANY. EXHIBITS B, C, D.

JACKSON, MISS., ——, 1882.

To the Hon. Secretary of the Interior:

The undersigned, president of the Gulf and Ship Island Railroad Company, corporated under the laws of the State of Mississippi, would respectfully represent to the Hon. Secretary of the Interior:

That Congress, by the act of 11th of August, 1856, granted to the State of Mississippi, for the construction of the Gulf and Ship Island Railroad, alternate sections of public lands for a width of 6 miles, &c. (vol. 11, Statutes at Large U. S., p. 30). (A like grant was by the same act made for two other roads.)

In 1860, a definite location of the Gulf and Ship Island road was made, map of which was filed in the Interior Department. This location and map was intended to give notice to the United States and the Land Office Department of the area and location of the land granted, so that the same should be reserved from further sales. The undersigned would further represent that the legal effect and operation of said act of Congress was to vest in the State of Mississippi a present estate in fee in said lands, subject to a condition subsequent; that is to say, subject to a right in the United States, by positive act, to claim a restoration of said lands to the public domain on the non-completion of the railroad within the time limited, namely, ten years.

The undersigned insists that by virtue of the said act of Congress the State of Mississippi became owner in fee of said lands, in trust from the railroad, and will so continue owner until Congress resumes the grant.

The undersigned further insists that the grant by Congress separated said lands from the public domain and devoted them to the use and purpose named in the act of Congress; and that a disposition of any of said lands, by sales by the local land office, is absolutely illegal and violative of the terms of the grant in the act of 11th of August, 1856. This is clearly the ruling of the Supreme Court of the United States, in Schulenberg *vs.* Harriman, 21 Wallace, 44. Unless Congress by unequivocal act declares a forfeiture, the estate in fee, subject to the trust, remains in the State.

The undersigned represents to the Hon. Secretary that the officers of the local land office in Mississippi, in plain violation of law and their duty in the premises, have from time to time sold parcels of land within the area of the grant, and claim and are exercising the right so do to.

Bills are pending in both houses of Congress to waive the forfeiture and extend the time for building the road.

The premises considered, the undersigned, on behalf of the company which he represents, prays the Hon. Secretary to issue the proper order to the local land officers to refrain from further sales of said lands until Congress shall take definite action on the subject.

And, as in duty bound, &c.

WIRT ADAMS,
President Gulf and Ship Island Railroad.

C.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., July 24, 1882.

SIR: I am in receipt, by reference from you, for immediate consideration, of a letter addressed to you by Mr. Wirt Adams, president Gulf and Ship Island Railroad, requesting that the local land officers in the State of Mississippi may be directed to refrain from further sales or disposition of lands in even sections within the limits of the grant for said road by act of August 11, 1856. He refers to the fact that in 1860 (November 27) a map of definite location of said road was filed in this office, and holds that the said map identified the lands granted; also that the subsequent disposition of said lands by the local land officers was absolutely illegal and a violation of the terms of the act of August 11, 1856. In reply I have to advise you that by the act of August 11, 1856 (11 Stat., p. 30), a grant of six sections of land per mile was made to the State of Mississippi for a road from Brandon to the Gulf of Mexico. Provision was made in the act for the sale by the State of the lands granted, the quantity sold to be proportionate to the miles of road constructed from time to time, except in the case of the sale of the first one hundred and twenty sections, which could be sold in advance of the construction of any portion of the road. The act also provides that if the road be not completed within ten years "the lands unsold shall revert to the United States."

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On August 15, 1856, prior to location of the road, the lands falling within the probable limits of the road were withdrawn from sale or location by Notice 567. A map of definite location of the road was filed in this office November 27, 1860, and "accepted as the basis of adjustment of the grant." No withdrawal was ever made upon the map of definite location, because of the outbreak of the war of the rebellion, which occurred while the diagrams of withdrawal were in course of preparation. By letter of August 22, 1856, the local land officers in Mississippi were directed to allow pre-emption settlements and entries upon *any* of the lands withdrawn by Notice 567 of August 15, 1856, up to the time when the line or route of the said road (and others provided for by the act of August 11, 1856) should be "definitely fixed." On October 22, 1856, said officers were instructed to the effect that upon the filing in their office of a certified map of the line of route of said road as "definitely fixed," they must, without awaiting further instructions from this office, cease to permit pre-emption entries or locations for any purpose upon "the lands within 15 miles of said route." No map of definite location appears to have been filed in any of the local land offices in Mississippi; consequently pre-emption entries were permitted within the limits of the road up to the date of the close of the offices by the war referred to. Said war closed in the year 1866. The act of June 21, 1866, reserved all the public lands in Mississippi and other Southern States for homestead purposes, and as soon as the local land offices in Mississippi were reopened, homestead entries only were permitted upon the lands in question. This condition prevailed until June 22, 1876, when an act was passed restoring lands in said States to pre-emption entry, and directing the offering at public sale of the vacant public lands in said States from time to time, as soon as practicable. Under this act all the vacant lands (no reservation of lands being made for the road in question) in Mississippi were offered in 1878 and 1879, and such as were not disposed of at public sale have since been held subject to homestead, pre-emption, or private entry. During all the years from 1860 until the receipt of Mr. Adams's letter on yesterday, a period of twenty-two years, no claim has been made in behalf of the State, or of any company organized under her laws, to any lands under or by virtue of the act of August 11, 1856.

No lands have been approved to the State for the benefit of the road, and no portion of the road has been constructed. There is not any evidence on file as to the disposition made by the legislature of Mississippi of the grant made for the benefit of this road. A bill (H. R. 6390) is now pending before Congress providing for the repeal of so much of the act of August 11, 1856, as makes a grant for the benefit of the road in question.

There is also a bill (H. R. 868) pending before Congress which proposes to grant to the State of Mississippi to aid in the construction of the Gulf and Ship Island Railroad "all the public lands heretofore granted for the same purpose" by the act of August 11, 1856. In view of the facts above stated I decline to recommend the withdrawal asked for by Mr. Adams.

I return herewith Mr. Adams's letter.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. H. M. TELLER,
Secretary of the Interior.

D.

DEPARTMENT OF THE INTERIOR,
Washington, October 20, 1882.

SIR: I have considered the contents of letter (without date, but received July 17 last) from Wirt Adams, esq., president of the Gulf and Ship Island Railroad Company, in which he requests that the local officers of the State of Mississippi be directed to refrain from further sales or disposition of lands in the even sections within the limits of the grant for said road by act of August 11, 1856; also your report to me of July 24 thereon.

Briefly, the facts appear as follows:

Congress, by act of August 11, 1856 (11 Stat., 30), made a grant of six sections of land per mile to the State of Mississippi for a road from Brandon to the Gulf of Mexico. The act provided for the sale by the State of the lands granted as follows: The first 120 sections could be sold in advance of the construction of any portion of the road, and a like quantity following the completion of any continuous twenty miles of road. The act also provides that if the road be not completed within ten years "the lands unsold shall revert to the United States." A map of definite location of the road was filed in your office November 27, 1860, and "accepted as the basis of the grant." No withdrawal was ever made upon the map of definite location. On the 22d of October, 1856, the local land officers in Mississippi were instructed in effect by your office, that upon the filing in their respective offices of a certified map of a line

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of route of said road as "definitely fixed," they should, without awaiting further instructions, cease to permit pre-emption entries or locations, for any purpose, upon "the lands within fifteen miles of said route."

No map of definite location appears to have been filed in any of the local land offices in Mississippi, and pre-emption entries were therefore permitted within the limits of the road up to the commencement of the war of the rebellion, when said local offices were closed.

When these offices were reopened following the war, homestead entries only were permitted upon the lands in question, for the reason that an act of Congress approved June 21, 1866, reserved all the public lands in Mississippi and other Southern States for homestead purposes.

On June 22, 1876, an act was passed restoring lands in said States to pre-emption entry after having first been offered at public sale.

Under the provisions of this act all the vacant lands in Mississippi were in 1878 and 1879 offered, and such as were not disposed of at public sale have since been held subject to homestead, pre-emption, or private entry. No reservation was made for the road in question. This condition has continued all these years since 1860 without protest or objection from any quarter, and no claim has been made in behalf of the State, or any company organized under her laws, to any lands under or by virtue of the act of August 11, 1856, until the receipt of Mr. Adams's letter a few weeks ago.

There is no evidence on file in this Department as to what disposition, if any, was made by the legislature of Mississippi of the grant made for the benefit of this road. A bill (H. R. 6390) is now pending before Congress, providing for the repeal of so much of the act of August 11, 1856, as makes a grant for the benefit of the road in question.

There is also pending a bill (H. R. 868) which proposes to regrant to the State of Mississippi, to aid in the construction of the Gulf and Ship Island Rrailroad, "all the public lands heretofore granted for the same purpose" by the act of August 11, 1856.

In view of the foregoing facts, I must decline to direct the withdrawal of the lands asked for by Mr. Adams.

You will inform him of my action in the matter, furnishing him a copy of this letter.

Very respectfully,

H. M. TELLER,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

E.

MOBILE AND GIRARD RAILROAD COMPANY.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 14, 1882.

SIR: I have the honor to transmit herewith the report of Mr. P. J. Glover, a special agent of this office, relative to the present condition of the lands embraced in the grant made by Congress, June 3, 1856 (11 Stat., 17), for the construction of a railroad from Girard to Mobile, in the State of Alabama.

The granted lands were included within six alternate sections in width on each side of the contemplated road, exclusive of lands previously sold, pre-empted, reserved, or otherwise appropriated. Indemnity selections for specified losses were authorized to be made within 15 miles from the line of the road.

Among the material conditions of the grant were the following:

1. The lands were to be exclusively applied to the construction of the road.
2. They were to be disposed of only as the work progressed.
3. They were to be subject to disposal by the legislature of the State solely for the purpose mentioned.
4. No more than one hundred and twenty sections included within a continuous length of twenty miles of the road could be disposed of by the State in advance of construction.
5. When the governor should certify to the Secretary of the Interior that twenty continuous miles of the road had been completed, another 120 sections of the granted lands within a continuous length of 20 miles might be sold, and so on until the road was finished.
6. The road was to be completed within ten years from the date of the act.
7. If the road was not completed within ten years, no further sale of the granted lands was to be made, but the lands then unsold were to revert to the United States.

The map of the definite location of the road was filed June 1, 1858.

No record is found in this office of any certificate from the governor as to the completion of any part of said road, but it appears that up to January 31, 1861, there had

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been certified to the State of Alabama, on account of this grant, an aggregate of 504,145 acres of public land, being all, or nearly all, the land then vacant within both the granted and indemnity limits between Girard and Mobile. Of the land so certified, 208,767 acres were within the granted limits, and 295,377 acres within the indemnity limits.

It further appears as a matter of fact, as shown by Mr. Glover's report, which corresponds to the general information of this office, that the road was completed from Girard to Union Springs, a distance of 54 miles, in 1861, and that a further portion, from Union Springs to Troy, a distance of 30 miles, was commenced after the close of the war, and completed in 1871, making the total length of constructed road 84 miles. It is understood that construction definitely ceased at Troy.

Mr. Glover finds that the whole amount of public land available for the purpose of this grant between Girard and Union Springs, was 1,601 acres within the granted limits, and 1,399 acres within the indemnity limits.

The records of this office show that these were the amounts certified to the State between said points, and that the amount certified between Union Springs and Troy was 9,327.88 acres within the granted limits and 9,397.84 acres within the indemnity limits, or a total of 18,725.72 acres between the latter points. The total amount certified between Girard and Troy, and which was all the public land of the United States remaining between those points at the date of the definite location of the road, was 21,723.31 acres. The amount of land certified to the State in excess of the amount that could be claimed as inuring to the grant along the line of actually constructed road is therefore 482,421 acres.

It does not appear that any portion of the land certified to the State had been sold or used for the purpose of the road at the date of the expiration of the time allowed for construction, neither does it appear that any portion of the land had been certified over to the railroad company at that period.

By the act of the legislature of the State of Alabama, approved February 1, 1858, the State accepted the grant in aid of the construction of the Girard and Mobile Railroad, upon the terms, conditions, and restrictions contained in the act of Congress making the grant.

The second section of the legislative act provided that the lands, powers, and privileges granted and conferred by Congress to aid in the construction of a railroad from Girard to Mobile "are hereby granted to and conferred upon the Mobile and Girard Railroad Company * * * for the purpose and under the restrictions specified in said act of Congress, as soon as said company shall execute and deliver to the governor of this State a bond, faithfully to use said lands for the purpose of its donation, and to abide by and perform the provisions and conditions in the said act of Congress contained."

In a letter addressed to Mr. Glover by the private secretary of the governor of Alabama, dated August 19, 1881 (copy herewith), it is stated that in the records of the executive office there is nothing to show when the road was begun, the progress of its construction, or the date of its completion to its present terminus at Troy, and no evidence that the company ever executed a bond "to faithfully use said lands for the purpose of its donation and abide by and perform the provisions and conditions" of the act of the general assembly approved February 1, 1858, or that the governor ever certified to the Secretary of the Interior the completion of any twenty continuous miles of the road.

In June, 1857 (9 Opinions, 41), Mr. Attorney-General Black expressed the opinion that grants to States, similar to the grant in question, vested in the States a fee simple title to the granted lands without a patent; that the definite location of the road would locate the grant, and that lists of lands embraced in the grant might be furnished for information just as any other information would be given from the records of this Department, but that such lists would have no influence on the title.

It is to be presumed, and is, I believe, a matter of fact, that the lists of lands within the limits of railroad grants which in 1860, and prior thereto, were certified to States, as in the present instance, were so certified under the opinion of the Attorney-General as information from the records of this office, and that the same did not purport to convey the title. Whatever title the State had was derived from the granting act and was subject to its provisions, conditions, and limitations. The lists defined the lands which were supposed to be subject to the operation of the grant, leaving the question of the title to the described lands where it was left by the statute, and as it would have remained if no lists had been certified, and as it did remain after as well as before such certification.

This I conclude to be the fact as to lands certified within granted limits. As to the lands embraced within indemnity limits which were certified to the State in advance of the construction of the road, and before any right of indemnity selection had been acquired, and to which no such right has ever been acquired, the question arises whether under the act of Congress of August 3, 1854 (section 2449 Rev. Stat.), said certifications were not wholly without legal force or effect.

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In any event it would appear that whatever title the State might have had, or might claim, to any of the lands described in the certified lists, whether such lands were within the originally granted, or the indemnity limits, was subject to the forfeiture provision of the granting act after June 3, 1866.

Subsequent to that period application was made to this office for copies of the originally certified lists, which were furnished under date of November 29, 1870, coupled with a statement from the Commissioner that the title to the described lands had lapsed to the United States because of the non-completion of the road.

By the act of the legislature of the State, approved February 10, 1876, the governor was authorized and required to transmit to the proper railroad companies the lists of all lands certified from time to time by the Commissioner of the General Land Office, and to indorse on the same his approval, and it was provided that the lists so indorsed should operate as a conveyance to the railroad companies, respectively, of all the right, title, and interest the State may have derived under the act of Congress of June 3, 1856.

It appears from a printed statement purporting to be a memorial to Congress by the Mobile and Girard Railroad Company, a copy of which has unofficially been furnished me and is herewith inclosed, that on December 3, 1879, the governor of Alabama indorsed over to said company the lists of lands certified to the State in 1860 and 1861, as hereinbefore recited. It is to be presumed that the certified copies obtained in 1870 were the lists mentioned as having been so indorsed.

It is stated in this memorial that the company disposed of about 96,000 acres of the land "in payment of services to commissioners and agents in selecting said lands and obtaining certificates for the same."

Mr. Glover reports the result of his investigations into this transaction, by which it appears that on April 25, 1868, the Mobile and Girard Railroad Company entered into a contract with Abraham Edwards, then register of the United States land office at Montgomery, by which the company agreed to convey to said Edwards an amount of land equal to 10 per cent. of all such land as should be acquired by the railroad company; that on June 24, 1868, the company conveyed to said Edwards one undivided tenth part of the lands that had been certified to the State, but which had not then been indorsed over to the company; that by a resolution of the board of directors, passed October 31, 1868, the railroad company agreed to convey to said Edwards 5 per cent. additional of all such lands for which the said Edwards should secure patents to the company; that on January 21, 1871, and after certified copies of the original lists had been obtained from the General Land Office, a partition was made of the lands, and three-twentieths thereof, amounting to 96,476 acres, were selected and conveyed to Edwards by deed from the company, he relinquishing the undivided one-tenth previously conveyed. It also appears that John A. Pickersgill, of New York, and Thomas Ewing, of Ohio, were parties in some interest with Edwards in this transaction. These facts, Mr. Glover states, are matters of record.

It would appear from this recital that the 96,476 acres reported by the company as having been disposed of "in payment of services to commissioners and agents in selecting said lands and obtaining certificates for same," were so disposed of without legitimate purpose. The selection of the lands for certification by the Commissioner of the General Land Office was made prior to 1861, and hence it is apparent that the comparatively small expense attending such selection could not have been an element in the consideration for which this deed was given. The only "selection" to which some expense to the company may have been involved must have been the selection made by the "commissioners" or "arbitrators" who made the partition above referred to, while the "services" contracted for by the company and satisfied by the deed of 96,476 acres of land, would appear to have been of an imaginary character. I conclude that the conveyance of said 96,476 acres did not amount to a *bona fide* disposal of the lands.

The company further set forth that they have sold to sundry parties about 164,000 acres more of the land, of which 116,000 acres were sold at less than 5 cents per acre, which the company say was its full value.

It was stated by Mr. Glover in the paper transmitted to me by you relative to his appointment as special agent, that a considerable purchaser from the company was, and for some time had been, engaged in cutting timber from the lands, and using the same in the construction of railroads in Georgia.

If such cutting and removal have taken place on the 116,000 acres referred to, it is presumable that whatever may be the value of the land for agricultural purposes, it must have an additional and considerable value for the timber upon it. A sale of available timber lands at 5 cents per acre could hardly, I suppose, be held to be a *bona fide* sale.

But whatever the facts may have been in respect to these attempted conveyances by the railroad company, the parties assuming to derive under the company's claim of title had knowledge of the defective character of that claim, and cannot therefore be regarded as innocent purchasers.

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I am not advised whether the company now operating this road, and which is presumed to have constructed that portion of the line between Union Springs and Troy, is or is not the same company that built the road from Girard to Union Springs; nor am I advised of the terms upon which the present company, if different from the former one, acquired the property and franchises of the original corporation, nor whether the price paid would indicate that the contingent expectation of coming into the possession of the forfeited land grant was or was not a consideration in the case.

But it is shown that no apparent title to any of the lands was acquired by any corporation until 1879, and I do not know upon what ground it could be assumed that the State then had authority to transfer this grant.

There can be no doubt, I think, that any disposal of the land by the State, except as authorized by the act of Congress making the grant, was illegal and void, and conferred no rights upon the assignees of the State.

As previously stated, the total amount of land that could be claimed as inuring to the State by virtue of the actual construction of the road from Girard to Troy, is 21,723.31 acres. Whether or not the legal title to this land should be sought to be recovered to the United States, would, I suppose, be a proper subject for legislative consideration.

The legal title to the remainder of the lands described in the certified lists, amounting to 482,422 acres, should, I think, be recovered by judicial proceedings, which may doubtless be instituted to enforce the forfeiture of the granted lands, and to vacate the title, if any, that passed by the erroneous certifications of lands within indemnity limits.

I respectfully recommend proper action to this end. Should this view meet with your concurrence, the necessary description of the lands embraced in the certified lists will be furnished whenever the same may be desired.

The following papers are inclosed herewith:

1. Mr. Glover's report, with accompanying papers.
2. Memorial of the Mobile and Girard Railroad Company.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

F.

VICKSBURG, SHREVEPORT AND TEXAS RAILROAD, EXHIBITS F, G, H.

WASHINGTON, D. C., *February* 20, 1882.

SIR: Inasmuch as the House of Representatives has recently called upon you by resolution for information relative to the progress of construction and other facts regarding certain railroad land grants, and it is understood to be your desire and intention to respond to said resolution by giving a full and detailed report of all the facts and statistics falling within the scope thereof, I have the honor to file herewith the affidavits of Francis P. Stubbs, of Monroe, La., and F. Y. Dabney, chief engineer, showing the progress of the work of construction and the reasons which have operated to prevent the construction of the road known as the Vicksburg, Shreveport and Pacific Railroad of Louisiana, viz: The affidavit of Francis P. Stubbs shows that that portion of the road lying between Red River (at Shreveport) and the Texas State line, a distance of 20 miles, and that portion lying between Vicksburg and Monroe, a distance of 74 miles, had been built prior to the commencement of the late civil war (1861); that the eastern division of the road was almost entirely destroyed by the hostile armies in the year 1863, and has been rebuilt since the close of the war; that after the close of the war, in 1866, an owner of four of the first-mortgage bonds of the road successfully succeeded, under a decree of the State courts, in obtaining control of the road and its franchises, whereupon an action in chancery was commenced in the United States circuit court of Louisiana to annul this sale, which action finally resulted in the setting aside the action of the State courts, and the sale of the road to its present owners in 1880, under a decree of the Supreme Court of the United States; that this litigation absolutely destroyed the credit of the road and its ability to raise money to continue the work of construction; that the new company, on coming into possession, immediately commenced building the unconstructed portion of the road, and the work of construction is now progressing with great energy.

The affidavit of F. Y. Dabney, chief engineer and superintendent, showing that the unfinished portion of the road is being built as rapidly as men and money can accomplish that result, and that an iron bridge over the Ouachita River costing upwards of $150,000 has been built in the past few months.

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There are other important facts to which I desire to invite your attention, viz:

By the construction of 94 miles of road this company earned 360,960 acres of land, of which amount it has received title for 353,212 acres, leaving a balance due and uncertified of 7,748 acres.

An examination of the records of your office relating to the lands throughout the entire limits of this grant has been made within the past three months under my immediate supervision, and the uncontrovertible fact is revealed that there now remains of vacant unappropriated lands subject to selection in satisfaction of this grant, in both 6 and 15 mile limits, but 20,632.30 acres.

If the 7,748 acres earned and not listed be deducted from this 20,632.30 acres of vacant lands, the remainder, 12,904.30 acres, will be found to truthfully represent the whole amount of lands subject to forfeiture for failure of the company to complete its road within ten years from the date of the granting act.

I invite your especial attention to these facts, as they refute the false and malicious statements which have been made that hundreds of thousands of acres of land were withdrawn from market under this railroad grant.

Very respectfully,

M. D. BRAINARD,
Attorney for V., S. and P. R. R. Co.

Hon. N. C. McFARLAND,
Commissioner General Land Office.

G.

STATE OF LOUISIANA,
Ouachita Parish:

Before me, Julius Ennemoser, United States commissioner for the western district of Louisiana, duly qualified commissioner and sworn, on this the 17th of January, A. D. 1882, personally came and appeared before me Francis P. Stubbs, a citizen of said parish and State, and to me well known, who, having been duly sworn by me, deposes and says:

He has been a resident of said parish and State for more than thirty years last past. That he was one of the original stockholders of the Vicksburg, Shreveport and Texas Railroad Company, organized in the year 1853, for the purpose of constructing a railroad from a point opposite Vicksburg, on the Mississippi River, westward through the parishes of Ouachita and Caddo, to the Texas State line. That he was elected a director in said corporation in the year 1858, and served as such until his resignation in 1863.

That the said company, at the commencement of the war between the States, had constructed that portion of their line extending from the Mississippi River to Monroe, on the Ouachita, called the Eastern Division—had in 1863 nearly completed the Western Division, the portion comprised between the Red River and the Texas State line, altogether about ninety-four miles, and had done some work on the Middle Division, that comprised between the Ouachita and the Red Rivers.

That this work was done with means obtained from the stock subscribed, but principally with the proceeds of the first-mortgage bonds of the company, secured by a mortgage executed upon the railroad, its property, rights, and franchises, and the lands donated to through the State of Louisiana by the United States Government, as per act approved June 3, 1856, to the railroad company. That many of these bonds were sold, the entire proceeds thereof, between seven and eight hundred thousand dollars, used in the construction of the road.

That in 1863 that portion of the road between the Mississippi and Ouachita Rivers exposed to the devastating overflows incident to the destruction of the levee system—the prey to ceaseless and successive efforts on the part of the Federal as well as the Confederate armies under special orders from their commanding officers—was almost totally destroyed, and the wonderfully prosperous country through which it ran became a barren wilderness, which was not improved during the continuance of the war. Its destruction by the armies of both contending parties was full and complete.

That in 1866, shortly after the close of hostilities, an owner of a few (4) of the first-mortgage bonds obtained from the State courts an order of seizure and sale for the whole debt against the whole property, and at sheriff's sale the property was adjudicated to the plaintiff and six other gentlemen associated with him for the price of fifty thousand dollars. The property so adjudicated included all the lands donated by the United States to aid in building the railroad, estimated then to be about (400,000) four hundred thousand acres.

The purchasers at this sale took possession and control of the property, and being organized into the North Louisiana and Texas R. R. Co. by the legislature of Louisiana, proceeded to rebuild that portion of the road which had been destroyed as aforesaid.

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A large majority of the holders of the mortgage bonds refused to acquiesce in this sale and the actions of the purchasers, and an action in chancery was brought in the United States circuit court for Louisiana to annul the sale made by the authorities.

This suit of Henry R. Jackson *et al. vs.* V., S. & T. R. R. Co., Ladeling, and others had also for its object and purpose a foreclosure of the mortgage.

The litigation absolutely destroyed the ability of the new organization, the North Louisiana and Texas R. R. Co., to raise, by the means ordinarily resorted to, the funds necessary to rebuild and furnish the road, and in consequence of the litigation the work of finishing [the] road [was] suspended until the final termination of the same adverse to the claims of the purchasers—the North Louisiana and Texas R. R. Co.—and in December, 1879, the V., S. & T. R. R. Co., all its rights, privileges, and franchises, with its lands, right of way, &c., especially including the lands derived from the United States and specially included in the mortgage, was sold under a decree of the Supreme Court of the United States permitting it, was purchased by a committee of and representing the holders of the original first-mortgage bonds, as above described.

This committee, acting for their constituents, under the laws of Louisiana, organized the present company, investing it with all its property, rights, franchises, land, &c.

Thus the Vicksburg, Shreveport and Pacific Railroad Company, the present organization, derived its right to own and control the property, and its corresponding duty of building and furnishing the road, long delayed by no fault of the original corporation, or of the holders of its securities, or those who now own it, under the final settlement of the wasting proceeding in chancery.

Immediately on coming into possession, the present company entered actively the work of finishing the railroad in accordance with the original purpose of its projectors, and now, with the eastern [and] western divisions in successful operation, the company is actively engaged in building the unfinished portions of the line, many contractors are in the field, and the times and conditions of the contracts require, under heavy penalties, the completion within the current year.

[That] the utmost energy will to complete the work is manifest by the management. Coupled with the undoubted ability of the company, financially, the public now feel little doubt of the final completion in the early future.

Affiant states further that the facts above set forth are within his personal knowledge, he having been in some capacity connected with the organization having for their object the building of the railroad ever since its inception.

All of which affiant swears to the best of his knowledge and belief.

FRANK P. STUBBS,

Sworn and subscribed before me this 17th January, 1882.

JULIUS ENNEMOSER,
U. S. Commissoiner, West District Louisiana.

DISTRICT OF COLUMBIA,
County of Washington:

W. A. Smith, being duly sworn, on oath says that the foregoing is a correct copy of the original affidavit of Frank P. Stubbs.

W. A. SMITH.

Sworn and subscribed to before me this 16th day of February, 1882.
[SEAL.] F. M. HEATON,
Notary Public.

H.

STATE OF LOUISIANA,
Ouachita Parish:

Before me, Justice Ennemoser, United States commissioner for the western district of Louisiana, duly qualified, commissioned and sworn, on this the 18th day of January, A. D. 1882, personally came and appeared F. Y. Dabney, a resident of said parish and State, and to me well known, who, having been duly sworn by me, deposes and says:

That he is the chief engineer and superintendent of the Vicksburg, Shreveport and Pacific Railroad, and has been filling that position since the first of July last past; that previously to that time and since January, 1880, he was in the service of said railroad company as engineer; that the present management assumed control of said railroad on the first day of June last, and that the following results have been accomplished by them, looking to a speedy completion of the unfinished portion of the line between the town of Monroe and the city of Shreveport, a distance of ninety-five and a half miles by the line of survey:

First. That the eastern half of this gap, extending from Monroe to Arcadia, about forty-eight miles, has already been put under contract—one firm having recently taken

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the entire work of graduation, bridging, and cross-ties for that distance. That about 2,300,000 cubic yards of earthwork are involved in this contract—145,000 cross-ties, and over 10,000 linear feet of bridging. That the contractors are under pledge (with heavy forfeit in case of failure) to complete it, as follows:

The first 12 miles out of Monroe, by or before July 30, 1882. The second 12 miles out from Monroe, by or before August 30, 1882. The third 12 miles out from Monroe, by or before Sept. 30, 1882. And the fourth and last 12 miles out from Monroe, by or before October 30, 1882. That work on this division was commenced about the first instant; that clearing and grading forces are being distributed gradually over the entire distances; that cross-tie cutters are at work, and that he is safe in asserting that the whole will be pushed as rapidly as the seasons will permit.

Second. That on the western half of the gap, extending from Arcadia to Shreveport, a distance of forty-seven and a half miles, the final location of the route was finished in the early part of last month (December), since which time he has had several of his assistants busily engaged in working up the profiles and estimates of that portion of the line, preparatory to letting it out by contract; that this work has been unusually hurried, in response to repeated letters and telegrams from the consulting engineer of their railroad system at Cincinnati, urging the necessity for haste in order to put the work under contract as soon as possible; that all the calculations of estimates and preparation of profiles were finished on the 16 inst., and have gone forward to Cincinnati; and that he thinks he can safely assert here that it is the company's intention to lose no more time in awarding a contract for this second division of the "gap" than is absolutely necessary for enabling the newspaper advertisements of the letting to become properly disseminated throughout the country.

Third. That a first-class railroad iron draw-bridge, spanning the Ouachita River at this place (Monroe), has been under construction for 12 months or more past; that it consists of four spans; two spans of about 250 feet each; one (the draw span) of 300 feet, and one of 100 feet; that these spans are supported by solid piers of brick masonry on substantial pile foundations; that the bridge is now approaching completion, and will probably be finished within the next thirty days, and that it will cost about $150,000.

Fourth. That among the most important matters presenting themselves for immediate consideration by the present management on assuming charge of the road was the condition of the roadbed on the operated portion of the line from Delta to Monroe; that out of a total distance between these points of seventy-three (73) miles, about forty (40) miles are inundated annually by the winter and spring rise in the Mississippi River; that the river water, after reaching a certain stage, discharged itself through what is known as "Ashton Crevasse," near the Arkansas line; that this surplus water is conducted by the Bayou Macon, and other intervening streams, upon the line of their road, gradually filling up the swamps and low basins, and eventually overflowing their track; that these overflows involve an almost total suspension of business, and for periods of time varying from one to four months; that so serious an incubus upon the prosperity of the road demanded prompt action, and that the management lost no time in taking the necessary steps for remedying the evil; that a contract was entered into about the first of September last for the raising of the track over this entire distance of forty miles, involving over 700,000 cubic yards of earth and some 6,000 additional feet of bridging, to say nothing of the cost of track-raising.

That although the work may not have been pushed with that vigor which the urgency of the case demanded, it is through no failure on the part of the railroad company, and that it is safe at least to assume that in no event will they be subjected to another overflow after the one which is now threatening has passed.

All of which affiant swears to the best of his knowledge and belief.

F. Y. DABNEY.

Sworn to and subscribed before me this 18th January, A. D. 1882.
[SEAL.] JULIUS ENNEMOSER,
U. S. Commissioner, West Dist. Louisiana.

DISTRICT OF COLUMBIA,
County of Washington:

W. A. Smith, being duly sworn, on oath says that the foregoing is a correct copy of the original affidavit of F. Y. Dabney.

W. A. SMITH.

Sworn and subscribed to before me this 16th day of February, 1882.
[SEAL.] F. M. HEATON,
Notary Public.

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NORTHERN PACIFIC RAILROAD COMPANY.

[Senate Ex. Doc. No. 64, Forty-seventh Congress, first session]

Letter from the Secretary of the Interior, transmitting information in relation to Senate resolution of January 12, 1882, calling for a certain decision of the Commissioner of the General Land Office and the opinion of the Attorney-General relating to the Northern Pacific Railroad Company, &c.

JANUARY 19, 1882.—Referred to the Committee on the Judiciary and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 19, 1882.

SIR: In answer to Senate resolution of the 12th instant, directing me to communicate to the Senate a certain decision of the Commissioner of the General Land Office, a decision of my immediate predecessor, and the opinion of the Attorney-General, all relating to the Northern Pacific Railroad Company, with all papers, orders, correspondence, and memoranda in this Department bearing on the said decisions and opinion; also the number of acres for which patents have been issued to said company or its assigns since the 4th day of July, 1877, I have the honor to transmit herewith the report of the Commissioner of the General Land Office on the subject.

From this report it will be seen that patents for lands in the Olympia district, Washington Territory, were issued on the 8th April, 1880, for 3,016.08 acres opposite a portion of the road constructed by said company previously to 1875. No patents for lands have been issued for the 475 miles of said road constructed, examined, and accepted in 1880 and 1881.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

The honorable the PRESIDENT *pro tempore of the Senate.*

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 16, 1882.

SIR: I am in receipt, by reference from the Department on the 13th instant, for report, of Senate resolution passed the 12th instant, as follows:

"*Resolved,* That the Secretary of the Interior be directed to communicate to the Senate the decision of the Commissioner of the General Land Office, declaring the land grant made to the Northern Pacific Railroad Company lapsed under the operation of the law granting the same; and, also, the full text of the decision, order, or instructions of his predecessor, Hon. Carl Schurz, overruling the decision of the Commissioner of the General Land Office and restoring the grant of lands to the Northern Pacific Railroad without reference of the subject to the consideration of Congress; and that he be further directed to communicate all papers, orders, correspondence, and memoranda in his Department touching or relating to the decision of the Commissioner of the Land Office aforesaid, the order of the Secretary of the Interior overruling the same, and the decision of the Secretary of the Interior restoring and confirming to the said Northern Pacific Railroad Company said grant of land, including an opinion of the Attorney-General on the subject; also, the number of acres for which patents have been issued to said company or its assigns since the 4th day of July, 1877."

In accordance with instructions, I have to report as follows:

I know of no decision, in any actual *case* presented by the Commissioner of the General Land Office, declaring the grant to the Northern Pacific Railroad Company lapsed, which has been reversed by the Secretary of the Interior.

I inclose a copy (marked A) of a letter to the register and receiver at Bozeman, Montana Territory, October 12, 1877, by the then Commissioner, stating that the time for the completion of the road, under the grant, expired July 4, 1877, but that, under cited decisions, there was no power in the office to enforce forfeiture. There may have been other letters of similar import.

May 10, 1879, George Gray, esq., attorney for the company, transmitted to your predecessor a map of the amended branch line of the proposed road in Washington Territory and asked that it be accepted by the Department, and the withdrawal of lands adjusted accordingly. The said letter and map were referred to this office for report. The report called for was made May 21, 1879, and Mr. Gray's letter returned therewith to the Department, where it is now on file. A copy of my predecessor's said report is herewith, marked B. It will be observed that it presented to the Secretary the question whether or not the grant in question had lapsed.

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June 11, 1879, your predecessor returned, approved, the amended route map with his decision upon the questions involved. In said decision (copy herewith, marked C), the Secretary held that the grant was in full force and effect, fully stating the reasons.

The above recited decision by your predecessor is the only one of which I am aware, touching the lapsing of the grant in question.

I know of no opinion of the Attorney-General in the premises.

A full report, with maps, showing the several lines of road proposed by the company, and the history of the withdrawals for the grant, was made by the Acting Commissioner of this office March 8, 1880, and by your predecessor communicated to the Senate March 12, 1880. (See Senate Ex. Doc. No. 120, 46th Congress, 2d session.)

The only patent issued to the company since July 4, 1877, was dated April 8, 1880, covering 3,016.08 acres in the "granted" limits, Olympia Land District, Washington Territory, opposite a portion of the road constructed previous to 1875.

On October 26, 1880, the Attorney-General rendered an opinion on similar questions relating to the grant to the Atlantic and Pacific Railroad Company. (See Opinions of Attorneys-General, vol. 16, page 572.) (See page 853, herein.)

The copy of the Senate resolution is inclosed.

I am, sir, very respectfully, your obedient servant,

N. C. McFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

NOTE—See Senate Ex. Doc. No. 120, 2d sess. 46th Cong., "containing information concerning the general lines of location of the Northern Pacific Railroad, the changes in said location, the lands withdrawn under the several locations, and the extent to which the rights of settlers have been affected," with maps.

See also Report of Acting Commissioner of General Land Office, Feb. 11, 1880; Report Commissioner General Land Office, 1880, page 108, on railroad grants lapsed by reason of the non-completion of roads within the time fixed by law.

NORTHERN PACIFIC RAILROAD LANDS, EXHIBITS A, B, C, DECISIONS OF COMMISSIONER OF GENERAL LAND OFFICE AND SECRETARY OF THE INTERIOR.

A.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., October 12, 1877.

REGISTER AND RECEIVER,
Bozeman, Mont.:

GENTLEMEN: I have received your letter of July 14, last, asking whether the odd sections withdrawn from the Northern Pacific Railroad Company are subject to entry, the company having failed to construct its road within the period prescribed by the statute.

By the terms of the grant the time within which the company was required to complete the road expired on the 4th of July last.

The Supreme Court of the United States, however, in the case of Schulenberg *et al. vs.* Harriman, announced that the provision for reversion is a condition subsequent and cannot operate until a declaration of forfeiture, either by some judicial proceeding authorized by law or by legislative assertion of ownership on the part of the Government has been made.

This office, therefore, has no power to enforce a forfeiture of the grant, or restore the lands, and until action of the above character is taken the lands will continue in their present state of reservation.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

B.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 21, 1879.

Hon. C. SCHURZ,
Secretary of the Interior:

SIR: I have received, through reference by you, a letter from George Gray, esq., attorney of the Northern Pacific Railroad Company, dated New York, 10th inst., accompanied by a map representing the amended location of the branch line of said rail-

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road in Washington Territory which it is desired be accepted and approved by the Department. You ask for an expression of my views as to whether any reasons exist why the request of Mr. Gray should not be granted. I have the honor to submit the following in reply:

By act of Congress approved July 2, 1864 (13 Stats., 365), a grant of lands was made to the Northern Pacific Railroad Company to aid in the construction of a railroad from a point on Lake Superior, in Wisconsin or Minnesota, to some point on Puget Sound, with a branch, via the valley of the Columbia River, to a point at or near Portland in Oregon.

By joint resolution of May 31, 1870 (16 Stats., 378), the company was authorized to locate and construct its main line to some point on Puget Sound *via the valley of the Columbia River*, with the right to locate and construct its branch from some convenient point on its main trunk line across the Cascade Mountains.

The map of the general route of the main line as filed by the company fixes a point at or near the international boundary on Puget sound as the western terminus.

By a map filed August 15, 1873, the branch line was represented as leaving the main line at a point near Lake Pend D'Oreille, in Idaho Territory, running thence across Washington Territory to a point on Puget Sound.

This map was filed under the sixth section of the act of 1864, as amended by the resolution of 1870, and was considered as a map of *general route*. The odd sections were regularly withdrawn for forty miles on each side of the line of road, and that reservation has never been revoked or changed.

On the 18th November, 1876, this office received, by reference for report from the Department, a letter from W. K. Mendenhall, accompanied by a map showing a desired amendment by the company of the branch line aforesaid.

This map represented the amended line as beginning at Snake River, a tributary of the Columbia, in the southeastern part of Washington Territory, running thence along the Yokama and Nachess Rivers to Tocoma, its present western terminus of the main line, thereby greatly shortening the line as fixed by map previously filed.

On the 22d November I returned the map, with the statement that I could see no objections to the change proposed, it appearing that a very large body of land withdrawn along the first line would be released and opened to settlement, while the tract affected by the amendment would not be so large.

On the 24th November your predecessor, the Honorable Z. Chandler, approved the map and directed this office to prepare the necessary instructions for withdrawing the lands along the new line and restoring those along the old.

Pending the preparation of the maps necessary to give effect to the Secretary's directions, the Honorable Orange Jacobs filed in the Department a motion for a reconsideration of the action of the Secretary, which, with a reply by Mr. Mendenhall, was referred to me for report. Report was made January 17, 1877.

On the 15th October following you reviewed the whole subject and, for reasons fully set forth in your letter to me, declined to disturb the action of your predecessor in approving the map, and directed me to execute the previous instructions.

Accordingly instructions were drawn, but, prior to their receiving my signature, I was directed by the honorable Assistant Attorney-General to suspend action in the premises until further ordered. Meantime the matter has been held in abeyance.

The company has now filed a new map and renewed its request of 1876.

An examination of the map shows a route very different from that represented upon the first amended map, and is, with the exception of a few miles, a new location.

It is a map of general route and was adopted by the company, as shown by certificate of the president thereto attached. Though it is not certified to as having been made from actual survey, I have been informed by officers of the company that the location of the portion of the line through and across the mountains is the result of careful engineering.

The fact that the present location differs from the line as represented upon the map filed by the company in 1876, cannot in my opinion be considered an objection, for it accomplishes the purpose of the change by greatly shortening the length of the branch, and immaterially affects the quantity of lands to be restored to entry.

That the company has the power to change the line of general route, and the Department the authority to recognize the change, is determined by your decision approving the action of Secretary Chandler; but two questions have presented themselves to my mind to which I deem it proper to direct your attention.

1st. Has the grant to the company lapsed by reason of the failure of the company to perform certain acts within the time specified in the granting statutes?

2nd. If it has so lapsed can the Department recognize any acts by the company looking to the initiation of new rights or the enlargement of old ones?

Upon these points I do not desire to express an opinion, preferring to leave them for your consideration. Aside from these possible objections, no new reasons are known why the map should not be accepted, and the previous instructions by the Department carried into effect. On the contrary, I am of opinion that the best inter-

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est of the public requires that the desired change should be allowed. At present a very large body of land is withheld from settlement and entry which by the amended line would be released and restored to the Government, whilst the tract that would be required to be withdrawn is not so large by some four million acres.

The communication from Mr. Gray and the map are herewith returned.

Very respectfully, your obedient servant,

J. A. WILLIAMSON,
Commissioner.

C.

DEPARTMENT OF THE INTERIOR,
Washington, June 11th, 1879.

SIR: I have received your letter of the 21st ultimo, returning the letter of George Gray, esq., attorney of the Northern Pacific Railroad Company, dated New York the 10th ultimo, presenting a map of amended location of the general route of the branch line of said railroad in Washington Territory, and requesting that it be accepted and approved by this Department.

The letter of Mr. Gray was referred to you for an expression of your views as to whether any reason existed why his request should not be granted.

In returning the letter, and map accompanying it, you call my attention to two questions, which, I understand, you deem material in determining whether said company has the right now to file this map, and have the same approved, viz:

"1. Has the grant to the company lapsed by reason of the failure of the company to perform certain acts within the time specified in the granting statutes?

"2. If it has so lapsed, can the Department recognize any acts by the company looking to the initiation of new rights or the enlargement of old ones?"

You further state: "Aside from those possible objections no new reasons are known why the map should not be accepted, and the previous instructions by the Department carried into effect. On the contrary, I am of opinion that the best interest of the public requires that the desired change should be allowed. At present a very large body of land is withheld from settlement and entry, which by the amended line would be released and restored to the Government, whilst the tract that would be required to be withdrawn is not so large by some four millions acres."

The previous instructions referred to are those given by my predecessor, dated November 24, 1876, in approving the map of amended location in Washington Territory, then presented by said company.

The first question suggested by you requires an examination of the act of Congress making the grant to said company, and the acts supplementary thereof.

By the eighth section of the act of July 2, 1864 (13 Statutes, 370), it is provided:

"SEC. 8. *And be it further enacted,* That each and every grant, right, and privilege herein are so made and given to, and accepted by said Northern Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than fifty miles per year, after the second year, and shall construct, equip, furnish, and complete the whole road by the fourth day of July, anno Domini eighteen hundred and seventy-six."

"SEC. 9. *And be it further enacted,* That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."

By section 2 of a joint resolution approved May 7, 1866 (14 Statutes, 355), entitled "A resolution extending the time for the completion of the Union Pacific Railway, eastern division," it is provided:

"SEC. 2. *And be it further resolved,* That the time for commencing and completing the Northern Pacific Railroad, and all its several sections, is extended for the term of two years."

By a joint resolution approved July 1, 1868 (15 Statutes, 255), entitled "Joint resolution extending the time for the completion of the Northern Pacific Railroad," it is provided:

"*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section eight of an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast,' is hereby so amended as to read as follows: 'That each and every grant, right, and privilege herein, are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following conditions, namely: That the said company shall commence the work on said road within

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two years from and after the second day of July, eighteen hundred and sixty-eight, and shall complete not less than one hundred miles per year, after the second year thereafter, and shall construct, equip, furnish, and complete the whole road by the fourth day of July, anno Domini eighteen hundred and seventy-seven.'"

Did the second section of the joint resolution of 1866 extend the time originally provided for the commencement and completion of said road, or did it extend the time provided in section 8 of said act as amended by the joint resolution of 1868?

It will be observed that the joint resolution of 1868 is entitled "Joint resolution extending the time for the completion of the Northern Pacific Railroad." If it be held that the act of 1868 repealed the extension in the act of 1866, then, instead of extending the time, it shortened the time one year, for, by the resolution of 1866, the time for the completion of the road would have been July 4, 1878.

Unless there is a clear repugnancy between statutes *in pari materia* they are to be construed so as to give effect to each. It is also a well settled rule that statutes are not repealed by implication. Numerous cases might be cited in support of this rule.

Can the acts above cited be so interpreted as to give effect to each?

It will be noticed that the amendment of the act of 1868 is an amendment so as to make the original act read as follows: "That each and every grant, right, and privilege herein, are so made and given to and accepted by said Northern and Pacific Railroad Company," etc.

In the case of the Missouri, Kansas, and Texas Railway Company *vs.* the Kansas Pacific Railway Company, decided at the last term of the Supreme Court, the court say, "It is true the act of 1864 enlarged the grant of 1862, but this was done, not by words of a new and an additional grant, but by a change of words in the original act, substituting for those there used words of larger import. This mode was evidently adopted that the grant might be treated as if thus made originally, and therefore, as against the United States, the title of the plaintiff to the enlarged quantity, with the exceptions stated, must be considered as taking effect equally with the title of the less quantity as of the date of the first act."

Applying the rule thus announced, it must be held that said company was to commence work on said road within two years from the second day of July, 1868, and to complete the same on or before the fourth day of July, 1877; and that such must be taken as the terms of the original charter to said company.

With the terms of the charter thus fixed, the joint resolution of 1866 extends the time for the completion of the road until July 4, 1879.

It will be observed, also, that this act, unlike most of the acts making grants to railroad companies, does not provide that at the expiration of the time fixed for the completion of the road the lands granted shall revert to the United States, but does provide "that if the said company make any breach of the conditions hereof, and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of said road." (See 9th section.)

It will thus be seen that no proceedings can be taken even by Congress to declare a forfeiture of this grant, if breaches thereof have occurred, until one year after the time fixed for the completion of the road, viz, July 4, 1880.

If this be not the true construction of the various provisions of the acts of Congress in relation to this grant, still, under the rule announced by the Supreme Court in the case of Schulenberg *vs.* Harriman (21 Wallace, 44), it must be held that until Congress does take some steps to declare a forfeiture of said grant the same is in full force and effect.

In the case cited, the court say: "At common law the sovereign could not make an entry in person, and, therefore, an office found was necessary to determine the estate, but, as said by this court in a late case, 'the mode of asserting or of resuming the forfeited grant is subject to the legislative authority of the Government. It may be after judicial investigation, or by taking possession directly under the authority of the Government without these preliminary proceedings." In the present case no action has been taken, either by legislation or judicial proceedings, to enforce a forfeiture of the estate granted by the acts of 1856 and 1864. The title remains, therefore, in the State as completely as it existed on the day when the title by location of the route of the railroad acquired precision and became attached to the adjoining alternate sections." I am not advised that any proceedings have been taken to declare a forfeiture of the grant to this company; and if my views of the law above expressed are correct, the time has not yet arrived when Congress could take any proceedings to declare such a forfeiture; but, in either event, the grant to-day must be held to be the same as it existed on the day when it was made and accepted by the company.

Your second question being predicated upon the first, and involved therein, is unnecessary to answer.

The grant being held to be in full force and effect to-day, I can perceive of no

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reason why the amended map should not be filed. The map of the general route originally filed, and the withdrawal made thereon, was for the protection of the company in reserving the tracts of land included therein for it, if the road was built on that line. It was not a map of definite location of the road, and hence the grant did not attach to specific tracts of land.

The right of the company under its grant only attaches to specific tracts upon the definite location of its road.

The company, by its attorney, has filed with me, and the same is herewith transmitted, a relinquishment of all its right and interest in any of the lands first withdrawn on the branch route in Washington Territory. By this relinquishment, as stated by you, a very large quantity of land will be released from the reservation and become subject to disposal under the laws of the United States. The particular route upon which the branch line was to be built in Washington Territory was not specified in the act, and it must, therefore, be considered that Congress intended to leave this selection of the route to the company.

The company, after considerable difficulty, has finally selected a route upon which it deems it to be practicable to build the road provided for by Congress.

The map of amended route is herewith transmitted approved, and you will cause the lands on said route within the limits specified in the granting act to be withdrawn for the benefit of said company, and those on the route heretofore selected to be restored.

No withdrawal having been made on the route indicated on the map filed with and approved by my predecessor November 24, 1876, no further action in relation to said map and route will be taken.

The rights of settlers upon the lands included within the limits of the withdrawal to be made under this amended route must be protected, if settlements and entries be made before the receipt of notice of withdrawal at the local office.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

[House Ex. Doc., No. 63, Forty-seventh Congress, first session.]

LAND GRANT OF THE NORTHERN PACIFIC RAILROAD.

Letter from the Secretary of the Interior, in answer to the resolution of the House of January 30, relative to the action of the Interior Department and General Land Office as to the land grant to the Northern Pacific Railroad Company.

FEBRUARY 4, 1882.—Referred to the Committee on Pacific Railroads and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1882.

SIR: In answer to resolution of the House of Representatives of the 30th ultimo, calling for information as to the action of this Department and the General Land Office as to the land grant to the Northern Pacific Railroad Company, I have the honor to transmit herewith the report of the Commissioner of the General Land Office on the subject, under date of the 1st instant.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

The honorable the SPEAKER
of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 1, 1882.

SIR: I am in receipt, by reference from the Department, on the 31st ultimo, for report, of a resolution passed by the House of Representatives on the 30th ultimo, as follows:

"*Resolved*, That the Secretary of the Interior be requested to communicate to this House the decision of the Commissioner of the General Land Office declaring the land grant made to the Northern Pacific Railroad lapsed under the operation of the law granting the same; and also the full text of the decision, order, or instructions of his predecessor, Hon. Carl Schurz, overruling the decision of the Commissioner of the

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General Land Office, and restoring the grant of lands to the Northern Pacific Railroad without reference of the subject to the consideration of Congress. And that he be further requested to communicate all papers, orders, correspondence, and memoranda in his Department touching or relating to the decision of the Commissioner of the General Land Office aforesaid, the order of the Secretary of the Interior overruling the same, and the decision of the Secretary of the Interior restoring and confirming to the said Northern Pacific Railroad Company the said grant of land to it."

Under date 16th ultimo I had the honor to make a report to you upon a Senate resolution, passed the 12th ultimo, to the same effect and in words almost identical with that now under consideration. My said report was by you communicated to the Senate on the 19th ultimo, and is printed in Senate Ex. Doc. No. 64, present session.

Inasmuch as the information called for is fully given therein, I inclose herewith a copy of the Senate executive document above referred to, deeming it unnecessary to consume the time of clerks or delay this report in making written copies of the same papers.

The House resolution referred by you is herewith returned.

I am, sir, very respectfully, your obedient servant,

N. C. McFARLAND,
Commissioner.

[See S. Ex. Doc. 64, first session, Forty-seventh Congress, page 874, herein.]

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

[House Report No. 1283, Forty-seventh Congress, first session.]

NORTHERN PACIFIC RAILROAD LAND GRANTS.

REPORTS OF CONGRESSIONAL COMMITTEES.

JUNE 6, 1882.—Ordered to be printed.

Mr. T. B. REED, of Maine, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, to whom were referred sundry bills relating to land grants to railroads, have had the same under consideration, and report, as to the Northern Pacific Railroad, as follows.

The Northern Pacific Railroad Company derives its chartered rights from the act of July 2, 1864 (13 Statutes, 365). The road is to be constructed from a point on Lake Superior to Puget Sound, with a branch, *via* the valley of the Columbia, to a point at or near Portland, Oreg. Twenty alternate odd-numbered sections per mile on each side of the road in Territories and ten in States were granted to the company, with a right under that and subsequent statutes to make up out of a twenty-mile limit on either side all losses arising from prior disposal by the United States of lands the company would have otherwise been entitled to.

By the terms of the original act the road should have been completed July 4, 1876. By joint resolutions approved May 7, 1866 (14 Stat., 355), and July 1, 1868 (15 Stat., 255), such changes were made as to time of completion that the Secretary of the Interior, June 11, 1879, held that the effect of them was to require the completion of the road July 4, 1879. Whether this was the exact date or not, it is sufficient to say that the time for completion has now expired beyond question. Eleven hundred and eighty miles of the road have been completed. On the western side it is finished from Puget Sound to the western boundary of Montana, and on the eastern side from Lake Superior to the crossing of the Big Horn, in Montana. About 600 miles remain to be built. These figures we understand to refer to the main line.

Under the provisions of section 3 of the act of July 2, 1864, the land was granted; under those of sections 8 and 9 the conditions were imposed.

The important granting words of section 3 are as follows:

"SEC. 3. *And be it further enacted,* That there be, and hereby is, granted to the Northern Pacific Railroad Company * * * * every alternate section of public land," &c.

The conditions are as follows, in full:

"SEC. 8. That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject

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to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than fifty miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, anno Domini 1876.

"SEC. 9. That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."

Upon this state of facts your committee are called upon to state their opinion as to the legal rights of the United States, and to advise what legislative action, if any, ought to be taken.

The legal effect of the sections as quoted above is to make a present grant to the company of the lands in question, subject to the provisions and conditions stated in sections 8 and 9. The sections taken together vest in the company an estate upon condition subsequent. If section 9 had not been enacted, it would be quite clear that the estate of the company would have been determinable at the pleasure of the United States on the happening of any one of three things: 1st, a failure to begin the road in two years; 2d, a failure in any one year to build fifty miles; and, 3d, a failure in ten years to build, equip, and complete the whole road. To secure this right of forfeiture it was not necessary to mention it in the act. The words "upon condition" were the only words needed. They are as potent as if the words had been added, "and if these conditions are not fulfilled the land shall revert to the United States." But the severity of the words in section 8 Congress had a perfect right to modify. It had a right to say just what should be the effect of a breach of the conditions of the grant. It could rest its reserved rights on the words "upon condition," and then the legal effect would be to retain the right of revertiter, or it could claim that right in so many words, as was done in all the railroad grants made to States. Instead of either of these things, Congress enacted section 9, limiting and defining the effect of a breach of the conditions named in section 8. By that limitation the sole right which remains in the United States at the present time is the right, "by its Congress, to do any and all acts which may be needful and necessary to insure the speedy completion of the road." Of course this still leaves to Congress a wide range of power, but its power is necessarily subordinate to the speedy completion of the road. If Congress deems the forfeiture of the lands needed for the speedy completion of the road it would have a right so to forfeit the lands. It might give them to another company, sell them, and apply the proceeds, provided it adjudged such a course "needful and necessary to secure the speedy completion of the road."

The purposes and intention of Congress in passing the act of July 2, 1864, appear throughout all the act to be the speedy completion of the road. Every provision has that in view. All the limitations and conditions are to that end, and the limitations of time had that purpose only. Even the right to amend and repeal is subject to the same controlling desire.

Section 20 reads as follows:

"SEC. 20. *And be it further enacted,* That the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, Congress may, at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act."

The United States did not want back its lands. It wanted a great public thoroughfare across the continent, and it took every precaution to insure its completion.

The remaining question, therefore, for us to consider is, "what is needful and necessary to insure the speedy completion of the road?"

As has already been stated, 1,180 miles of the road have been completed; 600 or less remain. Work is going on at both interior termini and on the tunnels in the heart of Montana. It appears that 150 miles were approved by President Hayes in 1880, and 325 miles by President Arthur last year. The company assert that by September, 1883, they will finish the road; that they are progressing as fast as can possibly be done. No testimony or suggestion to the contrary has been made by any one. Your committee do not see how the transfer of the lands to another company could hasten the completion of the road, nor would it be regarded as advisable for the Government to complete the road by its own direct action. Congress would hardly regard either course as needful and necessary to insure the speedy completion of the road.

We can conceive of no legislation which would hasten the completion of the road, and therefore recommend none.

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[House Report 1283, Part 2, Forty-seventh Congress, first session.]

NORTHERN PACIFIC RAILROAD LAND GRANT.

July 24, 1882.—Ordered to be printed.

Mr. LEWIS E. PAYSON, of Illinois, from the Committee on the Judiciary, submitted the following as the views of the minority:

Unable to agree with the majority of the committee in its conclusions as to the legal rights of the United States as to the land grant in aid of this railroad, we submit our views.

Two questions are presented under the bill before us.

1st. Is there the right of forfeiture as to all unpatented lands within the limits of the grant to this road, so that the United States may revest itself with the title thereto, as in its former estate, by declaration of forfeiture? and

2d. If the right of such forfeiture is found to exist, is it policy to exercise it?

Of course the first question is purely a legal one, and, if determined in the negative, renders absolutely unnecessary any inquiry as to the second.

The eminent counsel for the railroad company have, in the elaborate briefs filed with the committee, as well as in their oral arguments before it, assumed that by the acts of Congress making the grant and the acts amendatory thereto the title to all these lands was absolute in the company; that because no power was reserved to Congress in express terms to declare a forfeiture for breach of the condition as to the time of the completion of the road, therefore no such power exists; and they also insist that, in any event, by the provisions of the ninth section of the act of July 2, 1864, the grant is irrevocably pledged to the construction of this particular road, and that by that section of the act Congress has restricted its right and power to this: that the land or its proceeds must be appropriated to the completion of the road, irrespective of the time required for its completion.

This latter view the majority of the committee adopt, and, while not assenting to the views of the company as to the necessity of an express reservation in the granting act of the right to declare a forfeiture, yet hold that—

"By that limitation (section 9) the *sole* right which remains in the United States at the present time is the right by its Congress to do any and all acts which may be needful and necessary to insure the speedy completion of the road. * * * All the limitations and conditions are to that end."

And conclude:

"We can conceive of no legislation which would hasten the completion of the road, and therefore recommend none."

The minority do not agree with these views; we assert that the power to declare an absolute forfeiture of this land grant is in Congress, and that the question of the policy of action to that end should be considered and be decided after a careful examination of existing conditions as well as past transactions, and with a broad and liberal view of what has been done under the disadvantageous surroundings of the promoting, constructing, and equipping a railroad through the unimproved section of the country traversed by this road.

The questions are important, involving the title to upwards of 39,900,000 acres of land, estimated by the company to be worth $2.50 per acre, or $99,750,000. (Report of Commissioner of Railroads, 1881, p. 185.)

The legislation necessary to be noticed is as follows:

The act incorporating the company and making the grant was passed July 2, 1864 (13 Stat., 365), sections 3, 8, 9, and 20 being the only ones deemed essential to be noticed in this inquiry, and they are as follows:

"SEC. 3. *And be it further enacted*, That there be, and hereby is, granted to the Northern Pacific Railroad Company, its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the route of said line of railway, every alternate section of public lands, not mineral, designated by odd numbers, to the amount of 20 alternate sections per mile, on each side of said railroad line, as said company may adopt, through the Territories of the United States, and 10 alternate sections of land per mile on each side of said railroad whenever it passes through any State. * * *

"SEC. 8. That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall

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complete not less than 50 miles per year, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, 1876.

"SEC. 9. That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of condition hereof and allow the same to continue for upward of one year, then in such case, at any time hereafter, the United States by its Congress may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

"SEC. 20. *And be it further enacted,* That the better to accomplish the objects of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act."

By joint resolutions of May 7, 1866, and July 1, 1868 (as ruled by the Department), the time of the completion of the road was extended to July 1, 1879; so that absolute default has occurred so far as time is concerned.

It is perfectly clear, under the authorities, that the interest acquired by the company by the act of 1864 to the lands in question was an estate *in præsenti,* with the conditions subsequent created by the eighth and ninth sections of the act. (R. R. Co. *vs.* Smith, 9 Wall., 95; Schulenburg *vs.* Harriman, 21 Wall., 60; Leavenworth, &c., R. R. Co. *vs.* U. S., 92 U. S., 741.)

By the eighth section of the act it was distinctly asserted—

"That *each* and *every* grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following conditions, namely, (1) that the said company shall commence the work on said road within two years from the approval of this act by the President; and (2) shall complete not less than 50 miles per year; and (3) shall construct, equip, furnish, and complete the whole road by the 4th day of July, 1876."

These are the conditions of the eighth section of the act. Nothing could be clearer than that upon a default in the performance of either of these conditions the right attached of declaring a forfeiture for the breach by the Government. The right existed independent of any express reservation in the grant. The law gives the right; it follows as an incident to the estate "upon condition subsequent" as fully and absolutely in the grantor as though expressly reserved; indeed, it is believed that no respectable authority can be found which holds that the power to determine, by the grantor, an estate on condition subsequent for breach thereof is strengthened by express reservation of the power.

The majority of the committee concede this, and say:

"To secure this right of forfeiture it was not necessary to mention it in the act; the words 'upon condition' were the only words needed."

It is perfectly clear, then, that to this point in the legislation the position of the company was that of an ordinary grantee of such an estate, one determinable at the pleasure of the grantor on the happening of either of the three contingencies named in the eighth section.

To this the majority of the committee agree with us.

The divergence in opinion between us begins with the introduction of the ninth section. The majority says:

"But the *severity* of the words in section 8 Congress had a perfect right to modify. It had a right to say just what should be the effect of a breach of the conditions of the grant. It could rest its reserved rights on the words 'upon condition,' and then the legal effect would be to retain the right of revertiter, or it could claim the right in so many words. * * * *Instead of either of these things,* Congress enacted section 9, limiting and defining the effect of a breach of the conditions named in section 8. By that limitation *the sole right* which remains in the United States at the present time is the right, by its Congress, to do any and all acts which may be needful and necessary to insure the speedy completion of the road."

Is this conclusion warranted? That is the question to be first considered.

It should be observed that the language of the ninth section is peculiar, viz:

"That the United States make *the several conditional grants herein,* and the said Northern Pacific Railroad Company accept the same upon the *further condition,*" &c.

Is it not absolutely certain, leaving no room for interpretation or the entertainment of any doubt, that to this point in the legislation, by breach of any of the conditions named in section 8, *every* right of the company, not only to the land grant, but its very franchises as a corporation, were determinable at the option of the Government, expressed by Congressional action? There is no foundation for even conjecture on this point; the language is explicit, and there is no conflict of authority in the text-books or reports as to the right of revertiter of all rights granted by the act, upon breach of any condition, if forfeiture should be declared by Congress.

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So well established is this proposition that it would appear to be an affectation of learning to cite authorities in support of it.

Now, it is insisted that because Congress inserted the provisions of section 9, that "the United States makes the several *conditional grants* herein" (plainly referring to the condition in section 8; there can be no question as to this), "and the said Northern Pacific Railroad Company accept the same" (that is, the grant of land, as well as the franchise and privileges in the act conferred, subject to the conditions named in section 8), "upon the *further condition* that if the company make any breach of conditions hereof and allow the same to continue for upwards of one year, then * * * the United States * * * may do any and all acts which may be needful and necessary to insure a speedy completion of the said road," this was, in express terms, inserted as a *further* condition upon the already "conditional grants" of the act; a condition superadded to those in the eighth section, and, by apt expression in the act, the company accepted the "conditional grants" created by the eighth section, with the additional burden imposed by the "further conditions" of the ninth section.

How can it be pretended that the provisions of the ninth section were intended to "modify the severity of the words in section 8"?

No reference is made in the language of the ninth section to any intention to divest the Government of any rights it had reserved by the provisions of the eighth section by operation of law; indeed, we insist that no language could be used which would more forcibly convey the idea that Congress reserved all rights which it had under the eighth section than by using the expression that it did in the ninth section, that "the conditional grants" are made and accepted on the "*further* (additional) condition," &c.

Undoubtedly Congress had the right to "modify the severity of the words in section 8;" equally clear is it that it had the right "to say just what should be the effect of a breach of the condition of the grant." But has Congress "modified the severity of the words of section 8?" *Has it said* just "what the effect of a breach of the condition of the grant" should be? Not a word as to this in express terms. Keeping in mind that to reserve the right of forfeiture it was not necessary to mention it in the act; that all that was needed was to use the expressions that were used, viz, "that every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following condition," and that the right of declaring a forfeiture for breach of condition is not in the least strengthened by an express reservation of the right in the act, if Congress did modify the severity of the words of section 8, the modification must arise from the legal effect of the provisions of section 9, because no express words are used showing such intention, and the modification, if it exists, must be by an interpretation of the ninth section.

The difficulty with the report of the majority is that it assumes this interpretation of the provisions of section 9, that by imposing a *further* condition on the company, viz, giving Congress the right to exercise power in its discretion as to the details of business management of the company, and to say what should or should not be done by the company affecting its methods of advancing the work, &c.—a right that Congress would not have had without such a provision—Congress relinquished and absolutely lost all the rights of declaring a forfeiture for breach of condition which the law gave it, and which rights, as we have seen, were as well preserved by operation of law as though saved by express reservation in the grant.

In other words, the majority assert that because, in express terms, Congress imposed a *further* condition on an already existing "conditional grant," which *further* condition was not inconsistent with the prior conditions and correlative rights and liabilities under them, the imposition of such *further* condition was, in legal effect, an abrogation of all legal rights beneficial to the Government growing out of the *prior* conditions, and the grantee took the estate practically discharged therefrom.

As this is the material portion of the inquiry, let us examine it further.

Under section 8, for a breach of either of the conditions, Congress could determine the estate in the company and revest itself with the granted title, and here its power would end. It could not give direction as to any of the details of the business of the company; it would be powerless to command any act to be done with reference to a speedy completion of the road, or to coerce in any way any action on the part of the company. It was in a position simply of ability to restore itself to its former position, if it chose to exercise its right, leaving the company perfectly free to do as it chose as to either manner or time of completion of the road. Congress assuming that perhaps it might be to the advantage of the Government to have the power, in certain contingencies, to give such direction to the company in any matter that would insure more speedy action on its part in the construction of its road, in case default should continue as to any condition for more than a year, the ninth section was added, not as a substitute for the provisions of section 8, but, as stated in the section, as a *further* condition to the already "conditional grants." This is the only reason which can properly be assigned for inserting section 9.

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There is no inconsistency between the two sections.

For breach of either condition of the eighth section a power to declare forfeiture existed. This power might or might not be exercised, in the discretion of Congress.

A mere delay to assert the right would not interfere with the subsequent exercise of it, nor relieve the grant of its conditional character. Nothing is better settled than that *laches* is not imputable to the Government. (See U. S. *vs.* Kirkpatrick 9, Wheat., 720.) The doctrine is reaffirmed in 11 Wheat., 184; 7 Otto, 584; 8 Otto, 489.

If Congress did not choose to assert the right it had, and the default continued for more than a year, then the provisions of section 9 became operative, and *all* the rights growing out of the conditions in both sections were in a condition to be enforced by the Government, at its pleasure.

It could, as it did, extend the time for the performance of the work, the conditions meanwhile being none the less operative on the grant; no one pretending, however, that the mere extension of time relieved the grant of any of the conditions imposed by the original act.

All parts of a statute must be construed together and effect given to all the provisions, if possible. It is never to be presumed that the legislature enacts useless provisions; effect must always be given to every provision of a statute, if that be possible, and in the construction of the grants that interpretation should always be given which strengthens the rights reserved by or for the Government.

The courts have frequently held that these grants are laws as well as conveyances, and that such effect must be given them as will carry out the intent of Congress. (Mo. R. R. Co., &c., 7 Otto, 491; Hall *vs.* Russell, 11 Otto, 503.) In Leavenworth, &c., R. R. *vs.* U. S. (92 U. S., 740), citing approvingly Dubuque, &c., *vs.* Litchfield (23 Howard, 66), the court say:

"All grants of this description are construed strictly against the grantee."

And further:

"A grant like this should be neither *enlarged by ingenious reasoning* nor diminished by strained construction. If the terms used are plain and unambiguous, there can be no difficulty in interpreting them; if they admit of different meanings, they must be accepted in a sense favorable to the grantor."

"What is not expressly given or follows by necessary implication is withheld."

These views are substantially indorsed by Attorney-General Devens (16 Op. Attorney-General, p. 572), when, in giving a construction to the charter of the Atlantic and Pacific Railroad Company, where the provisions were identical with those being considered here, that officer held, under these two sections, in case of default continued for more than a year, that it would be necessary for the United States to take advantage of such condition by acting under the ninth section, *or* by declaring a forfeiture of the grant by legislative action, *or* by proceeding for enforcing a forfeiture by a judicial proceeding; and he concludes:

"If the United States were disposed to revest in itself or enforce a forfeiture of the lands granted, it would be necessary to take some action indicative of that intention."

Showing that the common-law right of declaring a forfeiture exists, in his judgment.

Nor is the character of the grant changed or the rights of the company enlarged as to the estate granted by the resolution of May 31, 1870, which authorized the issuing of bonds and securing them by mortgage, as that resolution only authorized the pledging of "its *property* and *rights of property* of all kinds and description," &c.

No language is used which in any way changes the legal character of the original grant or makes the estate in the company other than one "on condition subsequent."

Nothing is better settled than that a grantee of such an estate cannot, by any act less than performance, defeat the condition and convert such estate into an absolute fee.

This committee, in its report in the matter of "Title to certain lands in Michigan," No. 1266, asserted the true doctrine on this question, and if further authorities were needed, Foxcroft *vs.* Mallett (4 Howard, 353) would appear decisive.

We conclude, then, on the legal question of power in Congress (and we are only dealing with the abstract legal question now), that it has the right—

1st. To declare the title to all unpatented lands in the grant forfeited, and revest the United States with it, so that it can be restored to the public domain, open to sale and settlement under existing laws, under section 8.

2d. To take any steps it may deem advisable to insure a speedy completion of the road, under section 9.

So much on the questions of power and the legal *status* of the grant.

The first question presented by the bill being answered affirmatively, an examination of the second is necessary, viz, Is it wise and prudent policy to exercise the power to forfeit?

The company has contented itself with resting its case before the committee on the legal arguments against the right of forfeiture.

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Of course, the majority being of the opinion that no right of absolute forfeiture exists, the facts, figures, conditions, &c., upon which the question of policy must necessarily be decided have not been presented to the committee, and this report does not assume to deal with aught but the legal aspects of the case. The House will determine the question of policy.

Under the law, as we understand it, we are driven to the conclusion above stated.

L. E. PAYSON, *Illinois.*
N. J. HAMMOND, *Georgia.*
D. B. CULBERSON. *Texas.*
M. A. McCOID, *Iowa.*
J. PROCTOR KNOTT, *Kentucky.*
VAN H. MANNING, *Mississippi.*
R. W. TOWNSHEND, *Illinois.*

Mr. J. PROCTOR KNOTT, of Kentucky, submitted the following additional views:

On the 6th day of June last the Committee on the Judiciary submitted to the House a report in relation to the land grant made to the Northern Pacific Railroad Company, asserting as a legal conclusion that

"The sole right which remains in the United States at the present time in respect to the lands granted to that company, is the right, by its Congress, to do such acts as may be needful and necessary to insure the speedy completion of the road," and denying *in toto* the right of the Government to declare the lands forfeited, notwithstanding a breach of the conditions upon which the grant was made, and which are distinctly set out in section 8 of the act from which the company derived its existence and its chartered rights.

From this remarkable conclusion seven out of the fifteen members of the committee dissented, and as the majority deemed it incompatible with their opinion of the law as thus expressed to recommend any action, or even to enter upon an examination of the facts in relation to the grant which had been made to this company, the undersigned prepared a brief statement of their views, deduced from the only data at their command, namely, the report of the Auditor of Railroad Accounts, made in response to a resolution of the House of Representatives and published with the last annual report of the Secretary of the Interior, from which it seemed that, waiving the Government's rights of forfeiture thus far, the probable value of the lands which the company had earned by construction up to the first of January last, would considerably exceed the cost of the entire line for which the subsidy had been granted, and in view of which they recommended the forfeiture of all lands remaining unearned at that date.

After this had been done, the committee, for the better enlightenment of the minority, who had dissented from its views, caused a series of interrogatories to be propounded to the president of the company, whose answers thereto, together with certain suggestions which had not been called for, were read to the committee on the 6th and submitted to the several members in print on the 9th instant. It is to be regretted, however, that notwithstanding this effort to procure them additional light, the members of the minority, to say nothing of the world at large, have been furnished with very little more information than they had before, while the answers themselves exhibit discrepancies with other statements in relation to the same subject which it will be found difficult if not impossible to completely reconcile.

For example: The president of the company, in response to the inquiries proposed by the committee, states the cost of constructing 1,203½ miles of completed road and 170 miles of finished grade at $51,019,402.99, and estimates the cost of constructing 1,206 miles yet to be built at $42,507,265.87, making $93,526,668.86 for 2,409½ miles, or $38,815.79 per mile; while the Auditor, in the report above referred to, after having, as he says, "made special inquiry in order to obtain the fullest information," and, as the undersigned understand, from data furnished by the company itself, estimates the entire cost of 2,700 miles at about $75,000.000, or at the rate of $28,000 per mile. After some remarks concerning the work which had already been done, he says:

"The road yet to be constructed and accepted may be stated as follows, with the estimated cost of the same, namely:

Wisconsin division—Montreal River to Thompson Junction, 122 miles, at $20,000 per mile	$3,440,000 00
Missouri Division—Missouri River to Yellowstone River, 217 miles, at $12,000 per mile, including an iron bridge over the Missouri River at Bismarck, the cost of which is estimated at nearly $1,000,000, or about	3,500,000 00
Yellowstone, Rocky Mountain, and Clark's Ford divisions—Yellowstone River to Lake Pend d'Oreille, 820 miles, at $30,000 per mile	24,600,000 00
Pend d'Oreille division—Lake Pend d'Oreille to Columbia River, 209 miles, at $21,500 per mile	4,500,000 00

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Columbia River division—Junction of Columbia and Snake Rivers to Portland, 238 miles, at $31,500 per mile	$7,500,000 00
Cascade Mountain division—Junction of Columbia and Snake Rivers to Puget Sound, 219 miles, at $30,000 per mile	6,570,000 00
Pacific division—Portland to Kalama, 40 miles, at $25,000 per mile	1,000,000 00
Total road to be constructed, 1,865 miles, at an estimated average cost of $26,868 per mile, amounting to	50,110,000 00

"The entire road when completed, 2,700 miles, will have cost about seventy-five million dollars, or at the rate of $28,000 per mile." (Report Secretary of Interior, Vol. II, p. 575.)

Notwithstanding that due allowance is made by the Auditor for the million-dollar bridge over the Mississippi River, as well as for those portions of the road of more difficult construction, it will be observed that the discrepancy between these two estimates is $10,815 per mile, or $26,048,732 for the whole line of 2,409½ miles. Which is nearer correct may possibly be ascertained by a little closer analysis.

In 1874 the company, in its report to the Department of the Interior, made an itemized statement of the amounts it had expended up to that date in surveys, construction, equipment, &c., in which it appears that the actual construction of 530 miles of the road then built had cost $14,446,356.54, and that the "general and incidental expenses during construction" had been $635,454.71, making a total of $15,081,811.25, or $28,456.24 per mile; and this, it will be remembered, was prior to the crash which took place in the fall of 1873, when labor and material commanded higher prices than they have since. But deduct this $15,081,811.25 from the $51,019,402.99 which the president of the company reports as the total amount expended in the construction of 1,203½ miles of completed and 170 miles of graded road, and there will remain $35,937,591.74, from which deduct, say, $2,550,000, probable cost of grading the 170 miles, and there will be left $33,377,591.74 as the cost of the remaining 673½ miles, or $49,558.41 per mile! By referring to the report it will be seen that the total amount expended up to the completion of the first 530 miles was only $21,353,416, or $40,289 per mile, including $1,108,278.05 for surveys (!), $2,728,980.09 for "auxiliary and connecting rail and water lines," $2,434.346.25 for equipment, and $635,454.71 for "general and incidental expenses during construction," whatever that may mean. Yet, if the president's estimate is correct, the simple *construction* of the 673½ miles which have been completed since has cost $9,000 more, mile for mile, and that, too, under far more favorable circumstances so far as the prices of labor and material are concerned. Why this should be so the company has failed to explain, and perhaps cannot explain. Assuming, however, that "the truth lies between the two extremes," the cost would be $33,407.65 per mile—$80,585,732.75 for the whole line of 2,409½ miles.

To aid in the construction of this road, Congress granted to the company, on certain conditions, 57,920,000 acres of land, of which the Auditor in the report already referred to says, according to the latest estimates, 42,500,000 will be available to the company; and the president, in his answer to the committee, remarks with seemingly some surprise that "the discovery has been made during the present session of Congress that the value of the grant, as a whole, is in the neighborhood of a hundred millions of dollars."

In this, however, the president is mistaken. Whether the value of the grant was ever considered chimerical the undersigned do not know, but the fact that it is worth a hundred million dollars or more was discovered long ago. The Auditor reports that the company has sold, up to June 30, 1880, 2,600,000 acres for $9,000,000, and adds: "The value of the company's lands vested and unvested may be reasonably estimated at $2.50 per acre, so that the lands unsold are worth, say, 39,900,000 at $2.50, $99,750,000"; which would be $108,750,000 for the whole.

That portions of this enormous grant are worthless for any purpose will not be denied, and it is also admitted that its real value will be available to the company only in the future, but, whatever attempts may be made to disparage it, the estimate of the Auditor quoted above is probably lower than the facts would actually justify.

The company has only offered its agricultural lands for sale, withholding its coal and timber lands until the country shall be occupied. Yet, the answers of the president discloses the fact that 3,083,953 acres have been sold for $11,565,466.65, or at an average price of more than $3.75 per acre, and it is not at all improbable that much of the grant now considered worthless may prove to be extremely valuable. The president says: "It is a matter of record that those in charge of the management previous to 1873 had no idea that the extraordinary fertile lands in Dakota, which now form the granary, so to speak, of the Northwest, were other than sterile plains," and the same will doubtless prove true of large portions of the grant yet to be developed.

Some idea of the character of the lands embraced by this grant may be gathered from

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the following remarks, to be found in the report of Mr. A. B. Nichols, engineer, made to the Auditor of Railroad Accounts November 1, 1880:

"From the commencement of the company's grant at the western edge of the grant to the Saint Paul and Duluth Railroad Company to about 40 miles west of Brainerd the country is a succession of swamps and low uplands, interspersed with numerous lakes. The swamps are mostly covered with a growth of tamarack, cedar, and spruce, while on the uplands are found white pine, oak, some elm, and various other kinds of wood usual in a forest in the Northern United States.

"From about 40 miles west of Brainerd to about 35 miles east of Fargo the country is prairie, with numerous lakes, patches of swamp, and occasional timber, and much of it good for agricultural purposes. From this latter point westward to the Missouri River stretches the great wheat region, embracing the celebrated valley of the Red River of the North.

"This country is rapidly filling up with settlers, apparently of a good class, the neat, well-painted farm buildings, so noticeable in this region, bearing witness thereto.

"West of the Missouri River, on the portion of road recently accepted by the Government and opened for use, the country is as yet almost uninhabited, and but little of the land surveyed. This region is all open 'plain' country, somewhat more broken and undulating than that between the Red and Missouri Rivers, but the greater portion of it is apparently good wheat land, and will, doubtless, produce good crops, though not, perhaps, so large as in the Red River Valley. Extensive beds of lignite are found on this portion of the road, and extend much farther west, furnishing a fuel available for all domestic purposes. The company are now using this fuel in their locomotives, mixed in equal quantities with other coal.

"On the Pacific division the line from Kalama to Tacoma passes through a well-watered, timbered country, with occasional open prairies. These prairies do not appear to be very rich, but there are, doubtless, lands in the river bottoms good for farming purposes.

"The magnificent timber embraced in the company's grant on this coast must become valuable as soon as communication is opened with the treeless district east of the mountains. At present, as shipments are chiefly made by sea, only those lands bordering on the sound are available.

"The large beds of cretaceous coal lying within the grant must also prove valuable. During the late inspection, the mines at Wilkeson were visited. Owing to an improper system of mining, these mines have not hitherto been successful. The coal lies in large veins, with a dip of about 65°, with the ravine through which the stream runs cutting across the strata, so that every natural facility is afforded for economical working. Some of the veins are said to produce good smith coal, while the coke made from coal mined here (specimens of which were brought away) appears to be of excellent quality.

"On the Pend d'Oreille division, after leaving Ainsworth, the line passes through about 24 miles of open, sandy country, and then enters a treeless, rolling region, with soil of volcanic ash, and covered with a growth of 'bunch grass.' This continues as far as my journey reached—is said to extend to Spokane Falls—and constitutes a portion of the great wheat country of Eastern Washington Territory."

From the foregoing it is by no means difficult to conclude that the coal and timber lands belonging to this grant are, under the peculiar circumstances, immensely more valuable than those adapted to agricultural purposes only; and that, where one acre of the latter may be found to be worth less than $3.70, the price realized by the company for that already sold, several of the former will be found of many times that value. It is not unreasonable, therefore, to suppose that, conceding 30 per cent. of the entire area to be worthless, the ultimate value of the remainder will be sufficient to yield an average price of at least $3 per acre for the entire grant.

Proceeding, then, upon the hypothesis that the data upon which the Auditor of Railroad Accounts made the report above referred to were correct, and that the entire grant shall be confirmed, the result will be as follows:

Value of land grant	$108,750,000
Cost of 2,409½ miles road, at $28,000	67,466,000
Surplus	41,284,000

Or, adopting the extravagant estimates submitted by the president in his response to the committee, the figures will stand thus:

Value of land sold	$11,565,466 65
The residue, 39,416,047 acres, at $2.50	98,540,117 50
	110,105,584 15
Cost of 2,409½ miles of road	93,526,668 86
Surplus	16,578,915 29

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Or, taking the mean between the two, the following will result:

Value of lands sold and unsold, estimated as last above	$110,105,584 15
Cost of 2,409½ miles road, at $33,407.65	80,495,732 75
Surplus	29,609,851 40

The undersigned suppose that all that could be asked of the Government in the exercise of the most prodigal generosity would be a sufficient amount of lands to enable the company to construct its road without costing it a single dollar of its own money, and as either of the foregoing hypotheses shows a surplus of many millions more than are necessary for that purpose, it has occurred to them that it might be to the interest of the people of the United States generally to look somewhat after that surplus, whatever it may be.

There is a farther view to be taken of this subject, however. The undersigned have no means of knowing precisely how much land has been *earned* by the company, but estimating it at 30,000,000 acres, and appraising the portion unsold at $2.50 per acre, which the Auditor supposes to be reasonable, and we have the following:

3,083,953 acres sold for	$11,565,466 65
26,916,047 acres unsold, at $2.50	67,290,117 50
Total	78,855,584 15

Or $3,854,584 more than the Auditor's estimate of the entire cost of the company's lines, subsidized and unsubsidized. But when applied to the line as constructed, and to be constructed, namely, 2,409½ miles, the result stands as follows:

Value of lands already earned	$78,855,584 15
Cost of 2,409½ miles, at $28,000	67,466,000 00
Surplus	11,389,584 15

Or, assuming the mean between the estimates of the Auditor and the president of the company, and also the mean between the average price of the lands already sold and the Auditor's estimate of $2.50 per acre, the following will be the result:

Proceeds of lands already sold	$11,565,466 65
26,919,947 acres unsold, at $3.12½	84,100,146 87
Total	95,665,613 52
Cost 2,409½ miles road, at $33,407.65	80,495,732 75
Surplus	15,169,880 77

Or, applying this estimate of the value of the lands earned to the estimated cost of the entire road, as submitted by the president of the company, the figures stand thus:

Value of lands earned as above	$95,665,613 52
Estimated cost of entire road	93,526,668 86
Surplus	2,138,944 66

It is reasonable, therefore, to conclude that this company has already received, and will receive, if only so much land as it has "earned by construction, say to January 1, 1882, shall be patented to it, an amount sufficient to pay for the construction of its entire subsidized line, even upon the estimates furnished by its own chief officer. But in addition to the foregoing considerations the undersigned beg leave to submit, that when the various acts making grants of land to aid in the construction of railroads were passed by Congress, it was the settled belief of those by whom the grants were made that unless the roads were constructed within the time limited in these acts no right to the lands would pass.

This is abundantly shown by the contemporaneous debates; and it requires judicial legislation to establish the doctrine that affirmative action by Congress was necessary to revest the United States with the title to the portions of the public domain thus conditionally granted.

Legally all unpatented lands embraced in this grant belong to the United States freed from all claims of the company, if Congress shall choose to assert that right, and under the rule asserted by the committee in the Ontonagon and Brulé River Railroad case, the undersigned think such action should be taken. While the company may assert equities, it is but one party to the controversy. The people are the other, and their interests are certainly entitled to *some* consideration.

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As the law is construed by the Department of Justice and acted upon by the Department of the Interior, in which, however, the undersigned do not concur, unless and until Congress takes some contrary action, the company is entitled to patents for the lands conditionally granted as earned; consequently, declining or neglecting to assert the right of forfeiture is equivalent to making a new grant. This the undersigned are opposed to, and they believe the people are opposed to it. If the proposition were presented of making a new grant of these lands, such as is now claimed by the company, they think it would be almost unanimously rejected by public sentiment.

It may be set down as a certainty not only that this road will be completed by some company without the aid of the lands unearned by construction, but that it will be worth all it may cost, and there are no good reasons yet apparent why the people should pay the cost of its construction and present the company with a colossal fortune besides. They will certainly profit nothing by the additional millions donated, as experience shows that every road which has been subsidized has after completion been operated upon the principle that freight and passengers should be taxed just "what the traffic will bear," and there is no reason to believe that there will be an exception in this instance. So far as they are concerned, therefore, it is simply a question whether the residue of this empire of territory shall be abandoned as a mere act of grace to the company, and a precedent be set for similar action as to other grants which are in like condition as to compliance with the conditions upon which they were made.

Asserting the right of forfeiture is no attack upon any right of the corporation; it is a mere incident to the contract. The lands are the property of the United States, and the undersigned believe that sound policy, as well as the demands of the people, require that the remainder of this vast grant unpatented to this date should be restored to the public domain for occupation by actual settlers under existing laws.

In view of these considerations, the undersigned think it due alike to the House and the country that the subject of this land grant should be fully explored and fairly discussed, and that Congress should take such prompt and decisive action in relation thereto as will do justice to the people as well as to the company. They therefore ask that the accompanying joint resolution be placed upon the calendar and recommend its adoption; and in view of the fact that many millions of [acres of] the most valuable lands, forfeited by non-compliance with the conditions upon which they were granted, are liable, notwithstanding such forfeiture, to slip away from the people forever, simply by reason of non-action and delay, the undersigned would respectfully urge the consideration and passage of said resolution during the present session of Congress.

J. PROCTOR KNOTT, *Kentucky.*
DAVID B. CULBERSON, *Texas.*
R. W. TOWNSHEND, *Illinois.*
VAN H. MANNING, *Mississippi.*

JULY 11, 1882.

I have not verified the figures above, but indorse the final conclusions and recommendations.

L. E. PAYSON, *Illinois.*

I have not sufficient time now to examine the facts connected with this matter; but, that it may come before the House and be considered by this Congress, I concur in wishing the resolution to be put upon the Calendar.

N. J. HAMMOND, *Georgia.*

JULY 21, 1882.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled as follows, That all the lands granted to the Northern Pacific Railroad Company under an act of Congress entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, which had not been patented to said company on the 1st day of July, 1882, be, and they are hereby, declared forfeited to the United States by reason of a breach of the conditions upon which said grant was made, and that said lands are hereby restored to the public domain and made subject to sale and settlement under existing laws.

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NORTHERN PACIFC RAILROAD COMPANY, TIME OF SELECTION OF INDEMNITY LANDS FOR.

CIRCULAR.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 22, 1883.

REGISTERS AND RECEIVERS:

GENTLEMEN: It appears that under certain decisions of this office and the Department a practice has grown up at several district land offices of admitting pre-emption claims or homestead entries for land in sections withdrawn for indemnity under grants to aid in the construction of railroads to remain of record awaiting the final adjustment of the grant when, if the land is not needed in satisfaction thereof, such entries or claims may be perfected.

Under date 17th instant, the honorable Secretary of the Interior decided that he had authority to order withdrawals of lands within the indemnity limits of the grant to the Northern Pacific Railroad Company under the act of Congress approved July 2, 1864 (13 Stat., 365), and the joint resolution of May 31, 1870 (16 Stat., 378), and that the withdrawals for that purpose should be maintained, at least for the present.

In view of the probability that a large proportion of the land in the indemnity limits will be required to satisfy the several grants in which indemnity is provided, it is evident that a continuance of the practice of allowing entries of such lands will result in detriment rather than benefit to settlers, many of whom would find that the lands entered by them were needed to make up the losses within the granted limits. In such an event the settler must either purchase the land at the price fixed by the company or lose his improvements and the benefits of his labor.

In the decision cited, the Secretary says:

"The intention of the legislature, as manifest in these land-grant acts, must in good faith be carried out by the land department. At the same time, the rights and interests of settlers must be regarded, and the policy of the country in respect to speedy settlement of the public lands not unnecessarily restricted.

"I cannot shut my eyes to the fact that vast areas of lands (public but for the right of selection), lying within indemnity limits, are barred to settlement, and that the area of arable lands open to settlement is not great when compared with the increasing demand, and is rapidly diminishing.

"It becomes the somewhat difficult duty of your office and this Department to administer the laws relating to these grants and the public lands, and to the rights of settlers, in such manner as to preserve, as far as possible, the rights and interests of all parties.

"It was clearly the intention of the legislature that within the indemnity limits fixed by the Northern Pacific acts the company should have the opportunity to take lands, acre for acre, for all those lost in place. * * *

"The work of ascertaining what lands in place have been lost to the company ought to go forward as rapidly as possible, and the company be enjoined to make selections in lieu of such lost lands without delay.

"If the company neglects to make its selections, and takes advantage of the withdrawals heretofore made, or that may be made hereafter, to withhold lands within the indemnity limit from the operation of the settlement laws, not actually needed to make good losses they have sustained, it will be the duty of the Department to revoke such order of withdrawal."

The advantage to settlers in awaiting the adjustment of the claims of the railroad companies for indemnity, and the restoration to unconditional entry of the lands withdrawn but not needed for that purpose, over the practice of admitting entries and holding them to await the result of the adjustment of the grants, by which settlers are kept in doubt for an indefinite period, with ultimate loss to many, is too plain for further remark.

The Secretary's decision being applicable to all withdrawals for indemnity purposes under railroad grants, you are directed to refuse applications for lands thus withdrawn, except where the applicant alleges settlement prior to the date of receipt of the order of withdrawal at the local office.

Very respectfully,

L. HARRISON,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
May 26, 1883.

Approved.

H. M. TELLER,
Secretary.

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NORTHERN PACIFIC RAILROAD COMPANY.

INDEMNITY LANDS.—WISCONSIN AND MINNESOTA.—The indemnity lands within these States must be selected within three months from notice to the railroad. Indemnity for the lands lost within those States must be selected within those States.

DEPARTMENT OF INTERIOR,
Washington, D. C., July 11, 1883.

I call your attention to my letters of May 17 and 28 last, relating to the Northern Pacific land grant, and particularly to the indemnity part of such grant.

In those letters I indicated that the indemnity lands should not be closed to settlement any longer than was necessary to enable the company to make selection of lands in lieu of those lost within the granted limits.

All lands lying within both limits in the States of Wisconsin and Minnesota are now surveyed, and I see no reason why the company should not at once complete its selections within those States.

I therefore direct you to give immediate notice to said company, that all selections must be made in those States within three months from the time you shall give such notice; and that at the end of that time all orders of withdrawals heretofore made of indemnity lands within those States, whether lying within the first or second indemnity limits, will be revoked and set aside and all such lands will be restored to the public domain and opened to settlement under the laws relating to the public lands.

Under the authority conferred and in discharge of the duty imposed upon me by the act, which provides that the selections shall be made under the direction of the Secretary of the Interior, I deem it best to indicate at the outset what, in my opinion, the practice should be in relation to selections. The amount of lands lost within each of the States named should be made up by selections within such State, without regard to quality, if there be sufficient within the indemnity limits for that purpose. I do not think it was the intention of the granting act, nor do I deem it just or equitable to the Government or to the settlers, to permit the company to cull the lands within such limits, leaving portions unselected because they are poor, and then selecting other lands farther along the line, in place of lands lost within the granted limits of those States.

I am aware that, at the expiration of the time herein fixed for a completion of selections, there will remain undetermined a large number of contests involving lands in the granted and indemnity limits, and that new contests will arise growing out of selections and otherwise, and that by reason of such contests the company will not be able to complete its selections within such time as to lands which it shall lose in those contests. As these contests are, from time to time, determined, the company should have an equal right (but not a preference right) with the settlers to select lands within the indemnity limits in those States, although the orders of withdrawal shall at that time have been revoked. And for lands lost in such contests not made up by selections in that way, the company should be allowed to make selections elsewhere within indemnity limits upon the line of said road.

I have thus referred to such matters as I deem it important now to be considered. Necessarily many questions must be reserved until the final adjustment of the grant.

What is herein said will apply to the State of Wisconsin and the land grant therein, only so far as said road is built within that State, and the grant earned.

H. M. TELLER,
Secretary of the Interior.

Hon. N. C. MCFARLAND,
Commissioner General Land Office.

[House Report No. 1803, Forty-seventh Congress, first session.]

TEXAS AND PACIFIC RAILROAD LAND GRANT.

AUGUST 3, 1882.—Referred to the House Calendar and ordered to be printed.

Mr. T. B. REED, of Maine, from the Committee on the Judiciary, submitted the following report, to accompany H. Res. 286.

The Committee on the Judiciary, to whom was referred H. Res. 286, *submit the following report:*

The Texas and Pacific Railroad Company was incorporated under the name of the Texas Pacific by the act of March 3, 1871. By section 1 of that act the route was defined and described as follows:

"From a point at or near Marshall, county of Harrison, State of Texas; thence by the most direct and eligible route, to be determined by said company, near the thirty-

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second parallel of north latitude, to a point at or near El Paso; thence by the most direct and eligible route, to be selected by said company, through New Mexico and Arizona, to a point on the Rio Colorado at or near the southeastern boundary of the State of California; thence by the most direct and eligible route to San Diego, Cal., to Ship's Channel, in the bay of San Diego, in the State of California, pursuing in the location thereof, as near as may be, the thirty-second parallel of north latitude."

Section 23 provides—

"That for the purpose of connecting the Texas Pacific Railroad with the city of San Francisco, the Southern Pacific Railroad Company of California is hereby authorized (subject to the laws of California) to construct a line of railroad from a point at or near Tehachapa Pass, by way of Los Angeles, to the Texas Pacific Railroad at or near the Colorado River, with the same rights, grants, and privileges, and subject to the same limitations, restrictions, and conditions, as were granted to said Southern Pacific Railroad Company of California by the act of July 27, 1866."

Section 9 provides for a land grant which, as described by the Secretary of the Interior, Ex. Doc. 144, Forty-seventh Congress, first session, is—

"A grant of every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile on each side of the line as adopted by the company through the Territories of the United States, and ten alternate sections per mile on each side of the line in California. Exception is made of lands sold, reserved, or otherwise disposed of, and lands to which a pre-emption or homestead claim may have attached at the time the line of the road is definitely fixed.

"Indemnity is provided for lands thus lost to the grant out of alternate odd-numbered sections not more than ten miles from the limits of the sections granted. Provision is also made for indemnity for lands lost by reason of the near approach of the line of the road to the boundary of Mexico, and also for mineral lands excluded from the grant out of odd-numbered sections nearest the line of the road."

The same authority estimates the quantity of land embraced in the grant at 14,309,760 acres.

The Texas and Pacific Company was required to commence the construction of its road at San Diego and at Marshall simultaneously, and to complete it in ten years. The act of May 2, 1872 (17 Statuest, 59), extended the time of completion to May 2, 1882, which time at the date of this report has expired.

The Secretary of the Interior further reports that—

"The length of the entire line is estimated at 1,483 miles. Proof of the construction of 181 miles of this road in Texas has been furnished, but no evidence of construction beyond that has reached this office."

The committee are informed that the construction has proceeded much farther in the State of Texas than the last figures indicate, but the exact number of miles is not material, as none of it is west of El Paso, on the Texas line.

To this should be added the fact that at the hearing before the committee it seemed that whatever railroad had been built from San Diego eastward had been built by another company.

This statement shows that the Texas and Pacific have never completed any part of the route for which the land grant was made to them, and have never earned or claimed to have earned any part of the land. It is also understood that they do not propose to build any such road or to attempt to do it. In fact, they have agreed not to do so, and have attempted to transfer to another company all their title to and rights in the land grant in question. So far from intending to earn the lands, they have renounced them. They have abandoned the undertaking so far as this part of their route is concerned, and it is understood that they have agreed not to build, in accordance with the charter, west of El Paso.

While the ten years which were allowed for the building of the Texas and Pacific were passing another corporation, the Southern Pacific, started out of San Francisco to meet the Texas and Pacific at the Colorado River. When it reached the Colorado it found that the Texas and Pacific had not built in the Territories, and was asking Congress for a guarantee of the interest on its bonds, in addition to the grant, to enable it to go on.

The Southern Pacific thereupon began to build to El Paso, claiming that no guaranty was needed, and no land grant even, and without guaranty or land grant it occupied substantially the route on which the act of March, 1871, contemplated that the Texas and Pacific would build. After the completion of the Southern Pacific to El Paso, it entered into an agreement with the Texas and Pacific, which was not produced before the committee. It was admitted, however, that the latter company had released its title to the land grant to the Southern Pacific, and that that corporation was now the claimant of the lands.

If the Texas and Pacific still claimed the lands, the strongest argument which it could have urged would have been found in the seventeenth section of the act of March, 1871. The language of that section, while not identical with that contained

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in the eighth and ninth sections of the charter of the Northern Pacific, nevertheless resembles it, and under that section an argument might have been advanced that the only right which the United States had reserved for themselves was to complete the road. Had the facts shown that the Texas and Pacific had begun its work in good faith, had already expended large sums of money in an effort to build the road, was in the act of building it as rapidly as was possible, that there was no pretense that it could be finished earlier than it was being finished, there might have arisen a very serious question as to the power and duty of Congress in the premises. But the Texas and Pacific, one party to the grant or contract, having made no effort to carry it out, having renounced it, both informally and formally, both by acts and by writing, there can be no question of the right of the United States, the other party, to resume possession of the proposed grant, unless the Southern Pacific have acquired some rights by virtue of some deed of release.

On behalf of the Southern Pacific it is urged that the words used in the ninth section, "and assigns," in the phrase "there is hereby granted to the said Texas and Pacific Railroad Company, its successors *and assigns*, every alternate section," &c., authorize the latter company to transfer the lands in question in bulk to any other person who would receive it charged with the same trust; that the Southern Pacific, having received the lands at a time when they had completed a railroad, which was the same, or nearly the same, in location as that described in the act of March, 1871, received the lands discharged from the trust by reason of its fulfillment. In the opinion of the committee the words "and assigns" do not, in this case, have this meaning. We think these words describe the nature of the estate, are words of limitation, and do not constitute the grantee an agent of the United States to select another corporation which has performed similar work and make it the beneficiary of the grant. Nor do they constitute the grantee an agent to bestow a gratuity. It is further claimed on behalf of the Southern Pacific that the sections—notably section 4—authorizing consolidations give the authority needed for the transfer. Whether these sections would, under any state of facts, confer such power need not now be determined, for no facts have been laid before us which show any consolidation whereby the Texas and Pacific has absorbed the Southern Pacific. So far as this transaction is concerned the process would seem to have been reversed.

The consolidations contemplated by sections 4, 5, and 6 were those whereby other companies were to become part and parcel of the Texas and Pacific. If the Southern Pacific had become part and parcel of the Texas and Pacific, it could not be the claimant here.

It is further urged on behalf of the Southern Pacific that, inasmuch as that company have done what the United States offered to give the granted land to the Texas and Pacific if it would do it, equity requires that the land grant should be transferred.

To this, as a request for a gratuity, no objection can be made. That would rest in the sound judgment of Congress. But this request is put upon the ground of a claim founded upon equity and good conscience. The reply seems simple. Congress would never have been justified in offering the lands had it not deemed the offer necessary to secure the road. Now that events have demonstrated its non-necessity, the reason for offering it has entirely failed. The Southern Pacific was not induced by it to build. It built from other motives; not at the request of the United States, nor even for the benefit of the United States. It happened for its own purposes to build the road the United States wanted, and prevented the company from building it which the United States had authorized. It is difficult to see how this state of facts lays the United States under any obligation, either in equity or good conscience.

To these considerations may be added the fact that action on the part of the United States is necessary to enable the United States to restore this land to the public domain. Whatever legal rights parties have can be ascertained better after an act of forfeiture than before, and none of them will be lost.

No question of policy can arise here such as would arise if this were an enterprise not yet completed, but in the process of completion, which such an act would interrupt. Whatever road is to be built has been built.

The committee therefore recommend the passage of the accompanying resolution:

JOINT RESOLUTION to declare the forfeiture of lands granted the Texas Pacific Railroad Company under act of March third, eighteen hundred and seventy one, and acts amendatory thereof and supplemental thereto.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That all lands granted to the Texas Pacific Railroad Company under the act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March third, eighteen hundred and seventy-one, and acts amendatory thereof or supplemental thereto, be, and they are hereby, declared forfeited, and that the whole of said lands be restored to the public domain and made subject to sale and settlement under existing laws of the United States.

NOTE.—This resolution did not become a law.

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Mr. J. PROCTOR KNOTT, of Kentucky, from the Committee on the Judiciary, submitted the following as the views of the minority:

While concurring in the recommendation of the committee, the undersigned are unwilling to be committed, even by the remotest implication, to the doctrine that the United States might be deprived of its right to enforce a forfeiture of the lands granted to this or any other railroad company for breach of the conditions upon which such grant was made simply because Congress may have reserved the power "to adopt such measures as it may deem necessary and proper to secure the speedy completion of the road" in aid of which the lands were granted, and because the company, notwithstanding the breach, may be proceeding with its work.

The undersigned are aware that it is substantially so argued in the report of the committee in the case of the Northern Pacific Railroad, as they are unable to perceive any difference in the legal effect of the language upon which the conclusion was made to hinge in that instance and that employed in the seventeenth section of the act granting lands to the Texas Pacific Company; but they dissented from the doctrine then, and dissent from it now.

Nothing could be better settled or more universally conceded than that the grantor of an estate upon conditions subsequent may, unless his right be expressly waived or lost by his own laches, re-enter upon a breach of *any* condition upon which the estate may depend, and that upon such re-entry the estate of the grantor becomes void *ab initio*, the person who re-enters being seized of his original estate in the same manner as if he had never conveyed it away; and it is equally as well settled that laches are never to be imputed to the Government. Both of these principles were recently asserted by this committee with great clearness and force in the case of the Ontonagon and Brulé land grant.

If, therefore, the Government, as grantor, has the right, without regard to the lapse of time, to reinvest itself of such an estate for a breach of *any* of the conditions upon which it had previously granted it, it is impossible to see how it can be deprived of the power to do so simply because it has reserved to itself the right to do something in addition to the exercise of the mere right of forfeiture. A question as to the policy of insisting upon such forfeiture is one thing; the naked legal *right* to enforce it is quite another.

The undersigned, therefore, cannot assent to any reasoning or intimation in the report tending to establish the proposition that the right of absolute forfeiture does not exist either in this grant or that to the Northern Pacific Railroad Company in case of a breach of any condition upon which such grant was made.

J. PROCTOR KNOTT, *Kentucky.*
L. E. PAYSON, *Illinois.*
R. W. TOWNSHEND, *Illinois.*
VAN H. MANNING, *Mississippi.*
D. B. CULBERSON, *Texas.*
N. J. HAMMOND, *Georgia.*

[House Report No. 1284, Forty-seventh Congress, first session.]

RAILROAD LAND GRANTS TO CERTAIN STATES.

JUNE 6, 1882.—Referred to the House Calendar and ordered to be printed.

Mr. T. B. REED, of Maine, from the Committee on the Judiciary, submitted the following report, to accompany bill H. R. 6390.

The Committee on the Judiciary, to whom were referred sundry bills relating to land grants to States in aid of railroad construction, desire to report in part:

That by act of August 11, 1856, to be found in the eleventh volume of United States Statutes at Large, page 30, lands were granted to the State of Mississippi to be disposed of by that State in aid of the construction of their railroad, one "from Jackson to the line between the State of Mississippi and the State of Alabama," one from Tuscaloosa to the Mobile Railroad within Mississippi, and "from Brandon to the Gulf of Mexico."

With the first we have nothing to do, as it was not referred to us, and we are informed that it was finished in due time. In aid of all these roads, every alternate section of land designated by even numbers for six sections in width on each side of said roads was granted, with a right that in case of prior disposal of any such section or part of section by the United States to select other sections within fifteen miles. The manner

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in which these laws were to be made available is stated in the fourth section of the act, which is as follows:

"SEC. 4. That the lands hereby granted to the said State shall be disposed of by said State only in manner following, that is to say, that a quantity of land not exceeding one hundred and twenty sections for each of said roads, and included within a continuous length of twenty miles of each of said roads, may be sold; and when the governor of said State shall certify to the Secretary of the Interior that any continuous twenty miles of either of said roads is completed, then another like quantity of land hereby granted, not exceeding one hundred and twenty sections for such road, may be sold; and so from time to time until said roads are completed; and if said roads are not completed within ten years, no further sales shall be made, and the lands unsold shall revert to the United States."

No portion of either of these roads has been constructed, and no lands have been approved to the State of Mississippi for them.

By the sixth section of the act of August 11, 1856, above described, a like grant on like condition was made to the States through which said road should pass, "for a railroad from Mobile to New Orleans."

The road contemplated by this section has never been built or begun.

The road from Brandon to the Gulf of Mexico was to be called the Gulf and Ship Island; that from Mobile to New Orleans, "The Mobile and New Orleans"; while that from Tuscaloosa to the Mobile Railroad seems not to have got so far as a name.

The time limited in the grant for all these roads expired August 11, 1866, sixteen years ago.

The provision of law by which the time was limited to ten years is contained in the fourth section recited above, and is in these words:

"And if said roads are not completed within ten years no further sales shall be made, and the lands unsold shall revert to the United States."

It was at first supposed by some that this language of itself of its own force stopped the sales at the expiration of the ten years, and reinvested the United States with the title as fully as if the grant had never been made or proposed; but in October, 1874, the Supreme Court, in Schulenberg *vs.* Harriman (21 Wall., 44), decided that an act of Congress precisely like this, although conveying lands to another State, granted an estate upon condition subsequent, that the title to the lands covered by the grant passed to the State and could only be regained by the United States by some act of legislation equivalent to a re-entry.

Under that decision it becomes necessary for the Congress to pass some act which shall assert ownership in the lands in question if it desires to repossess them and re-annex them to the public domain.

As they stand now they cannot be sold by the United States, as the United States has only a right of re-entry, a right which cannot be sold or assigned, and can only be made available by the original grantor, for the United States can have no heirs, and, we trust, no successors.

If, then, we deem that the lands should be thrown open to actual settlers we must by law say so. No Department can do it. The power rests in the Congress alone. Inasmuch as during a period of twenty-six years no stroke of work has been done on either road, and inasmuch as sixteen years of that period have been subsequent to the close of the war, your committee feel that the purposes which Congress had in view in passing the act of 1856 will not be subserved by longer keeping the property in question separated from the public lands and inaccessible to actual purchasers and settlers.

One of the reasons most strongly urged for the passage of the bills making these grants was, that the United States as a precedent landholder could well afford to give one-half its lands on the line of a proposed railroad because it could thereby not only double the price of the remaining land but greatly expedite the sale of it.

Such has been the result where roads have been actually built, but the sole effect, if any, of the bill in question has been to prevent the sale of lands and the settlement of the country. Of course, a revocation of the grant does not bind Congress in the future, nor prevent it from making new grants if it should so determine. As the law now is, it would seem as if the only business-like way to treat this subject was to make void this grant and enact a new one or to give this definite extension. While the case of Schulenberg *vs.* Harriman decides that the lands will revert after the expiration of the ten years, whenever the Congress chooses to so determine, and it is intimated in the decision that the sales may go on until such determination takes place, yet, as Congress, even if that intimation be regarded as settled, can step in at any moment and terminate the grant, with the road half built, the road can have only a limited advantage from the grant as it now stands. Capital will naturally be much less willing to be invested on a grant terminated at the pleasure of Congress than on one which has a definite time to run, and which there is a hope of earning in its entirety. It should also be added that the claim is made that sales of land must actually cease at the end of ten years, whether Congress passes an act equivalent to re-entry or not;

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or if made, the title conveyed is subject to the same right of forfeiture by the act of re-entry as if the sale had not been made. If this view should prove to be sound, and those who favor it insist that anything to the contrary in Schulenberg *vs.* Harriman is *obiter dictum*, then the grants in their present state are of such small value as to no longer justify their presence on the statute-books, even in the view of the steadiest advocate of grants of lands to railroads.

ELYTON AND BEAVER'S BLUFF.

The act of June 3, 1856, was an act similar to the one which has just been discussed, whereby lands were granted to the State of Alabama to aid in the construction, among others, of a road "from Elyton to the Tennessee River, at or near Beard's Bluff, Alabama." As to this road the Secretary of the Interior reports that no map of location has been filed and no portion of the road constructed. So far as known, no corporation or company was ever organized under this act.

The time limited in the act expired June 3, 1866. It will be seen that what has been written hitherto applies to this road also.

ALABAMA AND CHATTANOOGA OR COOSA AND CHATTOOGA.

The history and condition of this grant is substantially this:

By act of Congress June 3, 1856 (11 Stat. at L., p. 17), there was granted to the State of Alabama for the purpose of aiding in the construction of, among others, a railroad from Gadsden, to connect with the Georgia and Tennessee and Tennessee line of railroads through the "Chattooga, Wills, and Lookout Valleys," the roads to be fully completed within ten years. The lands were by the act made subject to the disposal of the legislation of the State, and the act contained the usual provision that unless the roads were completed within the ten years the unsold lands should revert to the United States.

By joint resolution of the legislature of the State of Alabama, approved January 30, 1858 (acts of 1857–'58, pages 130, 131), the State accepted the grants and made provision for the disposition of the same: by section 1 of the joint resolution conferred the first grant on the Northeast and Southwest Alabama Railroad, from Elyton to Meridian, Miss., and by section 4 conferred the grant in aid of the road to be built through the Chattooga, Wills, and Lookout Valleys to the corporation known as the Wills Valley Railroad Company.

Both these companies were subsequently consolidated by State authority and called the Alabama and Chattanooga Railroad Company. In September, 1858, the usual "map of definite location" was filed in the Interior Department, and the odd sections of land withdrawn from market.

The records are silent as to any steps being taken toward the construction of the road in the time limited by the act of Congress. Unofficially we are advised that work was begun, but the completion prevented by the late civil war; but on April 10, 1869 (16 Stat. at Large, page 45), an act was passed extending the time for construction to April 10, 1872.

Before that time had expired, as appears by a certificate of Governor Houston, dated March 11, 1878, and filed in the Interior Department on May 15, 1878, the said roads (as consolidated with the Alabama and Chattanooga Railroad) had been completed and equipped, and were operating between Meridian, Miss., and Chattanooga, Tenn.

This, in our judgment, settles all questions of fact. The State has acted on the assumption that the lands were earned and this company entitled to its share by passing the act of February 10, 1876 (Session Laws of 1875–'76, page 154, No. 43), to execute the power of disposal of the lands granted by act of Congress, entitled, &c., approved June 3, 1856, by providing as to details of certification and lists of lands in cases of conflicting and overlapping grounds, and that—

"Such lists should operate as a conveyance to the railroad companies respectively, and that such lists should fully and legally vest all such title to said lands in and to said railroad companies," &c.

So that we are of opinion that, under the law, the title to the lands embraced in the purview of act of 1856, so far as it relates to these roads, Meridian to Chattanooga, has passed out of the United States, and that there is no power to perfect any rights as to such lands.

MEMPHIS AND CHARLESTON.

The State of Alabama refused to accept the grant for this road, and the lands were restored to market February 19, 1858. Your committee deem it prudent, however, to repeal the granting act so far as it refers to this road, and have provided for it in this bill presented.

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IRON MOUNTAIN RAILROAD—(IN ARKANSAS.)

This grant was made by act of July 4, 1866 (14 Stat., 83), and by its terms the road should have been completed within five years from July 1, 1866, or by July, 1871. The road was to have run from the southern boundary of Missouri, where it is intersected by the Iron Mountain Railroad, to a point at or near Helena, Ark. No portion of the road has ever been either located or constructed.

NEW ORLEANS TO THE STATE LINE.

By act of June 3, 1856 (11 Stat., page 18), a grant of alternate odd-numbered sections for six sections in width on each side of the road, with the right to make good, within fifteen miles out of as much lands in alternate sections as would be needed, such deficiences as might occur within the six-mile limits from previous sales and pre-emptions, was made to the State of Louisiana, in aid of a railroad from New Orleans to the State line in the direction of Jackson, Miss. No part of this proposed road has been constructed, and the lands were restored to the public domain, so far as the Department could do it, July 27, 1857. Previous to such restoration, on the 6th of February, 1857, the governor of Louisiana advised the Land Office, by telegram, that he did not think the grant would be accepted.

We have deemed it proper to recommend the repeal of so much of the act as proffered the grant described.

It will be seen from the foregoing that the committee have adopted the rule of advising the forfeiture of such grants as have not been in any way utilized. Where, after a long lapse of time, no attempt has been made to earn the grant, it has seemed as if it should be withdrawn. While this rule seemed to the committee the only one which could be adopted, they think it right to add that the State of Mississippi has passed resolutions asking the extension of the grant in aid of the Gulf and Ship Island Railroad, and that representations have been made to us that parties were ready to build the road. While no evidence has been presented to us which would justify us in excepting the Gulf and Ship Island Railroad out of the forfeiture, yet we understand that the question of extension or removal is now pending before the Committee on Public Lands, to which the evidence has been submitted.

If such evidence should justify a new grant, individual members of your committee, while agreeing to this report, reserve the right to act as the evidence may indicate.

[House Ex. Doc. No. 223, Forty-seventh Congress, first session.]

ALLEGED EXCESS IN CERTIFICATION OF LANDS TO CERTAIN RAILROAD COMPANIES.

Letter from the Secretary of the Interior, in response to a resolution of the House of Representatives relative to alleged excess in the certification of lands to certain railroad companies.

July 10, 1882.—Referred to the Committee on the Judiciary and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, July 10, 1882.

SIR: In answer to House resolution of the 6th ultimo, calling for facts in relation to lands certified to certain railroad companies in excess (according to the testimony of Mr. J. W. Le Barnes before the Senate Committee) of the amount to which they were legally entitled, I have the honor to transmit herewith a copy of the report of the Commissioner of the General Land Office, of the 15th ultimo, on the subject. A copy of his letter to me of the 7th ultimo, on the same subject, is also transmitted herewith.

Very respectfully,

H. M. TELLER,
Secretary.

The Hon. SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 15, 1882.

SIR: I have the honor to acknowledge the receipt, by reference from you, of a resolution of the House of Representatives, passed on the 6th instant, as follows:

"Whereas it is alleged in the testimony of J. W. Le Barnes, taken before a committee of the United States Senate, that certain land-grant railroads have received cer-

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tificates for lands in excess of the amount due them by the acts granting the lands; Therefore, be it—

"*Resolved*, That the Secretary of the Interior furnish the House all the facts in his Department tending to show the truth or falsity of said allegations, and his recommendations, if in his opinion the same are well founded, for the purpose of reinvesting the title to the said lands in the United States and opening the same to homestead and pre-emption settlement."

In reply, I have to advise you that all the information in relation to the grants referred to in the testimony of Mr. Le Barnes that can be given without a complete adjustment of said grants is contained in my letter addressed to you on the 7th instant, in answer to an inquiry on the same subject made by Hon. L. E. Payson, a member of the Judiciary Committee of the House of Representatives.

In the case of the Sioux City and Saint Paul Railroad Company a letter was, at the request of your predecessor, addressed to the governor of Iowa on the 7th of March last, asking him to indicate what action he would take with regard to surrendering the "patents issued to the State for the Sioux City and Saint Paul Company for lands which have not been earned by said Company"; but, as heretofore reported, no reply has been received from said governor.

The Sioux City and Saint Paul Railroad was authorized by the act of May 12, 1864 (13 Stat., 72). The last proviso of section 4 of said act reads as follows:

"That said lands shall not in any manner be disposed of or encumbered, except as the same are patented under the provisions of this act; and should the State fail to complete said road[s] within five years after the ten years aforesaid, then the said lands undisposed of as aforesaid shall revert to the United States."

As nearly 27 miles of said road remains uncompleted, and as the excess of lands patented were not "patented under the provisions of the act" of May 12, 1864, I am of the opinion that judicial proceedings should be instituted for the recovery of said excess of lands. Like proceedings were recommended in my letter of April 14, 1882, as to the excess of lands certified for the Mobile and Girard Railroad.

I return herewith the copy of resolution referred to.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. H. M. TELLER,
Secretary of the Interior.

As to methods in General Land Office of segregation of lands granted, and rules adopted therefor.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 7, 1882.

SIR: I am in receipt, by reference from you, of a letter from Hon. L. E. Payson, dated the 17th ultimo, in which he says:

"Mr. Le Barnes, assistant law clerk in the Land Office, has recently stated, in testifying before the Senate Committee on Public Lands, that certain land-grant railroads have had from the public domain lands largely in excess of the amount to which they were entitled. The Judiciary Committee of the House have the general subject of unearned land grants before it, and instead of moving a resolution of inquiry as to the matter formally, I write you this. I would be pleased to be advised as to the facts as claimed by the officers of the Land Office as to the evidence of Mr. Le Barnes. They are fully advised of what he has testified to I know. The information I desire for the use of my committee, and, of course, it should be verified by reference to the records."

I understand Mr. Payson's inquiry to refer to the following-named roads, viz:

Cedar Rapids and Missouri River (Iowa).
Sioux City and Saint Paul (Iowa).
Saint Paul and Sioux City (Minnesota).
First Division Saint Paul and Pacific (Minnesota).
Iowa Falls and Sioux City (Iowa).
Winona and Saint Peter (Minnesota).
Lake Superior and Mississippi (Minnesota).
West Wisconsin (Wisconsin).
Alabama and Chattanooga (Alabama).
Mobile and Girard (Alabama).
Coosa and Tennessee (Alabama).
Pensacola and Georgia (Florida).
North Louisiana and Texas (Louisiana).
Iowa Central Air Line.

In order to enable you to properly understand the figures hereinafter presented, I deem it necessary to explain, as clearly as possible in a written communication, the

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method followed in determining the precise tracts of land which inure to any State for the benefit of a particular grant.

After a map of the definite location of the line of route of any land-grant road is filed in this office, diagrams are prepared generally upon a scale of 4 miles to 1 inch, each township being thus 1¼ inches square. The townships are divided into thirty-six sections, and each section into sixteen quarter quarter-sections of 40 acres, thus dividing each township into 576 subdivisions of 40 acres each.

The located line of route is accurately laid down upon such diagram. Where a grant is of the alternate odd-numbered sections for six sections in width on each side of the road, a line is drawn with mathematical accuracy *on each side* of the line of route in such manner that said exterior line shall be just six miles distant from any and every point on either side of the road. If a road followed a straight line it would be a simple matter to fix the limits of its grant.

Nearly all of the land-grant roads, however, follow irregular lines, that is, there are more or less bends or curves in the road; therefore a system was adopted by this Department and office of fixing the lateral limits of a road by making consecutive circles (representing a diameter of six miles) along the line of road, and drawing lines tangent to such circles in such manner that the line of lateral limits on each side might be so adjusted as to be equidistant from every portion of the road. Where the line of lateral limit (which is a temporary line made in pencil) so drawn embraces the greater portion of the smallest legal subdivision (40 acres) of a section, the entire subdivision is awarded to the road. Where the minor portion only is embraced within such lateral line, the entire subdivision is excluded. A fixed and permanent line is then drawn including and excluding the proper tracts accordingly. The limits within which indemnity may be taken are fixed in the same manner. I inclose a diagram, marked A, illustrating the method described. An examination of said diagram will show that a road by this system could not, even if all the land in odd sections within its limits were subject to its grant, receive the *exact* amount of six sections (3,840 acres) per mile, but that in every instance it would receive a trifle less, the loss ranging from one-tenth of one per cent. in ordinary cases to one per cent. in extreme cases, the loss on a line of road similar to that on the inclosed diagram being 1.09 per cent.

There are other causes which operate to prevent a road from getting the full number of sections per mile that may be named in a grant. Two roads, for the benefit of which a grant is made by the same act, may intersect each other. In such case each road receives a moiety of the land embraced in the conflicting limits. Where roads receiving a grant under different acts intersect, the earliest grant takes the land within such conflicting limits to the exclusion of the road for which the later grant was made. Military reservations are in all instances excepted from the operation of a grant. Indian reservations in Minnesota are excluded by the act of March 3, 1857, so long as the Indian title remains unextinguished. Under the additional grant of March 3, 1865, to Minnesota, such reservations are excluded entirely. Private grants are also excluded from railroad grants, but indemnity has been allowed in Florida in such cases. Where a grant is taken up for adjustment all these elements have to be carefully considered, and the status of every 40-acre tract within the limits of a grant determined. But few grants have yet been fully adjusted, owing to the fact that the majority of the force of the railroad division of this office has been engaged in the settlement of contests arising between settlers and railroad companies. To adjust the grants above referred to would require more than a year's labor of the entire force available for such purpose.

In making the statement asked for, I shall therefore adopt the plan which, in my opinion, most nearly approximates the result that would be obtained by an accurate adjustment of each grant.

It must also be understood that none of the grants in question have been adjusted; also, that there are mooted questions relative to the true intent of some of the grants, and that the final decision of such questions may materially reduce the amounts herein stated.

Where the grant is a grant of quantity "to the amount of" so many sections per mile, no deductions are made for any cause. Each statement, however, made with reference to a particular road, exhibits as nearly as practicable, and following the general plan herein adopted, such amounts as would inure to the road under the present rules of the Department and office. All the earlier grants made for the benefit of railroads have been held to be grants *in presenti;* that title to the sections granted passed by the act, and that when the definite location of a road was made the title of the State acquired precision, and at once attached to the land.

Congress relied in all cases upon the good faith of the State to see that the lands were disposed of in the manner provided in each act, and that the proceeds of the lands granted were applied for the purposes contemplated by such act. Accordingly, in nearly all the grants made previous to 1864, immediately upon the location of the roads and the determination of the limits of a grant, this office and the Department

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certified, in whole, to the States, all the vacant lands within the granted limits of each road, and such land within the indemnity limits as was required to make the full complement of the grant for the number of miles of located road, generally without any deductions for reservations, conflicting limits, or other causes. It was therefore left to each State to fulfill the conditions imposed by a grant, and to so fulfill them as to avoid the penalty of forfeiture, and in making sales or disposals of the lands granted to save her vendees from being the recipients of invalid titles.

In all the grants hereinafter referred to, except that for the Sioux City and Saint Paul, and Saint Paul, Lake Superior and Mississippi Railroads, the States were permitted to sell one hundred and twenty sections of land, 76,800 acres, to be selected *anywhere on the line* within a continuous twenty miles in advance of the construction of any portion of a road named in the granting act. The validity of such a sale was affirmed by the United States Supreme Court in the case of Railroad Land Company *vs.* Courtright, October term, 1874 (21 Wallace, 310). It will therefore be observed that, generally, where roads lack twenty miles or more of completion, the *excess* of acres certified over the amount earned by construction may properly and *legally* be 76,800 acres, or 120 sections of land, and that this excess may be taken from lands anywhere along the located line within a continuous twenty miles.

METHOD OF ADJUSTMENT OF GRANTS TO ROADS EMBRACED IN THE INQUIRY.

The grant to the State of Iowa for the benefit of the Cedar Rapids and Missouri River Railroad is made by the act of May 15, 1856 (11 Stat., p. 9), and the act of June 2, 1864 (13 Stat., p. 95). This grant is peculiar in some respects, and therefore needs explanation.

The first act provides for a road "from Lyons City northwesterly to a point of intersection with the main line of the Iowa Central Air Line Railroad, near Maquoketa; thence on said main line, running as near as practicable to the forty-second parallel, across the said State to the Missouri River," and grants therefor every alternate section of land designated by odd numbers for six sections in width on each side of said road. The usual indemnity provision is made for lands within the granted limits that were sold, or to which the right of pre-emption had attached prior to the definite location of the road.

Lands reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any purpose whatsoever, are excluded from the operation of the act, except that right of way is granted through such reservations, subject to the approval of the President of the United States.

On July 14, 1856, the State accepted the grant and conferred it upon the Iowa Central Air Line Railroad Company. Said road was finally and definitely located from the Mississippi to the Missouri River on September 12, 1856, and on October 31, 1856, the map of definite location was filed in this office. Said road was 346¾ miles in length, which (miles), multiplied by 3,840 (the acres per mile granted), would give the total grant as 1,331,520 acres, subject to deductions for curves, reservations, and other causes above referred to.

(NOTE.—The entire loss by curves in the 346¾ miles would be about 1,950 acres, or less than two-tenths of one per cent., as shown on the diagram by which the grant is adjusted.)

The Iowa Central Air Line Railroad Company did a large amount of grading on the located line, principally between Lyons and Maquoketa, but they never constructed any portion of said line.

Up to March 17, 1860, there were 665,687.34 acres of land lying along various portions of the road certified to the State for the benefit of the Iowa Central Air Line Railroad Company. Of this amount the State conveyed to said company 63,106 acres, a part of the first one hundred and twenty sections authorized by the act of 1856 to be sold in advance of construction. This land was situate west of Cedar Rapids. The company sold this land and the sale was affirmed by the decision of the United States Supreme Court in the Courtright case hereinbefore referred to. The legislature of Iowa, by act of March 17, 1860, resumed control of the land embraced in the grant, and by act of March 26, 1860, granted the same to the Cedar Rapids and Missouri River Railroad Company upon certain conditions. Prior to this date the Chicago, Iowa and Nebraska Company had built a road commencing at Clinton, on the Mississippi River, only 2.41 miles from Lyons City, to Cedar Rapids.

When the State made the grant to the Cedar Rapids and Missouri River Railroad Company, this fact was recognized, and the State provided that the lands were to be

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used for and devoted by the Cedar Rapids and Missouri River Railroad Company to the building of a road from Cedar Rapids or Marion to the Missouri River.

This is all the State did, conceding it had the power to divert the lands, so to speak, to the construction of a railroad upon a different route from that mentioned in the act.

(NOTE.—Such right is affirmed in effect by the United States Supreme Court in the case of Baker *vs.* Gee, December term, 1863, 1 Wall., 333.)

It has uniformly been considered by this office that by the act of June 2, 1864, hereinafter quoted in part, Congress assented to the disposition made by the State of the lands along the line of the original route; in other words, that the lands along the 346¾ miles of the original line were to be used for the construction of a modified line or road 72.74 miles shorter, thus making the grant equal to about 4,860 acres per mile for constructed road. Previous to June 2, 1864, and after March 26, 1860, the Cedar Rapids and Missouri River Railroad Company constructed 70 miles of road between Cedar Rapids and Marshalltown, and during that time 109,756.85 acres were approved to the State under the act of May 15, 1856.

(NOTE.—The United States Supreme Court, December term, 1866, in the case of Wolcott *vs.* Des Moines Navigation and Railroad Company, decided that all of said 109,756.85 acres inured to the Des Moines improvement grant by act of August 8, 1846.)

By the fourth section of the act of June 2, 1864, it was provided—

"That the Cedar Rapids and Missouri River Railroad Company, a corporation established under the laws of the State of Iowa, and to which the State granted a portion of the land mentioned in the title to this act, may modify or change the uncompleted portion of its line, as shown by the map thereof now on file in the General Land Office of the United States, so as to secure a better and more expeditious line to the Missouri River, and to a connection with the Iowa branch of the Union Pacific Railroad; and for the purpose of facilitating the more immediate construction of a line of railroads across the State of Iowa, to connect with the Iowa branch of the Union Pacific Railroad Company, aforesaid, the said Cedar Rapids and Missouri River Railroad Company is hereby authorized to connect its line by a branch with the line of the Mississippi and Missouri Railroad Company, and the said Cedar Rapids and Missouri River Railroad Company shall be entitled for such modified line to the same lands and to the same amount of lands per mile, and for such connecting branch to the same amount of land per mile, as originally granted to aid in the construction of its main line, subject to the conditions and forfeitures mentioned in the original grant, and, for the said purpose, right of way through the public lands of the United States is hereby granted to said company."

The said section of the act also required the company to file in this office a map of the modified main line and connecting line as soon as located. Said section also directs the Secretary of the Interior to reserve and cause to be certified and conveyed to the company from time to time as the work progressed, out of any public lands not sold, reserved, or otherwise disposed of, or to which a pre-emption right, or right of homestead settlement, has not attached, and on which a *bona fide* settlement and improvement has not been made under color of title derived from the United States, or the State of Iowa, *within* 15 *miles of the original main line*—

"An amount of land equal to that originally authorized to be granted to aid in the construction of the said road by the act to which this is an amendment. And if the amount of lands per mile granted, or intended to be granted, by the original act to aid in the construction of said railroad shall not be found within the limits of the 15 miles therein prescribed, then selections may be made along said modified line and connecting branch within 20 miles thereof."

It also provides for a branch line from the main line to Onawa City, with the same grant of lands to be selected from the unappropriated lands *anywhere* within 20 miles of the main line and branch; also for a branch from the town of Lyons, in Iowa, "to connect with the main line in or west of the town of Clinton in said State," and directs the Secretary of the Interior to reserve a quantity of land "sufficient, in the opinion of the governor of Iowa, to secure the construction" of such branch.

(NOTE.—One hundred and twenty sections of land were reserved for this purpose.)

As before stated, it has always been understood by this office that the Cedar Rapids and Missouri River Railroad Company was the successor of the Iowa Central Railroad Company, and as such entitled to all the lands, rights, and privileges of the former company, and the lands certified by this office to the State of Iowa for the latter company are regarded as inuring to the former company. The lands were certified to the State (prior to June 2, 1864), subject to her disposal; and while the Cedar Rapids and Missouri River Railroad Company did not build any road (except the Lyons branch, 2.41 miles) east of Cedar Rapids, it has received the benefit of all the lands certified to the State under the act of 1856, except 172,862.85 acres hereinbefore referred to, viz, 63,106 × 109,756.85.

The lands withdrawn on the line of the original route are still reserved for the benefit of the grant, and the lands within 6 miles of said line are, and have always been, held at double minimum price.

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It will be noticed the act of June 2, 1864, makes the grant to a corporation and not to the State direct except upon failure of the corporation to construct the road as provided in section 8 of the act. Whether or not the acts of 1856 and 1864 have been properly construed by this office, is not a question necessary to be determined in this report.

The total length of the main line and branch from Cedar Rapids to the Missouri River is 271.6 miles, and of the Lyons branch 2.41 miles, making 274.1 miles of road built in compliance with the act of 1864.

A branch road, 6 miles in length, was built by the Cedar Rapids and Missouri River Railroad Company, from Missouri Valley Junction, to connect with the Sioux City and Pacific, running through Onawa; but no grant was claimed by the company therefor.

Giving the company six sections, or 3,840 acres per mile for the original line of 346¾ miles, we find the grant to be in round numbers 1,331,520 acres. The line of constructed road, however, runs through the limits of the Des Moines improvement grant made by act of July 12, 1862, but the lands within 5 miles on each side of said river were at the date of the grant for the Iowa Central Air Line (May 15, 1856) reserved for the benefit of the Des Moines improvement grant by act of August 8, 1846. Whether the latter grant (of August 8, 1846) extended above the Raccoon Fork, and whether the reservation was properly made, has been the subject of almost endless correspondence and litigation. It has not been determined whether the act of 1864 gives the Cedar Rapids Company indemnity for the lands lost by said reservation.

There are 49,520 acres in the conflicting limits of the Cedar Rapids road and the Des Moines improvement grant. If no indemnity is allowed for said 49,520 acres, the grant would be 1,331,520—49,520, or 1,282,000 acres.

The State of Iowa is charged on the records of this office with 1,032,363.28 acres certified under the acts of May 15, 1856, and June 2, 1864, for the benefit of the road in question.

This would show an apparent deficiency of 249,636.72 acres required to satisfy the grant, and, if indemnity is allowed for said 49,520 acres, an apparent deficiency of 299,156.72 acres.

Either of said deficiencies would be slightly reduced by an accurate adjustment of the grant by limits as shown on the diagram of lands embraced within the grant. There are no losses to this road by conflicting limits of grants to other roads.

If the former rule of the office is changed, and no grant is allowed east of Cedar Rapids, and no indemnity for lands in limits of Des Moines improvement grant, the State has received 38,939.28 acres more than she would be entitled to under such a construction of the granting act.

SIOUX CITY AND SAINT PAUL RAILROAD.

By act of Congress approved May 12, 1864 (13 Stat., 72), a grant was made to the State of Iowa for the construction of a railroad from Sioux City in said State to the south line of Minnesota of every alternate section of land, designated by odd numbers, for ten sections in width on each side of said road, and provision was made for indemnity for lands lost within the granted limits to be taken within ten additional miles. The lands were to be patented only as the road was constructed, at the rate of 100 sections of land for each section of road 10 miles in length, and if the road was not completed within 10 years from the date of the acceptance of the grant by the company, the lands granted and not patented should revert to the State for the purpose of securing the completion of the road. It was further provided that if the road was not completed by the State in 15 years from the date of said acceptance, the lands undisposed of should revert to the United States.

On April 3, 1866, the State accepted the grant and conferred it upon the Sioux City and Saint Paul Railroad Company, and said company accepted the grant September 20, 1866.

The line located by said company was 83 miles and 52 rods in length, and a diagram of withdrawal was prepared accordingly, and the lands withdrawn August 26, 1867. Only 56¼ miles of the road have been constructed. The area of the grant for such length of road, at 10 sections or 6,400 acres per mile, is—*without deductions* for any cause—360,000 acres. There have been patented to the State of Iowa, for the benefit of said road, the following amounts of land:

	Acres.
October 16, 1872	191,464.04
June 17, 1873	205,374.76
January 25, 1875	10,911.41
June 4, 1877	160.00
Total	407,910.21

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The excess, therefore, of lands patented to the State for this road over the amount it was possible for the company to have earned under the most favorable circumstances, without deductions, by the construction of 56¼ miles of road is 47,910.21 acres. It is clear that this amount was erroneously patented to the State, as reported to you by my letter of January 12, 1882. It is understood, however, though unofficially, that some 85,000 acres of the amount of lands so patented have been withheld from the company by the State.

On the 7th of March last, at the request of your predecessor, I addressed a letter to the governor of Iowa asking him to indicate what action he would take with regard to surrendering the "patents issued to the State for the Sioux City and Saint Paul Company for lands which have not been earned by said company." No reply from the governor has yet been received.

The granted limits of the McGregor Western Railroad conflict with the granted limits of the Sioux City and Saint Paul Railroad, so that the actual area of the grant would be about 35,500 acres less than 360,000 acres, or 324,500 acres, thus making the probable excess patented to the State 83,410.21 acres, which is very nearly equal to the amount (85,000 acres) of lands withheld by the State from the company. It will be observed that the patents issued to the State in this case for all the land except 11,071.41 acres were issued prior to June 18, 1873, nearly nine years ago, and that the last patent was issued June 4, 1877, or five years ago. By the act of March 3, 1857, a grant was made to the then Territory of Minnesota for the construction of a railroad now known as the—

SAINT PAUL AND SIOUX CITY RAILROAD,

running from Saint Paul and Saint Anthony to the southern boundary of the Territory in the direction of the mouth of the Big Sioux River. The grant was of every alternate section of land, designated by odd numbers, for six sections in width on each side of the road. Indemnity is also provided, to be taken within 15 miles of the line of road, of "so much land, in alternate sections or parts of sections, as shall be equal to such lands as the United States have sold, or otherwise appropriated, or to which the rights of pre-emption have attached" prior to date of definite location.

By act of May 12, 1864, the grant for this road is increased—

"Four additional alternate sections of land per mile, to be selected upon the same conditions, restrictions, and limitations as are contained in the act [of March 3, 1857, and providing that the land to be so located by virtue of the act] may be selected within twenty miles of the line of said road, but in no case at a greater distance therefrom."

Said company located 199¼ miles of road upon which withdrawals were made under the provisions of the grant.

The area of the grant, without deductions, at the rate of ten sections, or 6,400 acres, per mile, for 199¼ miles of located road would be 1,275,200 acres. The amount patented or certified is 1,146,738.56 acres, leaving a deficiency of 128,461.44 acres.

From this amount there will have to be deducted, when ascertained, the proper proportion of a large amount of lands lying within the six-mile conflicting limits of this road and other roads provided for by the act of March 3, 1857; also lands included within the limits of the former Winnebago Indian Reservation.

THE FIRST DIVISION OF SAINT PAUL AND PACIFIC RAILROAD

was authorized by the act of March 3, 1857, above referred to, with the same grant of lands, six sections per mile, and indemnity for lands sold, &c., to be selected within 15 miles on either side of the line of road.

The grant was afterwards, by act of March 3, 1865, increased to ten sections per mile, with indemnity to be taken within twenty miles of the line of road. Said company have constructed 230.80 miles in accordance with the provisions of the grant, however; the line as located and upon which withdrawals were made is but 227¼ miles in length.

The area of the grant, without deductions, at the rate of ten sections, or 6,400 acres, per mile, for 227¼ miles, would be 1,454,400 acres. Less for 10 miles constructed prior to March 3, 1865, and only entitled to six sections per mile, 25,600 acres, leaving the area of the grant 1,428,800 acres; amount certified or patented to date, 1,251,046.14 acres; deficiency, 177,753.86 acres.

From this amount there will have to be deducted, when ascertained, the proper proportion of such amount of lands as lie within the conflicting limits of this road and other roads authorized by the act of March 3, 1857.

It is probable that an accurate adjustment of the grant will show a deficiency of lands required to satisfy the grant.

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THE IOWA FALLS AND SIOUX CITY RAILROAD

was authorized by the act of May 15, 1856, which provided for a road from Dubuque, Iowa, to a point on the Missouri River near Sioux City, granting to the State of Iowa for that purpose every alternate section of land, designated by odd numbers, for six sections in width on each side of the line of road, with indemnity to be taken within 15 miles on each side of said line.

Lands reserved to the United States by any act of Congress, or in any other manner by competent authority, were excepted from the operation of the act.

The line of road as located is 327.53, but as constructed is 326.58 miles.

The area of the grant at six sections, or 3,840 acres, per mile, would be, without deductions, 1,254,067.20 acres; from this should be deducted the lands in limits of grant to the Des Moines improvement, amounting to 59,590.49 acres; area of grant, 1,194,476.71 acres; amount of lands certified or patented under the grant and properly charged to the road, 1,155,956.54 acres; deficiency, 38,520.17 acres.

This amount will not be decreased by the conflicting limits of any other road. The limits of the Sioux City and Saint Paul Railroad conflict with the limits of this road (Iowa Falls and Sioux City), but as the Sioux City and Saint Paul grant is a later grant (May 12, 1864), it does not affect the grant for the Iowa Falls and Sioux City Railroad.

THE WINONA AND SAINT PETER RAILROAD

was authorized, and a grant made to the then Territory of Minnesota for the same, by the act of March 3, 1857, and the grant was extended by the act of March 3, 1865, hereinbefore referred to. The two grants aggregated ten sections per mile, with indemnity to be taken within 20 miles from either side of the line of road. Reservations are excepted from the operation of the grant.

The company constructed 323.56 miles, but the line as located and upon which lands were withdrawn is 319¼ miles in length.

The area of the grant, without deductions, at ten sections, or 6,400 acres, per mile, for 319¼ miles, would be 2,043,200 acres. Less for 50 miles constructed prior to act of March 3, 1865, and only entitled to six sections per mile, 128,000 acres; area of grant, 1,915,200 acres; amount certified or patented, 1,668,787.90 acres; deficiency, 246,412.10 acres.

From this amount there will be deducted, upon an accurate adjustment of the grant, a large amount of land in the conflicting limits of other roads authorized by the act of March 3, 1857; also land within the Winnebago and Sioux Indian Reservations.

The statements as to area of grant for the last four roads above named, to wit, Saint Paul and Sioux City, First Division Saint Paul and Pacific, Iowa Falls and Sioux City, and Winona and Saint Peter, differ materially from estimates made by this office in 1865, and published in the annual report for that year and for several years thereafter, which estimates attempted to show the "quantities inuring under the grants," after necessary deductions for conflicting limits, &c., were made.

THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD

was authorized by the act of May 5, 1864, which granted to the State of Minnesota, for the purpose of aiding in the construction of a railroad in said State from the city of Saint Paul to the head of Lake Superior—"every alternate section of land designated by odd numbers, *to the amount of* five alternate sections per mile on each side of the said railroad on the line thereof, within the State of Minnesota; but in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold, *appropriated, reserved,* or otherwise disposed of any sections or any part thereof, granted as aforesaid, or that the right of pre-emption or homestead settlement has attached to the same," indemnity was provided therefor, to be taken within 20 miles on either side of the line of road. By the act of July 13, 1866, it was provided—

"That in case it shall appear, when the line of the Lake Superior and Mississippi Railroad is definitely located, that the quantity of land intended to be granted by the said act in aid of the construction of the said road shall be deficient by reason of the line thereof running near the boundary line of the said State of Minnesota, the said company shall be entitled to take from other public lands of the United States within 30 miles of the west line of said road such an amount as shall make up such deficiency: *Provided,* That the same shall be taken in alternate odd sections, as provided for in said act [May 5, 1864]."

This grant appears to be a grant of absolute quantity without deductions for any cause, if the amount can be found within said 30 miles. The company constructed 154.42 miles, which would entitle them, at the rate of ten sections, or 6,400 acres, per mile, to 988,288 acres. Amount patented or certified, 860,564.09 acres; deficiency, 127,723.91 acres.

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THE WEST WISCONSIN RAILROAD

was authorized by the act of June 3, 1856, and a grant made to the State of Wisconsin therefor of six sections per mile, with indemnity to be taken within 15 miles of the line of road.

This grant was subsequently, by act of May 5, 1864, increased to ten sections per mile, from Tomah to Saint Croix River, with indemnity to be taken within 20 miles on either side of the line of road. The company constructed 244 miles of road—100 miles from Madison to Tomah is entitled to only six sections per mile, or 384,000 acres; 144 miles from Tomah to Saint Croix is entitled to ten sections per mile, or 921,600 acres; or, without deduction, a total of 1,305,600 acres; amount patented or certified, 824,866 acres; deficiency, 462,734 acres.

This amount would be largely reduced by deducting the amount of lands in the conflicting limits of this and other roads.

It is not probable, however, that said deductions will exceed 462,734 acres.

THE ALABAMA AND CHATTANOOGA RAILROAD

was authorized by that portion of the act of June 3, 1856, making a grant to the State of Alabama for the construction of certain railroads, which provides for a road from Gadsden to connect with the Georgia and Tennessee and Tennessee line of railroads through Chattooga, Wills, and Lookout Valleys; and also for a road "from near Gadsden to some point on the Alabama and Mississippi State line, in the direction to the Mobile and Ohio Railroad."

Said roads were consolidated under the name of the Alabama and Chattanooga Railroad, and 246 miles of road have been constructed in accordance with the granting act.

The grant was "every alternate section of land designated by odd numbers for six sections in width on each side of said roads," and the usual provision was made in the act for indemnity to be taken within 15 miles on either side of the line of road.

The area of the grant, without deductions, would be, for 246 miles, 944,640 acres; amount patented or certified, 558,253.04 acres; total, 386,386.96 acres. One list, aggregating 43,717.38 acres, has been approved to the State for the joint benefit of this road and others with which it conflicts. If it is all awarded to the Alabama and Chattanooga Railroad, the deficiency in the grant will be 342,669.58 acres.

This amount will be somewhat reduced by the conflicting limits of other roads in Alabama, provided for in the act of June 3, 1856; however, it is not probable that the grant for this road can be fully satisfied, as the quantity of vacant land within the limits of the road is inconsiderable. I do not understand Mr. Le Barnes to claim that there has been any excess certified for the last three roads named.

THE MOBILE AND GIRARD RAILROAD

was authorized by the sixth section of the act of June 3, 1856, above referred to. The grant for said road was "every alternate section of land designated by odd numbers for six sections in width on each side" of the road. Indemnity is provided for "such lands as the United States have sold, or otherwise appropriated, or to which the rights of pre-emption have attached" prior to the date of definite location of the road, such indemnity to be taken within 15 miles on either side of the line of road. Said act provided "that a quantity of land, not exceeding 120 sections" (76,800 acres), "and included within 20 continuous miles of" said road, might be sold in advance of the construction of any portion of the road, and that the remainder of the lands should be sold only as the road progressed, at the rate of 120 sections for each 20 miles completed, and only then after the governor of the State should certify to the Secretary of the Interior that such a section was completed.

A map of definite location of the road from Girard to Blakely, on the Mobile Bay, a distance of 223.6 miles, was filed in this office June 1, 1858.

Following the rule hereinbefore referred to, which obtained at the date the grant was made, nearly all the vacant lands within the granted limits of the road, and such lands within the indemnity limits as were required to make as nearly as possible the full complement of the grant for the number of miles of located road, were approved or certified to the State. Between April 26, 1860, and January 3, 1861 (inclusive), there were 504,145.86 acres approved to the State for the benefit of the road. Of the land so certified, 208,767 acres were within the granted limits and 295,377 acres within the indemnity limits, as reported to you by my letter of April 14, 1882, relative to this road.

There is no evidence on file in this office or in the Department of the construction of any portion of this road, yet it is known unofficially that a railroad has been constructed and is in operation from Girard to Troy, a distance of 84 miles. It has been

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held by this office that if this portion of the road was constructed in time, the company would be entitled to 322,560 acres of land. The total amount of land certified to the State for said road and lying between the terminal points (Girard and Troy) of the constructed road was, as reported to you in said letter of April 14, 1882, 21,723.31 acres. Of this amount 10,928.88 acres was in the granted limits and 10,796.84 in the indemnity limits of the road.

Under the rules of this office which were in force July 30, 1858, and for many years thereafter, where there were no vacant lands for indemnity near the lands lost in place, the indemnity land selections could be advanced to the terminus of the road. If, therefore, the 84 miles were constructed in time, the certification to the State of indemnity, 295,377 acres, and of granted lands, 10,928.88 acres, or a total of 306,305.88 acres, would be strictly within the rules of the office, as such amount would be less than the full grant for 84 miles of road.

If to this amount we add the 120 sections or 76,800 acres which the State could sell in advance of construction, we find that 383,105.88 acres would be the extent of the disposals that could properly be made under the granting act, even if 84 miles of road had been properly constructed in compliance with the terms of the act.

It does not appear, however, that any portion of the land certified to the State for the benefit of this road had been sold or used for the purpose of the road at the date of the expiration of time allowed for construction, neither does it appear that any portion of the land had been certified over to the railroad company at that period. In view of the fact that there were but 21,723.31 acres of public land lying opposite the 84 miles of road referred to, included in the lists certified to the State, and the further fact that no official report whatever of the construction of any portion of the road was on file, or had been filed in this office, I recommended to you in my letter of April 14, 1882, that judicial proceedings should be instituted for the recovery of 482,422.65 acres, the difference between 21,723.31 acres and the total amount certified.

COOSA AND TENNESSEE RAILROAD.

This road was authorized by the same act (June 3, 1856) as provided for the Mobile and Girard Railroad. The grant and conditions thereof were the same. A map of definite location showing 36½ miles was filed in this office January 18, 1859.

No portion of the road has ever been constructed. Under the provisions of the act 67,784.96 acres were approved to the State for the benefit of the road. Whether the State took advantage of the provision of the act allowing them to sell 120 sections of land (76,800 acres) for the benefit of the road before the construction of any portion thereof, is not known to this office.

THE PENSACOLA AND GEORGIA RAILROAD

was authorized by the act of May 17, 1856, making a grant to the State of Florida for the construction of railroads almost identical in its provisions with that of the grant of June 3, 1856, to Alabama. The grant provided for a road "from Saint John's River, at Jacksonville, to the waters of Escambia Bay, at or near Pensacola."

The Pensacola and Georgia Railroad Company was organized to construct that portion of the road running from Lake City to Pensacola, and the grant for that portion of the road conferred upon them by the State. Said company located 307 miles of road prior to May 30, 1858. No evidence of the construction of any portion of this road has been filed in this office, but the road is believed to be constructed and in operation from Lake City to Chattahoochee River, a distance of about 150 miles. If said 150 miles were constructed within the proper period, the amount the State could properly dispose of would be 652,800 acres, including the 76,800 acres that could be sold in advance of construction.

Prior to October 30, 1860, under the rules then existing, 1,275,579.52 acres were approved to the State for the benefit of the road "from Saint John's River, at Jacksonville, to the waters of Escambia Bay, at or near Pensacola." If said amount was sold for the benefit of, or transferred to, said road, the amount disposed of would exceed by 622,779.52 acres the amount that could be legally disposed of upon the construction of 150 miles of road.

This office has no information as to the disposition of the lands made by Florida. It is possible that some portion of the land was sold for the benefit of the company (Florida, Atlantic and Gulf Central) which constructed, or is believed to have, under the said grant, the road from Jacksonville to Lake City, 59 miles, the grant for which lacks 197,175.82 acres (counting the full quantity of 3,840 acres per mile) of being satisfied.

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THE NORTH LOUISIANA AND TEXAS RAILROAD.

The grant to Louisiana for this road was made by the act of June 3, 1856, being similar in nearly all respects to the grants made to Alabama and Florida above referred to. Ninety-four miles have been constructed and officially reported by the company in accordance with the provisions of the granting act.

The amount of lands earned by the construction of 94 miles would be 360,960 acres; amount that could be legally disposed of in excess of lands earned, 76,800 acres; total, 437,760 acres. Amount patented or certified, 353,212.68 acres; difference, 84,547.32 acres. In fact, less lands were certified than were earned by the construction of 94 miles of road.

THE IOWA CENTRAL AIR LINE RAILROAD.

The grant for this road is fully explained in the beginning of this communication in connection with the Cedar Rapids and Missouri River Railroad grant, the latter company having received the benefit of, and been charged with, all the lands certified for the Iowa Central Air Line Company.

The foregoing statements must in the main be received as explanatory and approximate, as I cannot undertake now to pass upon many questions that have arisen, and that may hereafter arise, in an accurate adjustment of these several railroad grants.

It appears from the records of this office that at the commencement of the execution of the laws relating to land grants, no proper books of account were opened and no careful basis prepared upon which to proceed with the administration of the law. My more immediate predecessors, whether wisely or unwisely it is not for me to judge, preferred to carry on the current work of the office rather than enter upon such adjustment. I am informed, and believe, that the force allowed by Congress was inadequate for both. Nor is it adequate now for me to enter upon such work of adjustment without neglecting the current business of the division, which would be very injurious to parties interested.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. H. M. TELLER,
Secretary of the Interior.

PROPOSED LEGISLATION TO FORFEIT RAILROAD LAND GRANTS IN CERTAIN CASES.

[Senate Report No. 906, Forty-seventh Congress, second session.]

IN THE SENATE OF THE UNITED STATES.—Reported and read twice.

JANUARY 2, 1883.—Ordered to be printed.

Mr. GARLAND, from the Committee on the Judiciary, submitted the following report, to accompany bill S. 2301:

The Committee on the Judiciary have for some time had under consideration various memorials asking for the forfeiture of certain railroad land grants, with several bills and resolutions on the same subject. The resolutions and bills differ as to the way and manner of securing forfeitures; some asking for a direct declaration by Congress, others seeking to invest the Secretary of the Interior with the power to make such declarations.

Upon full consideratien of all these propositions, in connection with the various grants to be reached in this way, the committee found great difficulty in devising any one plan that would be effectual. The grants themselves are different and do not by any means, in all cases, carry the same meaning as to the relative rights and duties of the companies and the Government.

The committee is unwilling to confide this vast power of declaring forfeitures to any one officer of the Government. In its essential elements it is a judicial proceeding; and while it is within the power of Congress in certain cases to make this declaration, it is deemed best for the security and protection of all concerned that some means of a judicial character should be devised to accomplish this end.

In Farnsworth *vs.* Minnesota and Pacific Railroad Company, 92 U. S. Reps. (2 Otto), 66, the Supreme Court say:

"A forfeiture by the State of an interest in lands and connected franchises, granted for the construction of a public work, may be declared for non-compliance with the conditions annexed to their grant, or to their possession, when the forfeiture is pro-

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vided by statute, without judicial proceedings to ascertain and determine the failure of the grantee to perform the conditions."

This decision was preceded by the cases of Schulenberg *vs.* Harriman (21 Wall., 44), and United States *vs.* Repentigny (5 Wall., 211), to the same effect. These decisions, of course, are limited, and that carefully, to the language of the grants discussed, which provide clearly for the exercise of such power, and do not, as they could not, embrace cases in which the grants were upon different conditions. Without undertaking to decide whether in all grants of land by the United States to railroads Congress can declare this forfeiture, the committee considered it best to adopt some measure that would avoid this question, and place the parties in attitude towards each other that would insure to each fair dealing and justice as far as can be done.

They propose to direct the Attorney-General to institute proper judicial proceedings against any railroad companies that he may have reason to believe are in default as to the conditions of their grants, to bring about a forfeiture, and secure the rights of the Government to the lands, This proceeding, in the nature of an information, will bring the supposed defaulting company into court, to be heard in defense against a forfeiture; and the court can enter such a judgment or decree as in its opinion will secure to the Government not merely in declaring a forfeiture, if need be, but in declaring resumption of the lands granted. Appeal to be allowed as in other cases in the courts.

This proceeding, however, is not to interfere in any manner with any right of the executive under his authority to enforce and execute the laws to take possession and dispose of any such lands, without these proceedings where he could have done so if no act as contemplated by the committee had passed.

While the committee had no doubt at all that some steps should be taken to declare forfeitures in many of these cases, yet they were of opinion that in all cases where reasonable and proper diligence and exertions had been used by any of these companies, they should have the benefit of the same in any proceedings against them; and accordingly the committee were of opinion it would be just to allow the companies to show in defense that for one year previous to the passsage of the act any substantial progress in good faith in the building of the roads, limiting this period to the first day of December, 1882. The *substantial progress* is to be considered and passed upon by the Attorney-General first before instituting proceedings, and then, if pleaded in defense of the proceedings instituted, the court is to pass upon it. Of course it is a difficult matter to determine what is substantial progress, and no general rule touching it can be laid down. Therefore, the committee would leave it general in this way, to be determined upon in each particular case. Some provision of this kind is necessary, as certainly the grants were made with a view of securing the building and completion of the roads; and when efforts looking earnestly to that end are being made, the Government would not desire forfeitures of the grants. And this is in no sense a waiver by the Government of any condition or requirement imposed upon any corporation; and when this progress is not shown to exist, it is made the imperative duty of the Attorney-General to proceed against the companies.

It is believed by the committee such a law will enable the Government to get rid of all these grants of lands to railroads that are not being used for legitimate purposes, or are misused, or in which no efforts are being made to build the proposed roads; and at the same time to have carried out all these grants in which the companies in good faith are trying to finish their roads. In other words, while such a law would be protective of the rights of the Government it would not be oppressive to corporations that are working and dealing fairly with the liberality of the Government in trying to secure the objects of those grants.

And to this end they have agreed on the bill herewith proposed, and recommend its passage.

A BILL providing for the forfeiture of railroad grants in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where grants of lands by Congress have been made to aid in internal improvements, and said lands have not been patented by the United States to the grantee, where the grantee was a corporation, or where the lands were granted to the State, and said lands have not been disposed of by the State, and said grants have become subject to forfeiture or resumption by the United States for any cause whatever, it shall be the duty of the Attorney-General to cause suit or suits to be brought in the name of the United States in the proper courts having jurisdiction, to obtain judgments declaring the forfeiture or right of resumption by the United States of such lands, as the case may be, which suit or suits shall be subject to trial or hearing like other suits, with right to writ of error or appeal by either party, as in other cases. This section shall not be construed so as to prevent the executive authority of the United States from taking possession and disposing of any such lands without judicial proceedings in any case in which it could lawfully do so if this act had not been passed.

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SEC. 2. That the provisions of the first section of this act shall not apply to the case of any railroad (except as mentioned in section three of this act) in which, within one year preceding the passage of this act, any substantial progress in building the same has been accomplished in good faith, and shall be continued in the manner hereinafter mentioned, or in which, before the first day of December, eighteen hundred and eighty-two, there shall have been made any substantial progress in the building thereof, and which progress shall be continued in good faith, as hereinafter mentioned. The foregoing provisions of this section, limiting the application of section one of this act, shall cease, determine, and be of no effect in the case of every railroad affected thereby the building of which shall not be in good faith continued after said first day of December, eighteen hundred and eighty-two, to the number of miles in each year required by the act or acts granting such lands, or act or acts amendatory thereof, and in the manner so required, until such railroad shall be entirely completed.

SEC. 3. That nothing in this act shall be construed to be a waiver of any condition or requirement imposed upon any corporation or in respect of any such grant by the act or acts granting lands to or in aid of it or amendatory thereof.

SEC. 4. That in every case in which any corporation, or its lawful successor, being lawfully entitled so to do, shall not do the acts mentioned in section two of this act, it shall be the imperative duty of the Attorney-General of the United States to proceed against it as provided in section one of this act.

NOTE.—This bill was reported and read twice, and did not become a law.

[House Ex. Doc. No. 100, Forty-seventh Congress, second session.]

TELEGRAPH LINES ALONG LAND-GRANT RAILROADS.

Letter from the Secretary of the Interior, in response to a resolution of the House of Representatives in relation to telegraph lines along the lines of land-grant railroads.

FEBRUARY 27, 1883.—Referred to the Committee on the Post-Office and Post-Roads and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, February 27, 1883.

SIR: In answer to House resolution of the 12th ultimo, calling for information concerning telegraph lines along the lines of railroads subsidized by bonds or lands, I have the honor to transmit herewith copy of report on the subject by Commissioner of Railroads under date of yesterday.

Very respectfully,

H. M. TELLER,
Secretary.

The Hon. SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF COMMISSIONER OF RAILROADS,
Washington, February 26, 1883.

SIR: I have the honor to return the resolution of the House of Representatives, dated January 12, 1883, referred by you to this office, with the following answer:

In my report for 1882, page 202, a list is given of all the telegraph companies which have filed their acceptance of the provisions of the act of July 24, 1866, up to June 30, 1882, comprising fifty-five companies.

No returns are made to this office which would enable me to give specific answer to the very general inquiry it proposes. I have endeavored, however, to procure such information by special inquiry of the railroads as I was informed by the author of the resolution would be sufficient.

Replies have been received from the Union Pacific, Central Pacific, Southern Pacific, and Northern Pacific, the last of which was not received until this morning.

The president of the Union Pacific Railway Company answers:

"I have the honor to state, in answer to the first resolution, that this company has complied with the laws of Congress respecting the construction, operation, and maintenance of telegraph lines for the use of the Government and the public.

"In answer to the second resolution, I have the honor to state that this company has not undertaken to lease or assign its telegraph facilities or property, so far as relates to the transmission of commercial messages for the Government and the public."

The vice-president of the Central Pacific Railroad Company has sent certified copies

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of existing contracts between this road and those controlled by it, and the Western Union Telegraph Company, and writes me that—

"The Central Pacific Railroad Company, throughout the entire extent of its main line and branches so aided by bonds or by lands, has complied with the laws of Congress respecting the construction, operation, and maintenance of their own telegraph lines for the use of the Government and the public, and that no contracts have been made by that company with any telegraph company by which it has undertaken to lease or assign any of its telegraph facilities or property."

The agent and attorney of the Southern Pacific Railroad Company writes me that it has fully complied with the laws of Congress respecting the construction, operation, and maintenance of its own telegraph lines for the use of the Government and the public, and that it has not leased or assigned any of its telegraph facilities or property.

I am this morning in receipt of a communication from the president of the Northern Pacific Railroad Company, stating that—

"This company has complied and is complying with the laws of Congress respecting the construction, operation, and maintenance of its telegraph lines for the use of the Government and the public; and that it has neither leased nor assigned, nor undertaken to lease or assign, its telegraph facilities nor property, so far as relates to the transmission of commercial messages for the Government or the public, or otherwise."

The company entered into contract with the Northwestern Telegraph Company and the Western Union Telegraph Company, under date of May 1, 1880, by which these telegraph companies were to construct the telegraph lines of the Northern Pacific Company thereafter to be constructed, in manner and of quality and description, in all respects as required by the act of Congress, the Northern Pacific Company to pay a stipulated price for said construction and to terminate the contract fifteen years from its date.

"This company, in the mean time, is in no way hindered or debarred from performing any or all telegraph service on its lines, by itself or by any capable agent or agents it may employ."

I know of no further information in this office bearing upon the matters inquired of in the resolution.

Very respectfully,

WM. H. ARMSTRONG,
Commissioner.

Hon. H. M. TELLER,
Secretary of the Interior.

LAND GRANTS TO RAILROADS.

(Inserted as containing much general information. The estimates and figures of the General Land Office, heretofore given in this chapter, are standard, and are used in adjusting land grants.)

[House Mis. Doc. No. 10, Forty-sixth Congress, third session.]

Letter from the Auditor of Railroad Accounts (to Hon. Robert M. McLane, of the House of Representatives), relative to land grants made by the United States to aid in the construction of the Pacific Railroads.

FEBRUARY 7, 1881.—Ordered to be printed.

DEPARTMENT OF THE INTERIOR,
OFFICE OF AUDITOR OF RAILROAD ACCOUNTS,
Washington, D. C., February 3, 1881.

SIR: I have the honor to transmit herewith a report prepared in this office, in compliance with your request of June 18, 1880, indorsed on a draft of a resolution which the Committee on Pacific Railroads authorized you to report to the House at its last session, but which, in the press of other business, was not reached before adjournment.

As the design of the resolution proposed was to ascertain, as accurately as possible, all facts connected with the land grants made by the United States to aid in the construction of the Pacific Railroads, special inquiry has been made in order to obtain the fullest information.

The report has been shaped so as to take up separately each one of the four great transcontinental routes or railroads located on the forty-seventh, fortieth, thirty-fifth, and thirty-second parallels of north latitude, giving details as to each main and branch line, with a general recapitulation showing the whole result.

Very respectfully,

THEO'S FRENCH,
Auditor.

Hon. ROBERT M. MCLANE,
Chairman Committee on Pacific Railroads,
House of Representatives.

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REPORT ON THE QUANTITY AND VALUE OF PUBLIC LANDS GRANTED BY CONGRESS TO AID IN THE CONSTRUCTION OF THE PACIFIC RAILROADS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF AUDITOR OF RAILROAD ACCOUNTS,
Washington, D. C., January 26, 1881.

The proposed resolution in regard to the matters embraced in this report is as follows:

"*Resolved, &c.*, That the Committee on the Pacific Railroads, by subcommittee, be authorized to sit during the recess for the purpose of ascertaining the quantity and value of the public lands heretofore granted by Congress to aid in the construction of the Pacific Railroads which have not vested in said roads by the terms of the several laws granting such lands, and the quantity and value of the said lands which have vested in said roads, how the same have been disposed of, at what price, and also how the proceeds of the same have been disposed of; also, the cost, in detail, of the construction of completed road and the estimated cost, in detail, of the construction of road necessary to be built in order to complete the said railroads in accordance with the requirements of law; also, to ascertain the cost, or estimated cost, of construction of any and all railroads built or proposed to be built parallel or adjacent to the said railroads, whether or not the same are located on the line or lands reserved by any of the said granting acts of Congress; with authority to employ a clerk during that time, to obtain the assistance of the Auditor of Railroad Accounts, and to send for persons and papers or examine the same at the principal offices of said railroads, and all expenses necessarily incurred in the execution of this resolution shall be paid out of the contingent fund of the House."

For the purpose of this report the Pacific railroads have been classified as follows, viz:

1. Northern, or route on forty-seventh parallel of latitude.
2. Union Central, or route on fortieth parallel of latitude.
3. New Mexico Southern, or route on thirty-fifth parallel of latitude.
4. Texas Southern, or route on thirty-second parallel of latitude.

The first or northern line is known as Northern Pacific, and extends from the Montreal River, in Wisconsin, to Puget's Sound, Washington Territory. Branch roads are intended to be built to Portland, Oreg., and to other points as may be deemed advisable. The main line and the branch to Portland only have land grants.

The second or Union Central line embraces the roads heretofore known as Union Pacific, Central Pacific, Kansas Pacific, Central Branch Union Pacific, and Sioux City and Pacific, all of which are subsidized with bonds as well as lands. It also embraces in its system the Denver Pacific, and the Burlington and Missouri River Railroad in Nebraska, which are subsidized with lands only.

The third or New Mexico Southern line extends from Missouri and Arkansas through the Indian Territory to California and the Pacific Ocean, and has a subsidy of lands only.

The fourth or Texas Southern line extends from Louisiana through Texas to connect with the Southern Pacific at Yuma, on the Colorado River, thus obtaining a through line to San Francisco, Cal. This line has a subsidy of lands only.

NORTHERN, OR ROUTE ON FORTY-SEVENTH PARALLEL.

The Northern Pacific Railroad Company.—This company was chartered by an act of Congress approved July 2, 1864, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound, on the Pacific Coast, by the northern route" (13 Stat., 365). (Report of Auditor of Railroad Accounts, 1880, p. 152.)

Section 1 designates the route as follows, viz: "Beginning at a point on Lake Superior, in the State of Minnesota or Wisconsin; thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States, on a line north of the forty-fifth degree of latitude, to some point on Puget's Sound, with a branch, via the valley of the Columbia River to a point at or near Portland, in the State of Oregon, leaving the main trunk line at the most suitable place not more than three hundred miles from its western terminus."

Section 2 grants to the company the right of way through the public lands to the extent of "two hundred feet in width on each side of said railroad, including all necessary ground for station buildings, workshops, depots, machine-shops, switches, side tracks, turn-tables, and water stations."

Section 3 grants to the company "every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile on each side of said railroad line, as said company may adopt, through the Territories

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of the United States, and ten alternate sections of land per mile on each side of said railroad whenever it passes through any State, and whenever on the line thereof the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from pre-emption, or other claims or rights, at the time the line of said railroad is definitely fixed, and a plat thereof filed in the office of the Commissioner of the General Land Office."

Section 6 enacts "that the President of the United States shall cause the lands to be surveyed for forty miles in width on both sides of the entire line of said road, after the general route shall be fixed, and as fast as may be required by the construction of said railroad; and the odd sections of land hereby granted shall not be liable to sale, or entry, or pre-emption before or after they are surveyed, except by said company, as provided in this act; but the provisions of the act of September, eighteen hundred and forty-one, granting pre-emption rights, and the acts amendatory thereof, and of the act entitled 'An act to secure homesteads to actual settlers on the public domain,' approved May twenty, eighteen hundred and sixty-two, shall be, and the same are hereby, extended to all other lands on the line of said road, when surveyed, excepting those hereby granted to said company. And the reserved alternate sections shall not be sold by the Government at a price less than two dollars and fifty cents per acre when offered for sale."

Sections 8 and 9 give the conditions attached to the grant as follows, viz: "That each and every grant, right, and privilege herein are so made and given to, and accepted by, said Northern Pacific Railroad Company upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than fifty miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the fourth day of July, anno Domini eighteen hundred and seventy-six;" and "That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upwards of one year, then in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."

Section 10 enacts that "no mortgage or construction bonds shall ever be issued by said company on said road, or mortgage, or lien made in any way, except by the consent of the Congress of the United States."

Section 20 enacts "That the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act."

The joint resolution approved May 7, 1866 (14 Stat., 355), extended the time for commencing and completing the railroad for the term of two years. (See Report of Auditor of Railroad Accounts for 1880, page 159.)

The joint resolution approved July 1, 1868 (15 Stat., 255), amended section 8 of the original act so as to read as follows: "That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from and after the second day of July, eighteen hundred and sixty-eight, and shall complete not less than one hundred miles per year after the second year thereafter, and shall construct, equip, furnish, and complete the whole road by the fourth day of July, anno Domini eighteen hundred and seventy-seven." (Auditor's Report for 1880, page 159.)

By the joint resolution approved March 1, 1869 (15 Stat., 346), Congress gave its consent for the company "to issue its bonds and to secure the same by mortgage upon its railroad and its telegraph line, for the purpose of raising funds with which to construct said railroad and telegraph line between Lake Superior and Puget Sound, and also upon its branch to a point at or near Portland, Oregon." (Auditor's Report for 1880, page 160.)

The joint resolution of April 10, 1869 (16 Stat., 57), authorized the construction of a branch from a point near Portland to Puget Sound (the line from Kalama to Tacoma, constructed and in operation).

By resolution of May 31, 1870 (16 Stat., 378), Congress authorized the company "to issue its bonds to aid in the construction and equipment of its road, and to secure the same by mortgage on its property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchise as a corporation"; also, to construct its main line via the valley of the Columbia River, with a branch across the

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Cascade Mountains to Puget Sound; and increased the indemnity limits to sixty miles on each side of the road.

Section 2 of this resolution provides "that Congress may at any time alter or amend this joint resolution, having due regard to the rights of said company, and any other parties." (Auditor's Report for 1880, page 161.)

Under the authority of this resolution the company, on July 1, 1870, issued its thirty-year bonds bearing interest at the rate of 7.3 per cent. per annum, and secured the same by a mortgage, in accordance with the resolution, of an amount of about $30,000,000. On the 16th of April, 1875, the company having previously defaulted upon its interest, in proceedings of foreclosure, the United States circuit court for the southern district of New York appointed a receiver. By a decree of that court the property and franchises were sold at auction, August 12, 1875, and were purchased by a committee of bondholders, the sale being confirmed by the court August 25, 1875. The company was reorganized September 30, 1875, upon a plan by which the holders of the bonds of the company were reimbursed for the principal and interest up to and including July 1, 1878, in preferred stock at par, which it was proposed to issue to the amount of $51,000,000. This preferred stock is entitled to 8 per cent. dividends before any dividends are paid on the common stock, and is receivable at par for lands belonging to the company east of the Missouri River. Common stock was issued to the holders of the stock of the old company, share for share, and $49,000,000 of the common stock have been issued, the plan of reorganization being given in the annual report of the company for 1876 (page 43).

In 1879 the company placed first mortgages upon the Missouri and Pend d'Oreille divisions of its road, and to June 30, 1880, had issued nearly $4,000,000 of the bonds secured thereby. On January 1, 1881, the company executed a general first mortgage on all its railroads, lands, property, and franchises to secure an issue of bonds to the amount of $25,000 per mile of the main and branch lines, payable in forty years, and bearing interest at the rate of 6 per cent. per annum. This last mortgage provides for taking up, retiring, and canceling the bonds issued on the Missouri and Pend d'Oreille divisions; it is also provided in the mortgage that all moneys derived from the sales of lands are applicable to the payment of the interest and principal of the bonds; a sinking fund is also created, beginning July 1, 1886, by which 1 per cent. per annum is required to be paid to the trustee in equal semi-annual installments.

From the reports of the General Land Office the rights of the Northern Pacific Railroad Company attached to their grant as follows, viz: By map of general route through Minnesota and part of Washington Territory, August 13, 1870; through Dakota, Montana, Idaho, and a part of Washington Territory, February 21, 1872; of a branch line in Washington Territory, August 15, 1873; from Thomson to Moorhead, Minn., November 21, 1871; from Moorhead, Minn., to Bismarck, Dak., May 26, 1873; from Kalama to Tenino, Wash., September 13, 1873; from Tenino to Tacoma, Wash.; May 14, 1874.

The construction of the Northern Pacific Railroad was begun July 1, 1870, and between that date and March 1, 1874, a period of three years and nine months, 530 miles of subsidized road had been completed and put in operation. To November, 1, 1880, 680 miles have been completed and put in operation, in addition to 220 miles of other road in operation, and about 100 miles of new road not quite finished; in all, 1,000 miles. The following table shows the acceptance of the several sections of subsidized railroad of this company:

No. of section.	From—	To—	Miles.	Opened for business.	Examined by commissioners.	Accepted by the President.
1	Thomson, Minn.	Red River	228	Oct. 1, 1872	Dec. 10, 1872	Jan. 6, 1873
2	Kalama	Tenino, Wash	65	July 15, 1873	Aug. 16, 1873	Sept. 10, 1873
3	Fargo	Bismarck, Dak	196.4	Oct. 1, 1873	Nov. 24, 1873	Dec. 1, 1873
4	Tenino	Tacoma, Wash	40.1	Mar. 1, 1874	Mar. 5, 1874	May 12, 1874
5	Missouri River	One hundredth mile-post.	100	July 1, 1880	July 26, 1880	Aug. 16, 1880
6	One hundredth mile-post.	One hundred and fiftieth mile-post west.	50	Nov. 1, 1880	Nov. 20, 1880	Dec. 20, 1880
	Total		679.5			

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The length of road and extent of land-grant for the whole line included in the charter act and amendments may be stated approximately as follows, viz:

State or Territory.	Miles of road.	Acres per mile of road.	Total acres granted.
Wisconsin	110	12,800	1,408,000
Minnesota	265	12,800	3,392,000
Dakota	450	25,600	11,520,000
Montana	800	25,600	20,480,000
Idaho	75	25,600	1,920,000
Washington	750	25,600	19,200,000
Totals	2,450	*23,640	57,920,000

*Average.

The latest estimate of lands which the company may obtain is as follows, viz:

	Miles.	Acres.
Minnesota and Dakota divisions	426	5,500,000
Missouri division	217	4,600,000
Yellowstone division	340	7,400,000
Rocky Mountain division	198	4,000,000
Clark's Fork division	282	5,800,000
Pend d'Oreille division	209	3,600,000
Main line to Tacoma across Cascade Mountains	250	4,800,000
Branch from Pend d'Oreille division to Kalama	250	4,000,000
Pacific division	145	2,300,000
Totals	2,317	42,000,000
Estimated for Wisconsin division	112	500,000

To June 30, 1880, there had been patented to the company 746,509 acres. The company has earned by construction about 15,000,000 acres of land to November 1, 1880, and sold to June 30, 1880, 2,600,000 acres for $9,000,000. The price of the company's agricultural lands is $2.50 per acre; coal and timber lands being reserved from sale until the country is occupied. The lands not yet earned by the company are about 27,000,000 acres, situated chiefly in Montana, Idaho, and Washington Territories.

The value of the company's lands, vested and unvested, may be reasonably estimated at $2.50 per acre, so that the lands unsold are worth, say (39,900,000 acres at $2.50), $99,750,000. For a description of some of these lands reference is made to page 82 of the last Annual Report of the Auditor of Railroad Accounts.

In 1874 the company in its report to this Department gave the cost of the road and fixtures to June 30, 1874, as $21,353,416.11, and to that time had constructed 530 miles of railroad, being an average cost of $40,289 per mile. The expenditure by items is as follows:

Surveys	$1,108,278 52
Construction, including docks and wharves	14,446,356 54
Auxiliary and connecting rail and water lines	2,728,980 09
Equipment	2,434,346 25
General and incidental expenses during construction	635,454 71
Total	21,353,416 11

In addition to these 530 miles, the company has constructed a branch line in Washington Territory, from Tacoma to Wilkeson, 32 miles in length.

The road yet to be constructed and accepted may be stated as follows, with the estimated cost of the same, viz:

Wisconsin division—Montreal River to Thomson Junction—122 miles, at $20,000 per mile	$2,440,000
Missouri division—Missouri River to Yellowstone River—217 miles, at $12,000 per mile, including an iron bridge over the Missouri River, at Bismarck, the cost of which is estimated at nearly $100,000, or about	3,500,000
Yellowstone, Rocky Mountain, and Clark's Fork divisions—Yellowstone River to Lake Pend d'Oreille—820 miles, at $30,000 per mile	24,600,000

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Pend d'Oreille division—Lake Pend d'Oreille to Columbia River—209 miles, at $21,500 per mile	$4,500,000
Columbia River division—junction of Columbia and Snake Rivers to Portland—238 miles, at $31,500 per mile	7,500,000
Cascade Mountain division—junction of Columbia and Snake Rivers to Puget Sound—219 miles, at $30,000 per mile	6,570,000
Pacific division—Portland to Kalama—40 miles, at $25,000 per mile	1,000,000
Total road to be constructed, 1,865 miles, at an estimated average cost of 26,868 per mile, amounting to	50,110,000

The entire road, when completed—2,700 miles—will have cost about $75,000,000, or at the rate of $28,000 per mile.

The conditions as to all government service on this road are found in section 11 of the charter act, among which one is that the road is "subject to such regulations as Congress may impose, restricting the charges for such government transportation."

THE UNION-CENTRAL LINE OR ROUTE.

This line, being composed of a main and branch lines having different owners, will be treated separately, and in the following order: (1) Union Pacific Railroad Company, (2) Kansas Pacific Railway Company, and (3) Denver Pacific Railway and Telegraph Company, composing the (4) Union Pacific Railway Company (consolidated); (5) Central Pacific Railroad Company, (6) Western Pacific Railroad Company, and (7) California and Oregon Railroad Company, composing the (8) Central Pacific Railroad Company; (9) Central Branch Union Pacific Railroad Company; (10) Sioux City and Pacific Railroad Company; (11) Burlington and Missouri River Railroad Company in Nebraska.

The Union Pacific Railroad Company.—This company, chartered by acts of Congress approved July 1, 1862 (12 Stat., 489), and July 2, 1864 (13 Stat., 356), received from the United States a grant of public lands, to aid in the construction of its railroad and telegraph line, amounting to 20 sections, or 12,800 acres, per mile of road.

The length of road subsidized is 1,038.68 miles, extending from the Missouri River, near Omaha, Nebr., to a point 5 miles west of the crossing of the Utah Central Railroad in Ogden, Utah. If none of the land had been previously disposed of by the United States, the total grant would have been 13,295,104 acres. The quantity which the company will obtain is estimated by the General Land Office to be about 12,000,000 acres; but the estimate of the land commissioner of the company places it at 11,200,000 acres.

The location of the lands may be generally stated as follows, namely: 4,800,000 acres in Nebraska, 4,600,000 acres in Wyoming, 700,000 acres in Colorado, and 1,100,000 acres in Utah; of which it may be said that 3,500,000 acres are agricultural lands, 4,000,000 acres are grazing lands, and 3,700,000 acres desert or waste.

About 2,000,000 acres of the agricultural lands remained unsold December 31, 1879, worth, at an average price of $3.50 per acre, $7,000,000, and about 4,000,000 acres of the grazing lands, worth, at $1.25 per acre, $5,000,000; in all, worth $12,000,000; without estimating anything for the 3,700,000 acres of desert lands. To June 30, 1880, 1,859,475 acres of land had been patented to the company. To December 31, 1879, the company had sold nearly 2,000,000 acres, as follows:

Year.	Acres.	Average price per acre.	Amount.
1869	128,825.28	$4.555	$586,808.29
1870	164,058.62	4.385	719,758 14
1871	206,605.97	3.855	795,557 53
1872	172,108.67	4.39	755,430 94
1873	177,093.50	5.55	983,030 33
1874	235,749.14	4.66	1,099,467 21
1875	111,965.55	3.66	409,916 10
1876	128,696.21	3.02	389,773 46
1877	69,015.87	4.98	343,768 02
1878	318,903.47	4.88	1,557,082 32
1879	243,337.31	4.141	1,007,855 63
Total, 11 years	1,956,349.59	4.42	8,648,447 97

From these sales forfeited and canceled contracts must be deducted, which leaves the net sales to the same date 1,568,438 acres, amounting to the sum of $6,916,811.58, being an average price of $4.41 per acre.

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The lands are sold in small tracts, averaging about 100 acres to each purchaser, so that there have been 15,000 to 16,000 purchasers. Some sales are made for cash, but the large majority of the sales have been on time, deferred payments drawing interest at the rate of 6 per cent. per annum.

The gross proceeds of sales, interest, forfeitures, &c., to December 31, 1879, have been $8,173,846.83, of which amount $4,412,033.88 has been received in cash, and the remainder, $3,761,812.95, in notes or land contracts yet to be paid. These gross proceeds are applied to the redemption of land-grant mortgage bonds, of which $10,400,000 have been issued and $4,101,000 redeemed.

The expenses of the land department, taxes on land, &c., amounting to $1,889,977.68, to December 31, 1879, have been paid by the company out of its ordinary income.

The cost of the railroad and its equipment to December 31, 1879, amounted to $118,682,223.96, or at the rate of $114,262.54 per mile. The details are as follows, viz:

Payments to contractors:		
"Oakes Ames" contract		$57,140,102 94
"Davis" contract		23,129,671 01
"Hoxie" contract		11,966,799 63
Total contracts		92,236,573 58
Expended by the company for—		
Right of way		$165,675 66
Fencing and crossings		250,700 68
Roadbed and track		100,375 78
Coal sheds		13,912 33
Bridging, piling, and trestling		158,542 51
Snow-sheds and snow-fences		393,978 14
Passenger and freight buildings		1,059,904 27
Machine-shops, car-shops, machinery, engine-houses, and turn-tables.		436,012 21
Water-tanks, wells, pumping-houses, &c		124,591 48
Hotels, tenements, &c		226,790 77
Rolling-mills, scrap-furnaces, rail-mills, &c		228,968 09
Equipment other than furnished by contractors		2,193,998 69
Express outfit		12,503 71
Government commissioners and Government directors during period of construction		188,630 13
Omaha bridge and approaches		2,255,089 30
Engineering, agencies, &c		1,891,510 57
Total cost of construction		101,937,757 90
Less sale of constructed road	$2,840,000 00	
Sale of constructed telegraph line	104,432 54	
Total amount sold		2,944,432 54
Net cost of property		98,993,325 36
Interest and discount expenses during construction:		
Interest, discount, and commissions	$2,750,284 63	
Losses on securities	12,215,868 39	
Interest paid on bonds outstanding	4,000,000 00	
Discount on Omaha bridge bonds	440,000 00	
Interest on Omaha bridge bonds	162,329 94	
Premium on Omaha bridge bonds	8,032 25	
Expenses paying drawn bonds, &c	4,446 02	
Total amount, interest, &c		19,580,961 23
Unexplained difference between cost as stated on ledger and items as above		107,937 37
Total cost of road and equipment		118,682,223 96

The cost of building and equipping a railroad like the Union Pacific main line from Council Bluffs to Ogden, with similar grades and on the same route, the whole of it laid with steel rails, at the present time may be stated approximately at $32,000,000; say 500 miles Council Bluffs to Cheyenne, at $20,000 per mile, and 540 miles Cheyenne to Ogden, at $40,000 per mile.

The Kansas Pacific Railway Company.—This company, originally known as "the Leavenworth, Pawnee and Western Railroad Company," and afterwards as "the Union Pacific Railroad Company, Eastern Division," was chartered by the State of

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of Kansas February 1, 1855, and received from the United States, under the Pacific Railroad acts before referred to, a grant of public lands to aid in the construction of its railroad and telegraph line. The grant was twenty sections, or 12,800 acres per mile of road.

The length of road subsidized is 638.6 miles, extending from the eastern boundary line of the State of Kansas, in Kansas City, to Denver, Colo. The quantity of land granted would have amounted to 8,174,000 acres, if none of the lands had been otherwise or previously disposed of by the Government. The General Land Office has estimated that the company will receive about 6,000,000 acres, but the land commissioner of the company estimates about 200,000 acres more.

The location of this company's lands is as follows: 2,600,000 acres in Colorado, 3,600,000 acres in Kansas. Of these, probably one-third, say 2,000,000 acres, are "grazing" lands, and the remainder, say 4,000,000 acres, are "agricultural." The lands which were unsold December 31, 1879, lie chiefly in Western Kansas—about 2,000,000 acres between Manhattan, Riley County, and Grinnell, Gove County, worth on an average nearly $3 per acre, and the remainder, 2,800,000 acres, between Grinnell and Denver, worth probably $2 an acre; in all, worth about $11,000,000. To June 30, 1880, 828,830.44 acres had been patented to the company. To December 31, 1879, the company had sold 1,521,111.53 acres, as follows, viz:

Year.	Acres.	Average price per acre.	Amount.
1868	111, 271. 29	$2 96	$329, 812 67
1869	382, 885. 20	2 91	1, 114, 578 57
1870	124, 168. 59	3 19	396, 196 06
1871	123, 935. 82	3 50	434, 235 52
1872	68, 851. 29	2 92	199, 841 71
1873	25, 423. 43	3 67	93, 175 10
1874	35, 393. 96	3 29	117, 708 61
1875	61, 366. 58	3 57	218, 808 60
1876	74, 554. 09	4 23	315, 420 62
1877	135, 994. 45	3 31	449, 234 44
1878	207, 938. 03	3 38	795, 997 83
1879	169, 328. 80	4 09	592, 930 53
Total	1, 521, 111. 53	3 39	5, 157, 940 26

Forfeited and canceled contracts for 229,657.16 acres, amounting to $737,979.77, being deducted, leaves the net sales 1,291,454.37 acres, and the amount for which sold $4,419,960.49, or an average of $3.42 per acre.

The lands have been sold principally on time, at one-fifth cash and balance in four annual installments, with interest at the rate of 6 per cent. per annum.

The gross proceeds of sales, interest, forfeitures, &c., to December 31, 1879, have been $4,404,232.52, of which $3,016,022.60 has been received in cash, and the remainder—$1,388,209.92—is held as land notes or contracts. By the terms of the land-grant mortgages, the gross proceeds of sales of land are to be applied to the redemption of the bonds issued thereon. The expenses, commissions, taxes, &c., paid to December 31, 1879, have amounted to $694,997.90.

To December 31, 1879, the cost of this railroad and its equipment—670.5 miles—is reported by the company as $34,359,540.66, which is at the rate of $51,244.65 per mile.

A railroad like the Kansas Pacific, 670 miles, most of it through a rolling prairie country, could be built with steel rails at this time for $15,000 per mile, and fully equipped for $5,000 per mile; in all $20,000 per mile, or $13,500,000.

Denver Pacific Railway and Telegraph Company.—This company was incorporated November 19, 1867, under the general laws of the territory of Colorado relating to corporations, and was organized December 14, 1867, with a board of trustees. The first annual meeting of stockholders was held on December 14, 1868, when permanent officers were elected.

By the act of Congress approved March 3, 1869, the Union Pacific Railway Company, Eastern Division, was authorized to transfer to the Denver Pacific Railway and Telegraph Company all the rights and privileges, subject to all the obligations pertaining to that part of its line of railroad and telegraph between Denver City and Cheyenne. Under this law the company obtained its land-grant of twenty sections, or 12,800 acres per mile.

The length of road constructed is 105.89 miles, which entitles the company to 1,355,292 acres of land; but the General Land Office estimates the grant which the

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company will eventually receive as 1,100,000 acres, while the estimate of the company is only 971,771 acres, 800,000 acres of which are covered by a first mortgage given to secure an issue of $2,500,000 bonds. The company's officers in 1870 estimated the value of the 800,000 acres included in the mortgage at $3,000,000.

All of the company's lands are in Colorado, and are among the most fertile and valuable portion of the agricultural lands of that State, and some of the lands have valuable coal deposits.

By the terms of the contract for building the railroad, all of the company's lands granted by Congress over and above the 800,000 acres covered by the mortgage referred to were to revert to the contractors. These lands being left out of the question, the company had remaining December 31, 1879, 639,269 acres unsold, the average value of which may be estimated at $2.50 per acre, amounting to $1,598,170. To June 30, 1880, only 49,811.59 acres had been patented to the company; December 31, 1879, the company had sold lands as follows:

Year.	Acres.	Average price per acre.	Amount.
1870	32,613.00	$4 17	$136,076 43
1871	41,543.55	3 94	163,858 71
1872	19,959.09	4 07	81,195 91
1873	17,951.95	4 61	82,676 96
1874	10,918.54	5 21	56,877 83
1875	3,676.52	6 12	22,488 02
1876	4,364.37	14 32	62,497 50
1877	26,101.56	5 25	136,963 89
1878	34,523.47	3 79	130,902 50
1879	7,554.58	5 81	43,893 84
Totals	199,206.63	4 60	917,431 59

Deducting canceled sales, the net quantity sold during this period was 160,731.89 acres for $713,881.13, or at an average price of $4.44 per acre.

The cost of the road, 105.89 miles, as reported to this office, is $6,495,350, but no details of the expenditures have been obtained. It was accepted by the President May 2, 1872. A parallel road like this could be built to-day for $15,000 per mile—say for $1,600,000.

The Union Pacific Railway Company.—This company is the successor, by consolidation, to the Union, Kansas, and Denver Pacific Companies.

Summarizing the statements heretofore given as to the three companies named, the following facts are shown, viz:

Estimated quantity of land granted, acres	22,824,396
Estimated quantity of land vested under the grant, acres	19,100,000
Quantity sold to December 31, 1879, acres	3,020,625
Gross amount realized from sales	$12,050,653 00
Railroad subsidized with lands, miles	1,783
Cost of road and equipment, 1,815 miles	$154,485,642 29
Cost per mile, road and equipment	$85,116 00
Estimated value of unsold lands, 16,000,000 acres, at $1.50 per acre	$24,000,000 00
Estimated present cost of similar road, 1,815 miles, at $30,000 per mile, on an average	$54,450,000 00

The Central Pacific Railroad Company.—This company is the successor, by consolidation, June 23, 1870, of the Central Pacific Railroad Company of California, organized June 28, 1861, and the Western Pacific Railroad Company, organized December 13, 1862, both deriving their charter powers from the State of California, although the State, by act of April 4, 1864, virtually dissolved the company as a State corporation. Subsequently, on August 22, 1870, the Central Pacific was consolidated with the California and Oregon, the San Francisco, Oakland and Alameda, and the San Joaquin Valley Railroad Companies.

So far as relates to the subjects of this report, the three roads, Central Pacific, Western Pacific, and California and Oregon, will be treated separately.

The Central Pacific Railroad extends from Sacramento to a point five miles west of the crossing of the Utah Central Railroad in Ogden, Utah, 738.45 miles, of which but 737.50 miles have been subsidized with bonds and lands.

The land grant is under the same acts of Congress as that of the Union Pacific, and amounts to twenty sections, or 12,800 acres, per mile, equal to 9,440,000 acres for the entire road, from which, however, deducting lands previously granted, sold, or re-

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served by the United States, estimated by the General Land Office at 1,440,000 acres, leaves about 8,000,000 acres vested in the company.

Of these 8,000,000 acres, 708,862 had been patented to the company to June 30, 1880, and the company had sold, to December 31, 1879, 295,886.79 acres for $1,114,999.66, being an average price of $3.77 per acre. The lands have been sold in small tracts, some for cash, but most of them on time, 20 per cent. of the principal being paid at time of purchase. This company, unlike some others, sells no lands before it has received patents therefor. The proceeds of sales of lands are applied to the purchase of land-grant bonds.

The lands remaining unsold December 31, 1879, say 7,700,000 acres, lying most of them in the desert country between Salt Lake and the Sierra Nevada Mountains, are largely unavailable, and many years must elapse before anything can be realized from them. The real value of these lands is not over 50 cents per acre, or $3,850,000, although the company includes them in the general estimate of all their lands at $2.50 per acre, which is the minimum price placed upon adjoining lands belonging to the Government.

The cost of this portion of the Central Pacific Railroad has not been ascertained in detail. In a report published in 1870 the cost of the property on December 31, 1869, was itemized as follows:

Construction accounts	$84,129,002
Buildings	2,159,718
Engines	1,846,500
Cars	1,988,125
Total	90,123,345

Represented by capital stock	40,097,290
First-mortgage bonds	25,517,000
United States bonds	25,517,000
Other debt	7,871,777
Total liabilities	99,003,067

A road similar to that of the Central Pacific, from Ogden to Sacramento, 740 miles, could probably be built to-day for an average price of $30,000 per mile, or $22,200,000.

The Western Pacific Railroad Company.—This company was organized December 13, 1862, under the laws of the State of California, and was consolidated with the Central Pacific June 23, 1870.

Under the Pacific Railroad acts the company was authorized to construct a railroad from the American River east of Sacramento to San José, Cal., a distance of 123.16 miles, and received a subsidy in bonds and lands similar to that granted to the other Pacific Railroad Companies.

The quantity of lands included in the grant has been estimated by the General Land Office as 1,100,000 acres. To June 30, 1880, 424,727.58 acres had been patented to the company.

The Western Pacific Railroad Company had disposed of its lands prior to consolidation with the Central Pacific Railroad Company.

In a report published in 1870 the cost of this road was stated as $12,347,332; offset by an indebtedness of $2,808,290, and a share capital paid in, $7,900,000.

A portion of the road is of an expensive character, but it could probably be built to-day for $35,000 per mile, or $4,300,000 for the whole road.

California and Oregon Railroad Company.—This company was organized under the laws of California June 30, 1865, and was consolidated with the Central Pacific August 22, 1870.

By an act of Congress approved July 25, 1866 (14 Stat., 239), the company received a grant of twenty sections (12,800 acres) per mile for a railroad from the Central Pacific Railroad to the northern line of the State. The estimated distance is 291 miles, which would make the grant 3,724,800 acres.

A condition of the grant is that the whole road shall be completed on or before July 1, 1880 (15 Stat., 80).

The road completed extends from Roseville to Redding, Cal., 151.81 miles; road uncompleted, 139.19 miles. The lands which have not vested by reason of non-completion of road amount to 1,781,632 acres, leaving 1,943,168 acres vested in the company, or so much thereof as was not previously disposed of by the United States.

To June 30, 1880, there had been patented of these lands 1,338,039.27 acres. To December 31, 1879, the company had sold 366,622 acres for $2,970,365, or an average price of $8.65 per acre. The lands remaining unsold at that time were 1,576,546 acres, worth, at a reasonable estimate, say, $4.50 per acre—over $7,000,000.

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The 152 miles of road were constructed between 1867 and 1872, the whole road being opened for business September 1, 1872. The cost in detail of this road has not been ascertained. In 1870, when some 80 miles of the road had been completed, a report was published in which the cost of the road was stated as $2,750,000, or about $35,000 per mile, The road could be built to-day for $25,000 per mile, or $3,800,000.

From the above statements in regard to these three roads, namely, the Central Pacific, the Western Pacific, and the California and Oregon, the following condensed statement is made:

Estimated quantity of land granted, acres	14,264,800
Estimated quantity of land vested under the grants, acres	10,367,895
Quantity disposed of by Western Pacific before consolidation, acres	424,727
Patented to Central Pacific Company to June 30, 1880, acres	2,047,021
Quantity sold to December 31, 1879, acres	662,669
Amount for which 662,669 acres were sold	$4,085,354 00
Average price per acre	$6 16
Miles of railroad subsidized with lands	1,012.55
Cost of roads, &c., owned (1,202 miles)	$136,536,295 59
Cost of equipment, machinery, furniture, &c	$9,812,040 66
Cost per mile—road and equipments, &c	$121,754 00
Estimated value of unsold vested lands (9,280,499 acres at $1 per acre)	$9,280,499 00
Estimated value of unvested lands (1,781,632 acres, at $2.50 per acre)	$4,454,080 00

Central Branch Union Pacific Railroad Company.—The legislature of the Territory of Kansas, by an act approved February 11, 1859, granted a charter to the Atchison and Pike's Peak Railroad Company.

On November 20, 1866, by vote of persons owning a majority of the stock, and in compliance with the laws of the State of Kansas, the name was changed to "Central Branch Union Pacific Railroad Company," to take effect on and after January 1, 1867.

By the thirteenth section of the act of Congress approved July 1, 1862, which chartered the Union Pacific Railroad Company, the Hannibal and Saint Joseph Railroad Company was authorized to build a railroad from Saint Joseph via Atchison to connect with the road through Kansas. By regular proceedings, beginning June 9, 1863, and ratified by votes of the stockholders, the Hannibal and Saint Joseph Railroad Company assigned to the Atchison and Pike's Peak Railroad Company all their right, title, and interest in the grant to them by the Pacific Railroad act of July 1, 1862, which assignment was formally accepted by the Atchison and Pike's Peak Railroad Company on May 26, 1865.

The land grant to this company is twenty sections, or 12,800 acres, per mile for 100 miles, extending from the Missouri River at Atchison, westwardly, through Kansas.

The majority of the public lands through which this road runs having been disposed of prior to the grant, the company will obtain only some 250,000 acres; 187,608 of which had been patented to them to June 30, 1880.

To June 30, 1880, about 170,000 acres had been sold by the company at an average price of say $5 per acre, amounting to $850,000, and 80,000 acres remained unsold, worth about the same price per acre—$5—amounting to $400,000.

The proceeds of the sales of land have been applied to the payment of interest on the first mortgage bonds and to the general purposes of the company, from time to time.

Construction was commenced on this road from Atchison to Waterville, 100 miles, in July, 1865, and the first section of 20 miles was accepted by the President of the United States on July 12, 1866, and the whole road was completed by January 20, 1868.

The cost of the road—construction and equipment—as reported to this office December 31, 1879, is $3,913,408.64, or at the rate of $39,134.04 per mile. A road similar to this could be built and equipped to-day for from $15,000 to $18,000 per mile, or say $1,650,000.

The Sioux City and Pacific Railroad Company.—This company was organized August 4, 1864, under the laws of the State of Iowa.

By section 13 of the act of Congress approved July 1, 1862, which chartered the Union Pacific Railroad Company, it was enacted that "whenever there shall be a line of railroad completed through Minnesota or Iowa to Sioux City, then the said Pacific Railroad Company is hereby authorized and required to construct a railroad and telegraph from said Sioux City, upon the most direct and practicable route, to a point on, and so as to connect with, the branch railroad and telegraph in this section hereinbefore mentioned."

Section 17, of the act of July 2, 1864, so amends section 13, above quoted, as to release the Union Pacific Railroad Company from the construction of said branch, and entitles the company so constructing it to receive in bonds an amount not larger

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than the said Union Pacific Railroad Company would be entitled to receive if it had constructed the branch road, and to receive alternate sections of land for 10 miles in width on each side of the same along the whole length of said branch.

The President of the United States on December 24, 1864, designated "the Sioux City and Pacific Railroad Company" as the company approved by him to construct the branch line named in section 17 of the act of Congress approved July 2, 1864.

This company, after careful examination and surveys to ascertain "the most direct and practicable route," filed its map of definite location in Nebraska November 9, 1866, and in Iowa between November 20 and December 7, 1866, from which dates its rights attached to the lands granted.

The original idea of the Pacific Railroad act was, that a branch from Sioux City, Iowa, to some point on the Union Pacific Railroad, not further west than the one hundredth meridian, should be constructed. This being impracticable, owing to the character of the country—the streams and valleys all running from northwest to southeast, which would require immense fills and cuts, the act of July 2, 1864, modified the route so as to permit any company constructing the road to select the point of junction.

The quantity of lands patented under the provisions of the foregoing acts has been reported by the General Land Office as 41,318.23 acres.

All lands, lots, and land assets of this road were sold April 15, 1875, to the Missouri Valley Land Company for $200,000.

The construction of this road was begun in the fall of 1866; the first section of the railroad and telegraph was accepted March 27, 1868, and the last one was accepted March 2, 1869. The road was opened for traffic February 11, 1869. The length of subsidized road is 101.77 miles.

This road is subject to all the conditions and requirements applicable to it as a branch of the Pacific Railroad, the Supreme Court of the United States, in revising and affirming the judgment of the circuit court of the United States for the district of Iowa (99 Supreme Court Reports, 491), having decided that this road is a branch of the Pacific Railroad, and subject to the same conditions as regards the payment of "five per centum of its net earnings" towards the reimbursement of the United States on account of bonds and interest.

The company in its report to this Department for the year ending June 30, 1880, gives the cost of the road and fixtures to that date as $5,355,551.28, having constructed 107.42 miles of railroad; being an average cost of $49,865 per mile.

A road has been constructed west of the Missouri River from Sioux City to Omaha during the past year, but it is much longer and more expensive to operate. A road like the Sioux City and Pacific could probably be built to-day for $15,000 per mile—$1,621,300.

The Burlington and Missouri River Railroad Company, in Nebraska.—By section 18 of the act of Congress approved July 2, 1864, the Burlington and Missouri River Railroad Company, organized under the laws of the State of Iowa, was "authorized to extend its road through the Territory of Nebraska from the point where it strikes the Missouri River, south of the mouth of the Platte River, to some point not further west than the one hundredth meridian of west longitude, so as to connect, by the most practicable route, with the main trunk of the Union Pacific Railroad, or that part of it which runs from Omaha to the said one hundredth meridian of west longitude." The right of way is also granted by this section "to the extent of two hundred feet where it may pass over the public lands, including all necessary grounds for stations, buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-tanks."

Section 19, for the purpose of aiding in the construction of said road, grants to the said Burlington and Missouri River Railroad Company every alternate odd numbered section of public lands (except mineral lands) to the amount of ten alternate sections, or 6,400 acres per mile, on each side of the road. Section 20 provides that when 20 consecutive miles of road shall have been completed the "President of the United States shall appoint three commissioners to examine and report to him in relation thereto, and if it shall appear to him that 20 miles of said road have been completed as required by this act, then, upon certificate of said commissioners to that effect, patents shall issue conveying the right and title of said lands to said company on each side of said road, as far as the same is completed, to the amount aforesaid; and such examination, report, and conveyance by patent shall continue from time to time in like manner until said road shall have been completed." It also provides "that no Government bonds shall be issued to the said Burlington and Missouri River Railroad Company to aid in the construction of said extension of its road; and provided further, that said extension shall be completed within the period of ten years from the passage of this act."

The line constructed and owned by this company extends from Plattsmouth to Fort Kearney, Nebr., a distance of 190.5 miles. The first section of 80 miles was accepted by the President of the United States October 9, 1871, and the last section November 4, 1872. The road was opened for through traffic September 2, 1872.

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The estimated quantity of lands granted by this act is 2,441,600 acres. The quantity patented to June 30, 1880, amounted to 2,374,090.77 acres. The following statement of the business of the land department of this company is taken from Poor's Manual for 1880:

General account, land department, December 31, 1879.

Lands sold (1,574,392 acres)	$8,556,782 42	Taxes, commissions, &c.	$2,090,904 19
Interest on contracts	2,495,788 50	Discounts and premiums	456,131 09
Imputed payment	495,817 58	Principal on sales, due	5,816,528 13
Special deposits	96,201 52	Interest and other assets	1,315,258 10
Extra interest, rents, &c.	65,614 53	Paid amount, treasurer	2,040,383 04
Total	11,710,204 55	Total	11,710,204 55

The cost of construction and equipment of this road is not given separately, the total cost being stated at $8,294,955, or an average of $43,306 per mile.

A road like the Burlington and Missouri River in Nebraska could probably be built to-day for $16,000 per mile—$3,048,000.

Summarizing the statements heretofore given, the following condensed facts are shown, embracing all the roads of the "Union Central line or route," as enumerated on page 11, of this report:

Estimated quantity of lands granted and vested.

	Acres granted.	Acres vested.
Union Pacific	22,824,396	19,100,000.00
Central Pacific	14,264,800	10,367,895.00
Central Branch Union Pacific	1,280,000	250,000.00
Sioux City and Pacific	651,328	41,318.23
Burlington and Missouri River	2,438,400	2,441,600.00
Total	41,458,924	32,200,813.23

Quantity patented to June 30, 1880.

	Acres.
Union Pacific	3,738,117.00
Central Pacific	2,047,021.00
Central Branch Union Pacific	187,608.00
Sioux City and Pacific	41,318.23
Burlington and Missouri River in Nebraska	2,374,090.77
Total	8,388,155.00

Quantity sold to December 31, 1879.

	Acres.
Union Pacific	3,020,625.00
Central Pacific	662,669.00
Central Branch Union Pacific	170,000.00
Sioux City and Pacific	41,318.23
Burlington and Missouri River in Nebraska	1,574,392.00
Total	5,469,004.23

Amount realized from sales to December 31, 1879.

Union Pacific	$12,050,653 00
Central Pacific	4,085,354 00
Central Branch Union Pacific	850,000 00
Sioux City and Pacific	200,000 00
Burlington and Missouri River in Nebraska	8,556,782 00
Total	25,742,789 00

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Average price per acre of all sales to December 31, 1879.

Union Pacific	$3 99
Central Pacific	6 16
Central Branch Union Pacific	5 00
Sioux City and Pacific	4 84
Burlington and Missouri River in Nebraska	5 43
Total average	4 71

Miles of road subsidized with lands.

	Miles.
Union Pacific	1,783.00
Central Pacific	1,012.55
Central Branch Union Pacific	100.00
Sioux City and Pacific	101.77
Burlington and Missouri River in Nebraska	190.50
Total	3,187.82

Cost of roads, &c., owned as shown by books, &c.

	Miles.	
Union Pacific	1,815.00	$154,485,642 29
Central Pacific	1,202.00	146,348,336 25
Central Branch Union Pacific	100.00	3,913,403 64
Sioux City and Pacific	107.42	5,355,551 28
Burlington and Missouri River	190.50	8,249,955 00
Total miles and cost	3,414.92	318,352,888 46

Cost per mile, road, and equipment.

Union Pacific	$85,116 00
Central Pacific	121,754 00
Central Branch Union Pacific	39,134 00
Sioux City and Pacific	43,306 00
Burlington and Missouri River in Nebraska	46,232 00
Average cost per mile (3,414.92 miles, $318,352,888.46)	93,224 00

Estimated value of unsold vested lands.

Union Pacific, 14,800,000 acres, at $1.624	$24,000,000 00
Central Pacific, 9,280,499 acres, at $1 per acre	9,280,499 00
Central Branch Union Pacific, 80,000 acres, at $5 per acre	400,000 00
Sioux City and Pacific	None.
Burlington and Missouri River in Nebraska, 800,000 acres, at $7 per acre	5,600,000 00
Total	39,280,499 00

Estimated value of unvested lands.

Central Pacific, California, and Oregon lands, 1,781,632 acres, at $2.50 per acre	$4,454,080 00

THE NEW MEXICO SOUTHERN, OR ROUTE ON THIRTY-FIFTH PARALLEL.

The Atlantic and Pacific Railroad Company.—This company was chartered by an act of Congress approved July 27, 1866, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast." (14 Stat., 292, Auditor's Report for 1880, page 163.) By this act the corporation was authorized and empowered to construct and enjoy "a continuous railroad and telegraph line" from Springfield, Mo., to the Pacific Ocean, across the Indian Territory, Texas, New Mexico, Arizona, and California as a main line, and from Van Buren, Ark., to the point where the main line strikes the Canadian River in the Indian Territory as a branch line, more particularly described in section 1 of the act.

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The grants made to the company by the act consists of the right of way through the public lands to the extent of one hundred feet on each side of the railroad, the right to use materials from adjacent lands belonging to the United States, the right to take all grounds or lands, in addition to the one hundred feet on each side of the road, that may be necessary for station, shop, turn-table, switching, or other purposes, exemption of the right of way from taxation in the Territories, and for every mile of said railroad constructed in the Territories forty sections (25,600 acres) of the public lands, and for every mile in the States twenty sections (12,800 acres) of the same. (See sections 2 and 3 of the act.)

The conditions attached to these grants are given in section 8 of the act as follows, namely: Work on the road was to be commenced within two years from the date of approval of the act, July 27, 1866, that is, before July 27, 1868; after the second year not less than fifty miles of road per year was to be completed; and the main line was to be completed by July 4, 1878; and, if the company suffered any breach of these conditions to continue over one year, section 9 of the act provides that the United States may, at any time thereafter, "do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."

Maps of the general route having been filed, public lands embraced within the limits of the grant were withdrawn from sale and the right of the company attached thereto, as follows, viz:

On line from—	To—	Date.
Springfield, Mo	West line of Missouri	Dec. 17, 1866
West line of Missouri	Mouth of Kingfisher Creek, Ind. Ter.	Dec. 2, 1871
Mouth of Kingfisher Creek, Ind. Ter.	East line of New Mexico	Feb. 7, 1872
East line of New Mexico	East line of California	Mar. 12, 1872
San Francisco, Cal.	San Miguel, California	Mar. 12, 1872
San Miguel, Cal	Los Angeles County, west line California	Aug. 15, 1872
Los Angeles County, west line California	A point in township 7 north, range 7 east, San Bernardino Mission, San Bernardino County, California.	Mar. 12, 1872
A point in township 7 north, range 7 east, S. B. M., San Bernardino County, Cal.	Colorado River	Aug, 15, 1872

The construction of this railroad was commenced July 4, 1868; and the sections of road below named have been examined by commissioners and reported on by them to the President of the United States, who has from time to time authorized patents for lands so earned to be issued to the company:

No. of section.	From—	To—	Miles.	Opened for business.	Examined by commissioners.	Accepted by the President.
1, 2	Springfield, Mo	Pierce City, Mo.	25	June 14, 1870	Sept. 22, 1870	Oct. 11, 1870
3	Pierce City, Mo.	Seventy-fifth mile-post.	25	Dec. 8, 1870	Jan. 19, 1871	Jan. 31, 1871
4, 5	Seventy-fifth mile-post.	1.54 miles west of crossing of Missouri, Kansas & Texas Railway in Indian Territory.	25	June 22, 1871 Oct. 6, 1871	Nov. 16, 1871	Dec. 6, 1871
6, 7	Junction of New Mexico and Southern Pacific Railroad near Isleta, N. Mex.	Fiftieth mile-post west therefrom.	50	Nov. 1, 1880	Nov. 1, 1880	Dec. 17, 1880

The Atlantic and Pacific Railroad Company having suffered a default in the payment of interest on their outstanding bonds, the mortgage given to secure the same was foreclosed by a decree of the circuit court of the United States for the eastern district of Missouri, and the entire property, including the land-grant, in Missouri, was sold, by virtue of said decree, on September 7, 1876, to William F. Buckley, and by him conveyed, November 2, 1876, to the Saint Louis and San Francisco Railway Company, which company became, and is now, the owner of the property and franchises in Missouri, which had belonged to the South Pacific and Atlantic and Pacific Railroad Companies, and also of about 655,000 acres of South Pacific lands and 306,000 acres of Atlantic and Pacific lands.

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West of the western boundary of the State of Missouri, the road and appurtenances in the Indian Territory and in New Mexico are still owned by the Atlantic and Pacific Railroad Company. The road from Albuquerque, N. Mex., west, is known as the "Western Division."

For the purpose of obtaining means to build and equip the "Western Division," the company has resolved to issue and negotiate bonds, to an amount not exceeding $25,000 per mile, secured by a first mortgage on the franchises, railroad, lands, land-grants, and other property pertaining to said "Western Division." The act of Congress approved April 20, 1871 (17 Stat., 19), authorized the company to "mortgage its road, equipment, lands, franchises, privileges, and other rights and property, subject to such terms, conditions, and limitations as its directors may prescribe." (Auditor's Report for 1880, page 170.)

The company is now examining the route from Vinita, Indian Territory, westward to Albuquerque, N. Mex., with a view to the construction of this part of the road at an early day. The length of this division will be about 750 miles, for 400 miles of which the land-grant is contingent upon the extinguishment of Indian titles thereto or such other arrangement, to be approved by the President, as any Indian tribe or nation may determine upon.

The length of road and extent of land-grant for the whole line included in the charter act may be stated approximately as follows, viz:

State or Territory.	From—	To—	Miles.	Acres per mile.	Acres of land granted.
Missouri	Springfield	West line	90	12,800	1,152,000
Indian	East line	do	400	25,600	10,240,000
Do	do	Canadian River	300	25,600	7,680,000
Texas	do	West line	200	12,800	2,560,000
New Mexico	do	do	450	25,600	11,520,000
Arizona	do	do	400	25,600	10,240,000
California	do	San Francisco	655	12,800	8,384,000
Arkansas	West line	Van Buren	5	12,800	64,000
Total			2,500		51,840,000

The company's estimate of the above is 2,472.98 miles of road and 49,244,803 acres of land. The estimate of the General Land Office is 2,544.65 miles of road and 50,067,600 acres of land.

The United States having no public lands in the State of Texas, and the lands in the Indian Territory having been "otherwise appropriated" at the date of the grant, there must be deducted from the above total 20,480,000 acres, which leaves 31,360,000 acres actually granted, from which is likewise to be deducted the following, namely:

	Acres.
1. Lands in Missouri previously disposed of	645,184
2. Lands in New Mexico, "mineral" and otherwise, disposed of, estimated at one-half of the grant	5,760,000
3. Lands in Arizona, "mineral" and otherwise, disposed of, estimated at one-half of the grant	5,120,000
4. Lands in California of the same character, estimated at one-third of the grant	2,794,666
5. Lands in Arkansas otherwise disposed of	32,000
Total deductions, additional	14,351,850

After all of these deductions are made, the quantity of land remaining for the use of the railroad company would be but 17,008,150 acres, and of this quantity the Saint Louis and San Francisco Railway Company received in 1876 about 300,000 acres, and there had been disposed of by the Atlantic and Pacific Railroad Company, prior to 1876, about 200,000 acres, the proceeds of which were applied to the construction of the road in Missouri; so that, in round numbers, about 16,500,000 acres of land are only available for the Atlantic and Pacific Railroad Company, to aid in the construction of its railroad of more than 2,000 miles from Seneca, Mo., through the Indian Territory, Texas, New Mexico, Arizona, and California, to the Pacific Ocean or San Francisco.

These lands are worth, probably, on an average, not more than $2 per acre when brought into market by reason of the railroad being built, or $33,000,000; but that is merely a nominal value, sales being slow and difficult until settlers are assured of protection from Indians and outlaws in that section of the country. From a recent

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report of the superintendent of the western division of the railroad, the following facts in regard to the country on the line of the road between Albuquerque and the Colorado River, a distance of 620 miles, have been gathered.

Between Albuquerque and the San Francisco Mountains the country is chiefly occupied by large herders and stock-raisers, some of the land being cultivated. Many of these herders are Indians. There is considerable timbered land within easy reach of the road, and some saw-mills are now being erected. In the immediate neighborhood of the mountains the country is described as capable of being made the first summer and winter resort in the country. Between the San Francisco Mountains and the Great Colorado River, some 300 miles, the country is known to be rich in minerals, as well as affording fine grazing and agricultural prospects.

As to the location of the line, it is described as being "marvelous in its alignment, its grades and general characteristics. To cross the continental divide, the Rocky Mountains of the United States, with only maximum grade of fifty feet per mile, and this only going west (the east bound approach being only thirty feet per mile), in a valley a mile wide, with no tunnels, are certainly advantages enjoyed by no other line." This is the language of Superintendent Smith, who is on the ground.

The superintendent's estimate of the annual business that may be done on this 620 miles is about 50,000 tons. If this tonnage is carried to Albuquerque it would make on an average about 12,000,000 tons carried one mile per annum, which, at an average rate of five cents per ton per mile, would give a gross earning from freight carried amounting to $600,000.

Of the 306,111 acres of land acquired by the Saint Louis and San Francisco Railway Company in 1876, to December 31, 1879, 15,000 acres had been sold at an average price of $3.25 per acre, amounting to $48,750. Prior to November 6, 1876, the Atlantic and Pacific Railroad Company had disposed of 200,000 acres of the Missouri lands at an average price of $2.87½ per acre, amounting to $575,000.

No detail of construction has yet been obtained such as to enable a statement to be made showing the cost of the subsidized line; on December 31, 1879, the company reported the cost of "franchises and property" as $28,841,974.50, being 292½ miles of railroad, &c., in Missouri, extending from Pacific to the western State line near Seneca, making an average cost of nearly $100,000 per mile. The road runs through a country where many heavy grades and sharp curves are required, and is of quite an expensive character to build. The property is now in good condition, better than the average of western roads.

Under the authority of the act of Congress approved April 20, 1871, the company on July 1, 1880, issued its thirty-year bonds to the amount of $25,000 per mile, bearing interest at the rate of six per cent. per annum, payable semi-annually in January and July, and secured the same by a mortgage on the franchises, right of way, railroad, telegraph, lands, land-grants, and other property pertaining to the western division of the road, extending from Albuquerque, N. Mex., to the Pacific Ocean.

The payment of the coupons is also guaranteed by the Saint Louis and San Francisco Railway Company, and the Atchison, Topeka and Santa Fé Railroad Company, not exceeding 25 per cent. of the gross amount of their earnings respectively during the six months preceding the due date of such coupons. The mortgage provides that the net proceeds of the land-grant shall be used solely for the payment of interest on the first and second mortgage bonds; for the principal and interest of any advances made by the Atchison, Topeka and Santa Fé and the Saint Louis and San Francisco Railroad Companies, and for the purchase and cancellation of the first mortgage bonds.

The Atchison, Topeka and Santa Fé Railroad Company and the Saint Louis and San Francisco Railway Company each own one-half of the capital stock of the Atlantic and Pacific Railroad Company.

Fifty miles of the western division of this road have just been reported ready for examination by commissioners, making one hundred miles in all completed west of Albuquerque to date.

The Southern Pacific Railroad Company.—The Southern Pacific Railroad Company was incorporated under the laws of the State of California December 2, 1865.

On October 12, 1870, articles of consolidation were entered into with the following-named roads: San Francisco and San José, chartered August 18, 1860; Santa Clara and Pajaro Valley, chartered January 8, 1868; and California Southern, chartered January 22, 1870. The Southern Pacific Branch Railroad Company, chartered December 23, 1872, was consolidated with this road August 19, 1873; and the Los Angeles and San Pedro Railroad Company, chartered February 18, 1868, on December 14, 1874. By virtue of the consolidation the new company succeeds to all the rights, privileges, and franchises of the companies named above.

Section 18 of the act of Congress approved July 27, 1866, which chartered the Atlantic and Pacific Railroad Company, authorized this company to connect with the road of that company at such point on the boundary line of the State of California as they shall deem most suitable for a railroad line to San Francisco and to aid in its construction; similar grants of land were made to the Southern Pacific Railroad

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Company, subject to all the conditions and limitations prescribed for said Atlantic and Pacific Railroad.

The sections of the main line were accepted by the President of the United States as follows:

Number of section.	Miles.	Date.
1st section, San José to Gilroy	30.26	Jan. 19, 1871
2d section, Gilroy to Tres Pinos	20.00	Oct. 23, 1871
3d section, from Goshen south	20.00	Oct. 1, 1872
4th section, commencing at twentieth mile	20.00	Aug. 6, 1873
5th section, commencing at fortieth mile	20.00	Oct. 23, 1874
6th section, commencing at sixtieth mile	20.00	Aug. 23, 1875
7th section, commencing at eightieth mile, near Bealeville	20.00	June 16, 1876
8th section, from Goshen west, near Lamoore	20.00	Jan. 25, 1877
9th section, from Lamoore to Huron	20.00	Feb. 21, 1877
10th section, from near Bealeville to Mojave	41.66	Feb. 3, 1878
Total	231.92	

From Mojave to the eastern boundary of the State and from Tres Pinos to Huron, the former about 200 miles in length, and the latter varying according to route from 100 to 160 miles, remain unbuilt, and the lands granted remain unvested in the company. The total land grant under the act of 1866 was, say, for 588 miles at 12,800 acres per mile, 7,526,400 acres. Of this grant 2,768,576 have vested in the company by virtue of the construction of the 231.92 miles of road referred to, and 4,757,824 remain unearned by construction and unvested. No part of the line aided by a land-grant is now under construction, nor is it believed that the company has any intention to construct their road from Mojave eastward. For a statement of the sales of land, cost of construction, and other matters connected with the Southern Pacific, reference is made to that part of the report embracing the Texas Southern route immediately succeeding this.

THE TEXAS SOUTHERN, OR ROUTE ON THIRTY-SECOND PARALLEL OF LATITUDE.

The Texas and Pacific Railway Company.—This company was chartered by the act of Congress approved March 3, 1871, entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes." (16 Stat., 573.) See Auditor's Report for 1880, page 170.

Section 1 designates the route, which may be stated as follows, viz, from a point at or near Marshall, Tex.; thence to a point at or near El Paso; thence through New Mexico and Arizona to a point on the Rio Colorado, at or near the southwestern boundary of California; thence to San Diego, pursuing in the location thereof, as near as may be, the thirty-second parallel of north latitude.

The company was vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of the act.

Section 8 grants a right of way through the public lands to the extent of two hundred feet in width on each side of the railway, and grounds for stations, buildings, workshops, &c., not exceeding forty acres of land at any one point.

To aid in the construction of said road, section 9 grants every alternate odd-numbered section of public lands, not mineral, to the amount of forty sections, or 25,600 acres, per mile in the Territories, and twenty sections, or 12,800 acres, per mile in California.

Section 17 provides that the company shall commence construction simultaneously at San Diego, Cal., and at Marshall, Tex., and that at least 50 consecutive miles from each of said points shall be completed and in running order within two years after the passage of the act, and to so continue to construct each year thereafter a sufficient number of miles to secure the completion of the whole line within ten years; that is, by March 3, 1881. The act of May 2, 1872, extended the time to May 2, 1882.

Section 18 of the original act provides for the appointment of a commissioner by the President of the United States to examine the various sections of 20 miles of road as completed, and upon the acceptance by the President of the United States of said sections, patents shall be issued to said company for the lands so earned.

By the act of Congress approved May 2, 1872, the name, style, and title was changed to "the Texas and Pacific Railway Company," and section 17 of the act of March 3, 1871, amended so as to require that at least 100 consecutive miles of railroad should be completed and in running order within two years after the passage of the act, that is, by May 1, 1874 (300 miles of road were in operation before that time); it also pro-

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vides that the company shall commence construction from San Diego eastward within one year, that is, by May 1, 1873, and construct not less than 10 miles before the expiration of the second year, and thereafter not less than 25 miles per annum in continuous line between San Diego and the Colorado River until the junction is formed with the line from the east. Little or none of the line from San Diego eastward has been constructed. From the Colorado River at Yuma, Ariz., a line of railroad has been constructed by another company—known as the Southern Pacific Railroad Company of Arizona—under the supposition that the general law of 1875 gave them a right of way over the public lands of the United States, although section 5 of that act excepted any lands specially reserved from sale.

In March, 1872, the Texas and Pacific Railway Company acquired, by purchase and consolidation, all of the franchises and property of the Southern Pacific Railroad Company, a corporation organized under the laws of Texas, and operating 66 miles of road between Shreveport and Longview, with a right to extend its line to El Paso. It subsequently acquired, in like manner, the charter privileges and property of the Southern Transcontinental Railway Company, organized under the laws of Texas, with right to construct a road from the northeast boundary of the State to El Paso, and the property and franchises of the Memphis, El Paso and Pacific Railroad Company, another Texas corporation.

On May 31, 1880, the number of miles of road operated was as follows, viz:

	Miles.
From Shreveport, La., to Fort Worth, Tex	219.69
From Texarkana to Sherman	155.12
From Marshall to Texarkana Junction	69.05
Total	443.86

The first section, extending from Marshall to Dallas, a distance of 147 miles, was accepted by the President of the United States April 7, 1874; the second section, extending from Marshall to boundary line between Louisiana and Texas (22.12 miles), from Marshall to Texarkana (74.23 miles), and from Shreveport to Brookston (56.18 miles) was accepted August 9, 1875; the last section, extending from Texarkana Junction to Brookston, and from Dallas to Fort Worth, a distance of 127 miles, was accepted March 8, 1877.

The company has already entered into a contract for the completion of the road from Fort Worth to El Paso, a distance of 600 miles; the work was commenced March 5, 1880, and the whole line is to be completed by January 1, 1883.

The quantity of land granted to the Texas and Pacific Railway Company is estimated at 18,000,000 acres, lying in New Mexico, Arizona, and California. No lands have been earned by construction of railroad in California or the Territories, and consequently none have yet vested in the company; but the right of way and the land-grant are subject, under the provisions of section 17 of the charter act and section 5 of the supplemental act of May 2, 1872, to such action as Congress may deem necessary to secure a speedy completion of the road.

The cost of construction and equipment on May 31, 1880, is reported at $27,418,107.94, which includes expenditures for surveys and location of entire line of 1,457 miles west of Fort Worth. The average cost per mile is $61,771.

The Southern Pacific Railroad Company.—The act of Congress approved March 3, 1871, which incorporated the Texas Pacific, provides, in section 23, that for the purpose of connecting the Texas Pacific Railroad with the city of San Francisco the Southern Pacific Railroad Company of California is authorized to construct a line of railroad from a point at or near Tehachapa Pass, by way of Los Angeles, to the Texas Pacific Railroad at or near the Colorado River, with the same rights, grants, and privileges, and subject to the same limitations, restrictions, and conditions, as were granted by the act of July 27, 1866, before referred to.

The grant of land under this act being 12,800 acres per mile of road from the Colorado River, at or near Fort Yuma, to Mojave (346.96 miles) amounts to 4,441,088 acres, supposing none of the land to have been otherwise disposed of. The road having been constructed was accepted by the President of the United States as follows, viz:

	Miles.
Section 1, May 1, 1874	50.00
Section 2, November 11, 1875	50.00
Section 3, January 21, 1876	50.00
Section 4, March 2, 1877	78.59
Section 5, January 23, 1878	118.37
Total	346.96

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On December 31, 1879, the total length of road completed and in operation was as follows:

Northern division:	Miles.
From San Francisco to Tres Pinos	100.49
From Carnadero to Soledad	60.40
Total	160.89

Southern division:	Miles.
From Huron, via Goshen and Los Angeles, to west bank of Colorado River	528.56
From Los Angeles to Wilmington	22.06
Total	550.62

Total miles of railroad owned, 711.51, of which 578.88 have been subsidized with a land-grant from the United States.

The southern division is leased to and operated by the Central Pacific Railroad Company; lease terminable in five years from January 1, 1880, or when eastern connections are made.

The quantity of land covered by the grants to this company is estimated by the General Land Office at 9,520,000 acres.

The quantity patented to the company to June 30, 1880, was 1,048,090.65 acres, of which the sales to the same date have been 279,623.40 acres, at an average price of $3.64 per acre, amounting to $1,017,255.89. Sales are made for cash, or part cash, and the balance in five years' time, with interest at seven per cent. per annum, payable in advance. Of the above sales 120,000 acres have been sold for cash at about $2 per acre, and the remainder, 160,000 acres, on credit at nearly $5 per acre.

The proceeds of land sales are applied exclusively to the redemption of the company's bonds.

The quantity of land vested and unsold June 30, 1880, may be estimated at 5,407,553 acres, worth, at a fair average value, $1.25 per acre. The company's estimate of the value of the grants from the United States, as stated in their last annual report to their stockholders, is upwards of $40,000,000.

The company's estimates, on account of both grants, are as follows:

	Acres.
Main line, San José to Needles	7,523,072.00
Branch line, Mojave to Yuma	4,441,088.00
Estimated total number of acres granted	11,964,160.00
Less total number of acres sold to June 30, 1880	279,623.40
Estimated number of acres unsold to June 30, 1880	11,684,536.60
Estimated quantity earned by construction of road	7,413,760.00
Estimated quantity capable of being earned	4,550,400.00
Total	11,964,160.00

The land agent of the company says: "It is difficult to estimate the quantity of land that will eventually inure to the company from these land grants, as there are included within the limits large areas of Spanish grants and lands otherwise excepted. It is not at all probable that there will be sufficient available lands belonging to the United States within the indemnity limits to make good these deficiencies." He also says: "At the time this grant was made the value of the lands was rated as trifling, as the best land in Southern California had long been held and occupied by Spanish-speaking residents and their descendants, and was devoted almost wholly to grazing purposes, several acres in the average being required per head of stock. So broken, dry, and forbidding in aspect was the remainder still under the disposition of the Government that no one, at that day, imagined it could be of the slightest assistance toward the building of the road, and the greater part of it so remains to this day. It resembles, and is commonly known as 'desert land,' totally incapable of being made useful for the support of vegetation or animal life. However, where there is running water sufficiently near, portions of it may be used for pasturage. The Southern Pacific Railroad Company would be glad to co-operate with the Government in any plan whereby its alternate sections could be leased or sold in large unbroken tracts for grazing; and there are millions of acres which it would be willing to sell for such purposes outright at 20 cents an acre." On the other hand, the company, in its printed annual report to the stockholders, speaks in the highest terms of its lands. The following extracts are taken from the report of the land commissioner: "I can-

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not forbear, in this connection alluding once more to the immense increase in agricultural productions, and to the surprising effect of irrigation upon land in Southern California."

"Lands previously of no value but as cattle ranges are now becoming the homesteads of thrifty, industrious families." "By the use of water the valuable lucern known as alfalfa has been introduced, and makes it possible to sustain a greater number of cattle." "This wonderful clover can be cut three or four times in a season, realizing to the acre ten or twelve tons of hay per annum." "But all that part of the State in which this company's lands are situated is especially adapted by climate, soil, and situation to the raising of semi-tropical fruits." "Even where water, through canals, cannot be procured, the lands sell, the purchaser being able, by boring a well and the assistance of a 'wind-mill,' to cultivate acres enough to support a family. Waste or 'desert lands' are thus made available or useful."

In regard to the "mussel slough" lands, about which there has been some trouble between the company and the settlers, the land agent says: "Had it not been for the discovery that portions of the land in the San Joaquin and Tulare valleys are susceptible to irrigation by diverting the streams from the mountains upon them by means of extensive canals and systems of irrigating ditches, the best lands of the campany would have been unsalable to this day, and, like the other portions referred to, would have been regarded as desert lands. So soon as this was made obvious, a number of that improvident and speculating class to be found in all communities rushed in upon the lands within the limits of the grant, and, in defiance of the law and the officers of the courts, sought to set up claims as pre-emptors or technical 'settlers.' Their very presence, their threats as well as their open resistance to the company, with the aid of demagogues who sought to profit by their trespass, made it difficult or impossible for the company to dispose of the lands in the vicinity. In this lawless way the wishes of the railroad company and the purposes of Congress in making the grant were defeated. But for this untoward interruption of the course of law, which has only very slowly been condemned by the executive and judicial officers, the company would have been enabled to transfer into the hands of solid and respectable persons many thousands of acres, and with the traffic derived from their cultivation, it would have been able to prosecute the work on the remaining gap in its lines of road.

To June 30, 1880, the cost of construction of the 711.51 miles of railroad owned by this company was $62,919,109.72, and of equipment, $1,848,533.81. Total cost, $64,767,643.23, or at an average rate of $91,082 per mile.

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GENERAL RECAPITULATION TO JUNE 30, 1880.

	Items.	Northern Pacific.	Union Central route.	Atlantic and Pacific.	Southern Pacific.	Texas Pacific.	Total.
1	Acres land granted, if all received	57,920,000	41,458,924	51,840,000	11,967,488	18,000,000	181,186,412
2	Acres estimated to be obtained	42,500,000	32,200,813	17,008,150	10,445,000	12,000,000	114,153,963
3	Acres earned by construction, and vested	15,000,000	30,419,181	1,140,000	5,687,176	None	52,246,357
4	Acres patented to companies	746,509	8,388,155	504,536	1,048,090	None	10,687,290
5	Acres sold by companies	2,600,000	5,469,004	215,000	279,623	None	8,563,627
6	Amount realized from sales	$9,000,000	$25,742,789	$623,750	$1,017,256	None	$36,383,795
7	Average price per acre	$3.46	$4.71	$2.90	$3.64	None	$4.25
8	Acres vested, unsold	$12,400,000	24,950,177	925,000	5,407,553	None	43,682,730
9	Estimated value	31,000,000	$39,280,499	$1,850,000	$6,759,441	None	$78,889,940
10	Acres unvested by reason of non-construction	27,500,000	1,781,632	15,868,150	4,757,824	12,000,000	61,907,606
11	Estimated value	$68,750,000	$4,454,080	$31,736,300	$5,947,280	$24,000,000	$134,887,660
12	Miles subsidized with lands	2,450	$3,187.82	2,500	929	*1,061 840	10,967.82
13	Miles constructed or owned	680	3,414.92	175	*132 579	*444	5,424.92
14	Cost of same	$24,353,416	$318,352,888	†$30,691,974	$64,767,643	$27,418,108	$465,584,029
15	Cost per mile of same	35,813	$93,224	$80,768	$91,082	$61,771	$82,698
16	Miles to be constructed	1,865	139.19	2,325	350	*617 840	6,136.19
17	Estimated cost of same	$50,110,000	$5,600,000	$58,125,000	$10,500,000	$43,710,000	$168,045,000
18	Cost per mile of same	$26,868	$40,000	$25,000	$30,000	$30,000	$27,385
19	Total miles of route or system	2,700	3,554	2,500	920	1,901	11,584
20	Total cost of same	$75,000,000	$323,952,888	$88,816,974	$75,267,643	$71,128,108	$634,165,613
21	Total cost per mile of same	$28,000	$91,151	$35,526	$81,020	$37,416	$54,745
22	Estimated present cost of similar railroad	$75,000,000	$91,069,300	$50,000,000	$23,225,000	$47,525,000	$286,819,300
23	Estimated cost of same per mile	$28,000	$25,624	$20,000	$25,000	$20,000	$24,760

* Unsubsidized.

† 380 miles.

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From this recapitulation it will be seen that there remain "unvested," by reason of non-construction of the respective railroads for which grants were made, the following lands:

	Acres.
Northern Pacific	27,500,000
California and Oregon	1,781,632
Atlantic and Pacific	15,868,150
Southern Pacific	4,757,824
Texas and Pacific	12,000,000

Of these railroads the Northern Pacific, the Atlantic and Pacific, and the Texas and Pacific are vigorously pushing forward the work of construction; and it may be reasonably calculated that these railroads will be completed within the next three years. The California and Oregon uncompleted road extends from Redding to the northern line of the State of California, a distance of about 150 miles, and the country there is of such a mountainous character as to require heavy work and great expense; so much so that it is very doubtful if the road will be ever built.

The Southern Pacific uncompleted road extends from Tres Pinos to Huron, across the coast range—a difficult and costly line—and from Mojave to the eastern line of the State of California, at or near a point called "The Needles," over a desert country. Neither of these parts of the Southern Pacific are under construction, and, as in the California and Oregon case, it is very doubtful when they will be built, if ever.

As to the forfeiture of any of these grants, the opinion of the Attorney-General of the United States in the case of the Atlantic and Pacific Railroad Company is given on page 111 of my last annual report.

The Northern Pacific act is similar to that which granted lands to the Atlantic and Pacific in respect to the provisions for any action by Congress looking to a completion of the road.

The Texas and Pacific act contains no provision of the kind referred to, and has no section or clause providing for any repeal of the charter or grants.

The Southern Pacific obtained its grant under the Atlantic and Pacific charter, and is subject to the same conditions as that company.

The California and Oregon act, page 178 of Auditor's Report for 1880, in section 8, provides that "all the lands not conveyed by patent to said company or companies, as the case may be, at the date of any such failure, shall revert to the United States."

THEOS. FRENCH,
Auditor of Railroad Accounts.

INDEBTEDNESS OF THE PACIFIC RAILROADS TO THE UNITED STATES FOR BOND-SUBSIDIES TO JUNE 30, 1882.

[See page 1274.]

The following tables are taken from the Annual Report of the Commissioner of Railroads for 1882:

CONDITION OF THE BOND AND INTEREST ACCOUNTS OF THE PACIFIC RAILROADS.

The following statement of the condition of the accounts with the several Pacific Railroad companies, so far as regards moneys which have been actually covered in to their credit, is obtained from the public debt statement for June 30, 1882. No account is taken of moneys in the sinking funds held by the Treasurer of the United States, or of the compensation for services performed by them for the Government at that time remaining unsettled by the accounting officers, and under the heading "Interest paid by the United States" the semi-annual payment due July 1, 1882, is included:

Name of railway.	Principal outstanding.	Interest accrued and not yet paid.	Interest paid by the United States.	Interest repaid by companies.		Balance of interest paid by the United States.
				By transportation services.	By cash payments 5 per cent. of net earnings.	
Central Pacific	$25,885,120 00	$776,553 60	$21,899,448 07	$3,812,411 95	$648,271 96	$17,438,764 16
Kansas Pacific	6,303,000 00	189,090 00	5,751,153 09	2,725,458 33	.....	3,025,694 76
Union Pacific	27,236,512 00	817,095 36	23,323,659 69	8,453,537 60	.....	14,870,122 09
Central Branch U. P.	1,600,000 00	48,000 00	1,453,808 26	124,639 85	6,926 91	1,322,241 50
Western Pacific	1,970,560 00	59,116 80	1,550,015 34	9,367 00	.....	1,540,648 34
Sioux City and Pacific	1,628,320 00	48,849 60	1,366,598 29	95,278 57	.....	1,271,319 72
Totals	64,623,512 00	1,938,705 36	55,344,682 74	15,220,693 30	655,198 87	39,468,790 57

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Appendix 7 shows the total indebtedness of the several subsidized Pacific Railroads to the United States on June 30, 1882, to be as follows:

TOTAL DEBT.

Union Pacific:		
Principal	$33,539,512 00	
Accrued interest	30,080,998 14	
		$63,620,510 14
Central Pacific:		
Principal	27,855,680 00	
Accrued interest	24,285,133 81	
		52,140,813 81
Sioux City and Pacific:		
Principal	1,628,320 00	
Accrued interest	1,415,447 89	
		3,043,767 89
Central Branch Union Pacific:		
Principal	1,600,000 00	
Accrued interest	1,501,808 26	
		3,101,808 26
Total		121,906,900 10

TOTAL CREDIT.

Transportation services performed and money paid into the Treasury:	
Union Pacific	12,360,603 35
Central Pacific	6,004,665 17
Sioux City and Pacific	95,278 57
Central Branch Union Pacific	131,566 76
Total	18,592,113 85
Balance in favor of the United States, but not due until maturity of the principal, 1895–'99	103,314,786 25

NOTE.—The value of the lands granted the Pacific and other Land Grant Railroads is estimated to be $391,804,610.16. [See page 753 herein.]

CONDITION OF THE SINKING-FUND ACCOUNTS.

[See page 1275.]

The recommendation is renewed that section 4 of the act of May 7, 1878, be so amended as to embrace the subsidy portion of the Kansas Division of the Union Pacific Railway, the Central Branch Union Pacific Railroad, and the Sioux City and Pacific Railroad, within the operations of said act requiring the establishment of sinking funds and the payment of "twenty-five per centum of net earnings." The annual requirement as to the Kansas Division should be a sum not less than $300,000, and as to the two other roads, it is believed that $60,000 each would not be an unreasonable requirement.

Appendix 8 of this report shows in detail the condition of the sinking funds of the Union and Central Pacific Companies, respectively, held by the Treasurer of the United States under the act of Congress approved May 7, 1878, from which it will be seen that on June 30, 1882, tnese funds amounted to $2,716,221.68, the Central Pacific having to its credit $1,534,614,26, and the Union Pacific, $1,181,607.42.

Investments have been made by the Secretary of the Treasury as follows:

Character of bonds.	Union Pacific.	Central Pacific.	Total.
Funded loan of 1881, 5 per cent	$256,450 00	$194,900 00	$451,350 00
Funded loan of 1907, 4 per cent	32,650 00	199,100 00	231,750 00
Currency sixes, 6 per cent	361,000 00	444,000 00	805,000 00
Principal	650,100 00	838,000 00	1,488,100 00
Premium paid	124,065 43	168,727 73	292,793 16
Total cost	774,165 43	1,006,727 73	1,780,893 16

The last investment was made April 6, 1881, at which time a premium as high as 35 per centum was paid, but repeated protests have been made by the companies against the heavy cost of these investments.

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On June 30, 1882, the amounts remaining in the Treasury *uninvested* were as follows:

Credit of the Central Pacific	$527,886 53
Credit of the Union Pacific	407,441 99
Total	935,328 52

on which the above companies are receiving no interest whatever.

These statements are made *quarterly*, in the public debt statement, and can also be found in the annual report of the commissioner of railroads.

GENERAL LAND-OFFICE, REGULATIONS FOR.

ADJUSTMENT OF RAILROAD LAND GRANTS.

IN EFFECT DECEMBER 1, 1883.

The following circular instructions to registers and receivers, show the method of adjustment of railroad grants, and embody regulations in force June 30, 1883, (modified by rulings since November 7, 1879) with forms for verification of lists of selections, and also plats of survey of such roads, and railroads claiming right of way over the public lands. (See volume of rulings and decisions from July, 1881, to June, 1883. General Land Office, June, 1883, pages 349 to 410.)

RAILROAD DIVISION. (F.)

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., November 7, 1879.

REGISTERS AND RECEIVERS, UNITED STATES LAND OFFICES:

GENTLEMEN: The following * * * circular instructions, relating to railroad grants, embrace the various regulations now in force under the rules and decisions of the Department respecting the subject, together with forms for selection, verification of lists, and proper certification and authentication of plats of survey of such railroads, and railroads claiming the right of way through public lands, and a table showing the respective granting acts, with reference by volume and page to the statutes containing the same.

These instructions are communicated for the guidance of district officers, surveyors-general, executives, and agents of States, officers of railroad corporations, and others having an interest in the matters recited; and they supersede those of June 24, 1875.

You will be governed by the regulations herein prescribed.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

REGULATIONS CONCERNING RAILROADS.

Modified in some instances by rulings since November 7, 1879.—(See *Annual Reports General Land Office,* 1880–'81, *and Decisions of the Department of the Interior from July,* 1881, *to June,* 1883. *Pages* 349 *to* 410.)

I.

RULINGS RESPECTING HOMESTEAD AND PRE-EMPTION CLAIMS.

Under the provisions of the acts of Congress granting lands to aid in the construction of railroads, wherein there are excepted from such grants the lands to which a valid pre-emption or homestead right had attached at the time when the grant may have become effective, the Department has decided as follows:

1. A homestead entry, made by a person duly qualified, which is in all respects regular and legal, excepts the land covered thereby from the operation of a railroad grant attaching during the existence of such entry.

Under this ruling it is no longer necessary to hold investigations for the purpose of inquiring into the period of residence of the claimant, his acts respecting settlement upon and cultivation of the tract, etc.; but, if the entry appears upon its face to be valid, no hearing will be ordered.

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In case allegations are presented by a railroad company tending to show fraud or irregularity in the initiation of the entry, proper opportunity will be afforded for the presentation of proof thereof.

The law (section 2289, United States Revised Statutes) requires that a person making a homestead entry must be over twenty-one years of age, or the head of a family, and a citizen of the United States, or have declared his intention to become such; and, at the time of making such entry, he must swear that it is made for the purpose of cultivation, and not directly or indirectly for the use and benefit of any other person.

The foregoing regulation has reference only to lands within the *granted* limits of railroads, the Supreme Court of the United States having recently decided, in the case of Michael Ryan *vs.* Central Pacific Railroad Company, that the right to *indemnity* lands does not attach until those lands are regularly selected. Where, however, entries or filings have been admitted upon lands within the indemnity limits of any railroad grant, they will be allowed to stand awaiting the final adjustment of such grant, when, if the tracts are not required in satisfaction thereof, the entries or filings may be consummated.

2. A pre-emption claim which may have existed to a tract of land at the time of the attachment of a railroad grant, if subsequently abandoned and not consummated, even though in all respects legal and *bona fide*, will not operate to defeat the grant, it being held that upon the failure of such claim the land covered thereby inures to the grant as of the date when such grant became effective.

Under this ruling, therefore, no hearings can be ordered for the purpose of ascertaining the facts respecting the settlement, occupation, improvement of the lands, etc., by such pre-emption claimant, for even if such facts were established, still, under the decision, the land inures to the grant.

II.

APPLICATION BY RAILROADS TO SELECT LANDS PREVIOUSLY COVERED BY ENTRIES.

Where application is made by the agent of a railroad company to select lands on which homestead entries existed at the time the railroad grant took effect, but which it is alleged were fraudulent or irregular in their inception, you will order hearings to determine the status of the entries, giving at least thirty days' notice in writing of the time and place of such hearing to all persons interested.

At such hearing your inquiries should be directed to the personal qualifications of the homestead party, and all facts touching the regularity of the entry. Inquiry respecting the residence of, and cultivation by, the party need not be made.

At the close of the hearing you will transmit to this office the testimony, prefaced by copies of the notices served, with your joint opinion thereon.

Where application is made by a railroad company to select lands on which pre-emption filings having heretofore been made and canceled, or where the same have expired by limitation of law, no other claim or entry appearing of record, you will admit the selections, in accordance with the rules governing in the premises herein communicated. No proofs by the companies concerning such claims will hereafter be required.

III.

APPLICATIONS BY SETTLERS TO ENTER LANDS COVERED BY RAILROAD WITHDRAWALS.

Whenever an application to file or enter is presented, alleging upon sufficient *prima facie* cause that the land is excepted out of the railroad grant, you will give notice thereof to the proper representative of the railroad company within whose grant the land applied for is situated, and allow thirty days within which the company may present objections to the allowance of such filing or entry. Should the company fail to respond, or show any reason why, in your judgment, the application should not be allowed, you will admit it, but should the company present any allegations of the character contemplated in the preceding section, you will order an investigation, and be governed by the instructions therein given.

Whenever an application is presented which you deem it your duty to reject, you will indorse upon such application the date of its presentation and your reasons for rejection; and upon appeal being taken therefrom in the manner and within the period prescribed by the Rules of Practice of the Department, you will forward the rejected application as a basis for your report to this office, together with the appeal and other papers which may be filed with you for that purpose. Your report should set forth in full the status of the land as shown by your records, including all filings, entries, remarks, and notes found thereon, or such reference to the same as will present the entire case to the attention of this office.

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IV.

SELECTIONS BY RAILROAD COMPANIES.

By the seventh paragraph of section 2238 of the Revised Statutes it is provided that in the location of lands by States and corporations under grants from Congress for railroads and other purposes (except for agricultural colleges), the register and receiver shall each be entitled to a fee of one dollar for each final location of one hundred and sixty acres, to be paid by the State or corporation making such location.

1st. Under this law the registers and receivers are *each* entitled to receive a fee of one dollar for each final location of one hundred and sixty acres, or any quantity approximate thereto when the deficit is less than forty acres.

2d. When the several quantities shall have been definitely ascertained by you to inure to the grant, as hereinafter prescribed, the fees will then be due thereon.

3d. The State, through its grantee, or the grantee, as the case may be, is required to file with the register and receiver of the proper land office descriptive lists of the tracts of land claimed as inuring under the grant within sections of ——— miles each along the line of route, on both sides thereof, to be dated and verified by the signature of the selecting agent.

For agent's certificate, to be attached to each list, see Form A.

The party appearing as the agent of the grantee must file with the register and receiver written and satisfactory evidence, under seal, showing his authority to act in the premises.

In the preparation of the descriptive lists the register and receiver will afford the agent all reasonable facilities, taking care, however, not to interrupt the current public business.

The lists must be carefully and critically examined by the register and receiver, and their accuracy tested by the plats and records of their office.

When so examined and tested, and found correct in all respects, they will become final locations, and you will, on the payment of the requisite fees to the receiver, so certify at the foot of each list, according to Form B.

After such lists have been examined, and you have attached your certificate thereto, the same will be consecutively numbered, commencing with No. 1, for each railroad or separate grant. Upon the payment of the fees and certification of the lists by you, the register will post the selections in the Tract Book after the following manner:

"Selected ———, 18—, by A. B., agent for the ——— Rail——— Co., act ——, list No. ——;" and on the plats he will mark the tracts so selected "——— R. R."

After the selections are properly posted and marked on the plats, the lists will be transmitted to this office, accompanied by the evidence of the agent's appointment.

It is required that clear lists of approvals shall in every case be made out by you, or required of the selecting agents, after your examination of the tracts which you are prepared to certify, showing clearly and without erasure the description of the lands and the area of each tract; also the aggregate area, properly footed in the columns, and set forth in the certificate.

For rejected selections you will then require a new application and list, with tender of fees, upon which you will note opposite each tract the objections appearing upon your records, and indorse thereon in full your reasons for refusing to certify the same.

Should the agent appeal, you will allow him to file the points of exception to your ruling in writing, properly drawn and dated, which, when completed, you will forward to this office. No erasures should appear in such lists. The rejection will sufficiently appear from your notes and indorsements, and, if finally admitted, the lists will then be in complete and perfect order for filing. To secure uniformity, and to make the lists convenient for binding, properly ruled blanks will be furnished upon application.

Lists containing erasures received at this office will not be filed, but will be returned to you for perfection.

4th. The fees will be due in all cases where the service may have been rendered *subsequent* to the passage of said act of 1864.

5th. The receiver will account for the fees thus paid in his monthly and quarterly accounts, specially setting forth in the same the particular case or cases on which such fees had accrued, giving the name of road, number, and date of the list of selections for which they had been paid.

6th. By joint resolution No. 10, of January 30, 1865, "mineral lands" are not embraced in the grants made at the first session of the Thirty-eighth Congress, unless otherwise specially provided in the act or acts making the grants. (Revised Statutes, section 2346.)

Form of title page to be prefixed to the lists of selections will be found herewith, marked C.

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V.

INDEMNITY SELECTIONS FOR RAILROADS.

In the adjustment of grants for railroads the principle has, until recently, prevailed, that indemnity was allowed for all lands sold, reserved, or disposed of within the granted limits, whether such sale, reservation, or disposal occurred before or after the granting act, and the certifications and patents have been executed in conformity thereto.

In accordance with the recent decision of the Supreme Court in the case of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* United States (2 Otto, 733), it is held by the Department that indemnity can only be allowed for lands sold, reserved, or disposed of in the granted limits by the General Government after the granting act and prior to the time when the railroad right attached, unless the grant be one of quantity specifically set forth in the act. In the adjustment of all grants it consequently becomes necessary to know for what lands lost *in place* the indemnity selections are made, and with the view to that end you will require the companies to designate the specific tracts for which the lands selected are claimed.

VI.

COSTS OF SURVEYING AND CONVEYING LANDS.

By a proviso to the act of Congress approved July 31, 1876 (19 Stat., p. 121), making appropriations for sundry civil expenses of the Government, etc., it is declared:

"That before any lands granted to any railroad company by the United States shall be conveyed to such company, or any persons entitled thereto under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there slall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest."

It has been decided by the Department that in the adjustmnt of all railroad grants falling within the terms of that act the requirements thereof must be complied with. No certifications or patents can issue, therefore, to any railroad company affected by the statute until the costs of surveying, selecting, and conveying the lands have been paid.

The cost of surveying includes the expense of field and office work, and must be paid in the manner indicated in subdivision VII of this circular.

The cost of selecting is fixed by section 2238 of the Revised Statutes, before referred to, and payment thereof will be governed by the regulation prescribed in subdivision IV of these instructions.

The cost of conveying will be governed by the rates fixed by law for the preparation of certified copies, namely, fifteen cents for each one hundred words or fraction thereof. As a patent is required to be recorded, the payment must be made at double those rates, or at the rate of *thirty* cents for each one hundred words, in order that the necessary expense of conveying the land may be covered.

The provisions of the said act are construed as not applying to grants made to States to aid in the construction of railroads not named in the granting act; but where the grant is to a State in trust for the benefit of a company named—where the State is simply an intermediary and not a beneficiary—the payment required must be made.

VII.

PACIFIC RAILROADS UNDER ACTS OF CONGRESS APPROVED JULY 1, 1862, AND JULY 2, 1864.

By section twenty-one of the latter act, these companies are required to pay the cost of surveying and conveying the lands, in addition to the register's and receiver's fees exacted by section 2238 of the Revised Statutes, before mentioned. This cost of surveying and conveying is, by the decision of the United States Supreme Court at the December term, 1872, applicable to all the lands granted by acts of July 1, 1862, and July 2, 1864. Therefore, the "cost" will be assessed and collected on all the lands within twenty miles from the line of the road, where the grant is under both acts.

To ascertain the cost of "surveying," which includes both *surveying in the field* and *office work*, the company will apply to the surveyor-general of the State or Territory in which the lands are situated. Upon ascertaining the sums due for surveying and office work for the "section or sections of road" for which selections have been or are to be made, a deposit of those sums must be made, to the credit of the Treasurer of the United States, with an authorized depositary. The duplicate of deposit must be filed with the surveyor-general; whereupon he will transmit to the register and

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receiver of the proper land office his certificate of such payment having been made, specifying how much was for surveying and how much for office work, as per Form D.

The surveyor-general's certificate and the evidence of the agent's appointment must accompany the lists of selection when transmitted by you to this office.

Let me here again direct your attention to the necessity of great care in the examination and testing of these lists, so that all conflicts may be avoided and improper selections be excluded, and that the verified schedules may be absolutely accurate, thus avoiding embarrassment and delay to all concerned.

In the fourth section of the act of July 2, 1864, it is provided that the word "mineral," when it occurs in that act, shall not be held to include coal and iron. Therefore, iron and coal lands are subject to selection by the Pacific railroads; but all other minerals are expressly excluded from the grant, and must necessarily be so from all selections you may certify to this office.

VIII.

RELINQUISHMENTS BY RAILROADS IN FAVOR OF SETTLERS.

By an act of Congress approved June 22, 1874 (18 Stat., p. 194), it is provided—

"That in the adjustment of all railroad land grants, whether made directly to any railroad company or to any State for railroad purposes, if any of the lands granted be found in the possession of an actual settler whose entry or filing has been allowed under the pre-emption or homestead laws of the United States subsequent to the time at which, by the decision of the Land Office, the right of said road was declared to have attached to such lands, the grantees, upon a proper relinquishment of the lands so entered or filed for, shall be entitled to select an equal quantity of other lands in lieu thereof from any of the public lands not mineral, and within the limits of the grant, not otherwise appropriated at the date of selection, to which they shall receive title the same as though originally granted. And any such entries or filings thus relieved from conflict may be perfected into complete title as if such lands had not been granted: *Provided*, That nothing herein contained shall in any manner be so construed as to enlarge or extend any grant to any such railroad, or to extend to lands reserved in any land grant made for railroad purposes: *And provided further*, That this act shall not be construed so as in any manner to confirm or legalize any decision or ruling of the Interior Department under which lands have been certified to any railroad company when such lands have been entered by the pre-emption or homestead settler after the location of the line of the road and prior to the notice to the local land office of the withdrawal of such lands from market."

By reference to the foregoing it will be perceived that an inducement is offered to such railroad companies as may be found entitled to lands held by actual settlers under the pre-emption or homestead laws to relinquish in favor of the settlers, and receive other lands in lieu of those surrendered.

Upon the filing of such relinquishment this office is authorized to recognize the filing or entry of the settler in the same manner as if the land had not been granted to the railroad company.

To facilitate the adjustment of conflicting claims and give effect to the provisions of the act, the following rules are established:

1. When the superior right of the company is ascertained, and it is found that the claim of the settler is such that it would be admitted were the railroad claim extinguished, this office will, in all practicable cases, direct the attention of the officers of the company to the fact, and request an explicit answer whether or not the land will be relinquished.

At the same time it will be well for the party interested to seek for himself the relief indicated by direct application to the railroad authorities, and thereby aid in securing a speedy and satisfactory adjustment.

2. Relinquishment may be made by a simple waiver of claim where the patent or its equivalent has not been issued in behalf of the company; but where title has passed, formal reconveyance will be required, as in other cases of the surrender of patents.

3. When making relinquishment, the company will be permitted to name the tract selected as indemnity; and in order that conflict with pending applications may be avoided, such relinquishment and selection should be filed with the register and receiver, and be noted upon their records, before transmission to this office.

But in case the company desires to relinquish at once in favor of the settler, and trust to future selections for indemnity, such relinquishment may be sent direct to this office, and upon its receipt will be noted on the books, and the claim of the settler will be immediately released from suspension.

4. The selections must be of lands, not mineral, within the limits of the grant and withdrawal, free from other claims, and not reserved or otherwise appropriated at date of selection.

5. Where fees have been paid upon the original selections they will be applied to the indemnity. Where tracts not yet formally selected are relinquished, fees will be charged upon the indemnity selections.

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6. The selections will be reported by the register and receiver in the same manner as original selections, with a reference to the act by its date and title; and opposite each tract annotation will be made of the tract surrendered, and the name of the settler in whose favor it is relinquished, with the number of his entry or filing. (See Forms E and F.)

Properly ruled blanks will be furnished for convenience in making the selections.

As the act is not mandatory upon the companies, but simply provides a mode of adjustment depending upon their voluntary action, and as the relief proposed is vital to many settlers, who through error resulting from various causes have made homes upon the lands granted, it is hoped that by a liberal and mutual spirit of compromise and concession on the part of settlers and railroad officials its beneficent provisions may be made available, and substantial advantages to all may be secured at small cost and trouble to the parties concerned; and although the adjustments will involve this office in a large amount of labor, it will be cheerfully undertaken for the purpose of accomplishing a result so desirable.

IX.

CONFIRMATION OF PRE-EMPTION AND HOMESTEAD CLAIMS IN RAILROAD LIMITS.

On the 21st of April, 1876, Congress, by an act entitled "An act to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department," declared:

"That all pre-emption and homestead entries, or entries in compliance with any law of the United States, of the public lands, made in good faith by actual settlers, upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated, or after their restoration to market by order of the General Land Office, and where the pre-emption and homestead laws have been complied with, and proper proofs thereof have been made by the parties holding such tracts or parcels, they shall be confirmed, and patent for the same shall issue to the parties entitled thereto.

"SEC. 2. That when at the time of such withdrawal as aforesaid valid pre-emption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and ruling of the Land Department, were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre-emption or homestead entries, and shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto.

"SEC. 3. That all such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant, shall be deemed valid, and a compliance with the laws and the making of the proof required shall entitle the holder of such claim to a patent therefor." (19 Stat., p. 35.)

It is required that every application under this act shall be in such form as to distinctly set forth the facts in the case, and the specific grounds upon which the party applying claims to be included in the terms of the law; and after the application shall have been filed the applicant shall be allowed to make proof of compliance with the pre-emption or homestead laws as provided in this act.

Applications under this act must, in all cases, be made to the local land officers of the district within which the land claimed is situated, and the proof required must be taken before them, or before any person authorized by law to take the same.

No person shall be deemed to have lost any right who failed to make the proof required by the pre-emption or homestead laws by reason of any decision or ruling of this office prior to approval of this act, and all such persons may now make the proof required.

The proof must in all cases be filed with you, and you will transmit each case separately to this office, with such information as is in your possession relative thereto.

X.

RIGHT-OF-WAY RAILROADS.

The following is a copy of an act of Congress approved March 3, 1875, granting to railroads the right of way through the public lands of the United States:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the right of way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of

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any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road; also the right to take from the public lands adjacent to the line of said road material, earth, stone, and timber necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, depots, machine shops, side-tracks, turn-outs, and water-stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road.

"SEC. 2. That any railroad company whose right of way, or whose track or road bed upon such right of way, passes through any canyon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of the said canyon, pass, or defile, for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade. And the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any wagon or other public highway now located therein, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon road is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall, before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road: *Provided,* That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile.

"SEC. 3. That the legislature of the proper Territory may provide for the manner in which private lands and possessory claims on the public lands of the United States may be condemned; and where such provisions shall not have been made, such condemnation may be made in accordance with section three of the act entitled "An act [to amend an act entitled An act] to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July first, eighteen hundred and sixty-two," approved July second, eighteen hundred and sixty-four.

"SEC. 4. That any railroad company desiring to secure the benefits of this act shall, within twelve months after the location of any section of twenty miles of its road, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a profile of its road; and upon approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office; and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way: *Provided,* That if any section of said road shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any such uncompleted section of said road.

"SEC. 5. That this act shall not apply to any lands within the limits of any military, park, or Indian reservation, or other lands specially reserved from sale, unless such right of way shall be provided for by treaty stipulation or by act of Congress heretofore passed.

"SEC. 6. That Congress hereby reserves the right at any time to alter, amend, or repeal this act, or any part thereof.

"Approved March 3, 1875." (18 Stat., p. 482.)

The regulations under the law are as follows:

I. Any railroad company desiring to obtain the benefits of the law is required to file—

First. A copy of its articles of incorporation, duly certified to by the proper officer of the company, under its corporate seal.

Second. A copy of the State or Territorial law under which the company was organized (when organized under State or Territoral law), with a certificate of the governor or secretary of the State or Territory that the same is the existing law.

Third. When said law directs that the articles of association, or other papers connected with the organization, be filed with any State or Territorial officer, the certificate of such officer that the same have been filed according to law, with the date of the filing thereof.

No forms are prescribed for the above portion of the "due proofs" required, as each case must be governed, to some extent, by the laws of the State or Territory. Under the following regulations proper forms will be found herein.

Fourth. The official statement, under seal, of the proper officer, that the organization has been completed; that the company is fully authorized to proceed with the construction of the road according to the existing law of the State or Territory; and that the copy of the articles filed with the Secretary of the Interior is true and correct. (See Form I.)

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Fifth. A true list, duly verified by the sworn statement of the president, under the seal of the company, showing the names and designation of its respective officers at the date of the presentation of the proofs at the Department. (See Form II.)

These may be transmitted directly to the Secretary of the Interior, or through this office, or they may be filed with the register of the land district in which the principal terminus of the road is to be located, who will forward them to this office.

II. Upon the location of any section of the line of route of its road, not exceeding twenty miles in length, the company must file with the register of the land district in which such section of the road, or the greater portion thereof, is located, a map for the approval of the Secretary of the Interior, showing the termini of such portion of the road, its length, and its route over the public lands according to the public surveys.

The map must be filed within twelve months after the location of such portion of the road, if located upon surveyed lands, and if upon unsurveyed lands, within twelve months of the survey thereof. It must bear—

"First. Affidavit of the chief engineer of the company (or person employed to make the survey, if the company has no chief engineer), setting forth that the survey of the line of route of the company's road from ——— to ———, a distance of ——— miles (giving termini and distance), was made by him (or under his direction) as chief engineer of the company, (or as surveyor employed for the purpose, if such be the case), under authority of the company on or between certain dates (giving the same); and that such survey is accurately represented on the map. If the affidavit is made by the chief engineer of the company, it must be signed by him officially. (See Form III.)

"Second. Official certificate of the president of the company, attested by its secretary under its corporate seal, regarding the person signing the affidavit, either as to his being the chief engineer of the company or as to his employment by the company for the purpose of making such survey; that the survey was made under authority of the company; that the line of route so surveyed and represented by the map was adopted by the company, by resolution of its board of directors of a certain date (giving the date), as the definite location of the line of route of the company's road from ——— to ———, a distance of ——— miles (giving termini and distance), and that the map has been prepared to be filed for the approval of the Secretary of the Interior, in order that the company may obtain the benefits of the act of Congress approved March 3, 1875, entitled 'An act granting to railroads the right of way through the public lands of the United States.'" (See Form IV.)

III. It will be observed that the requirements of the law regarding the filing of the proper papers and maps are conditions precedent to the obtainment of the right to construct a railroad over the public lands, or to take therefrom material, earth, stone, and timber for its construction, or to occupy them for station or other purposes. It is therefore imperative that proper steps, as pointed out in this circular, should be taken by a company, and the approval of the Secretary of the Interior obtained, prior to the construction of any part of its road or its occupancy of the public lands in any manner.

IV. Should the company desire to construct its road over lands prior to their survey, it may file, in manner as heretofore indicated, a map of its surveyed route, without waiting until the lands are surveyed, and, upon approval thereof, may proceed with construction, but, immediately on the survey of the lands over which the road passes, the company must also file a map showing the line of route of its road over such lands, in order that the proper notes and records for the protection of its rights may be made.

V. Upon construction of any section of the line of its road the company must file with the register of the proper land district, for transmission to this office, a map of such constructed portion of road, bearing—

First. Affidavit of the chief engineer or person under whose supervision the portion of the road was constructed that its construction was commenced on ——— and finished on ——— (giving dates); that the line of constructed road is accurately represented upon the map, and that it conforms to the line of located route which received the approval of the Secretary of the Interior on ——— (giving date). (See Form V.)

Second. Certificate of the president of the company, attested by the secretary under the corporate seal, that the portion of the road indicated by the map was actually constructed at the time as sworn to by the chief engineer of the company (or person making the affidavit), and on the exact route shown on the map; that in its construction the road does not deviate from the line of route approved by the Secretary of the Interior, and that the company has in all respects complied with the requirements of the act of March 3, 1875, granting right of way through the public lands. (See Form VI.)

Any variation within the limits of one hundred feet from the central line of the road as located will not be considered a deviation from such line, but where, upon construction, it is found necessary to transgress the limits within which the company

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has right of way, the company must at once file proper map of amended route for approval.

VI. If the company desires to avail itself of the provisions of the law which grants the use of "ground adjacent to the right of way for station-buildings, depots, machine shops, side-tracks, turn-outs, and water-stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road," it must file for approval, in each separate instance, a plat showing, in connection with the public surveys, the surveyed limits and area of the grounds desired. Such plat must bear—

First. Affidavit of the chief engineer or surveyor by whom or under whose supervision the survey was made, to the effect that the plat accurately represents the surveyed limits and area of the grounds required by the company for station or other purposes, under the law (stating the purposes), in ——— (giving section, township, range, and State or Territory); that the company has occupied no other grounds for station or other similar purposes upon public lands within ten miles of the grounds designated on the plat, and that, in his belief, the grounds so represented are actually and to their entire extent required by the company for the necessary uses contemplated by law. (See Form VII.)

Second. Certificate of the president of the company, attested by the secretary under the corporate seal, that the survey of the tract represented on the plat was made under authority and by direction of the company by or under supervision of its chief engineer (or person making the survey), whose affidavit is attached; that such survey accurately represents the grounds actually and to their entire extent required by the company for station (or other) purposes in ——— (giving section, township, range, State or Territory), allowed by the provisions of the act of Congress approved March 3, 1875, granting to railroads the right of way through the public lands; that the company has no station or other grounds upon public lands within a distance of ten miles from the grounds represented on the plat; and that the company, by resolution of its board of directors of a certain date (giving the date), directed the proper officers to present the plat for the approval of the Secretary of the Interior in order that the company may obtain the use of the grounds under the law above referred to. (See Form VIII.)

VII. Registers at the various land offices are directed to require that such papers and maps herein referred to as may be filed with them for transmission to this office shall conform to these regulations. Where differences of opinion may arise between themselves and the persons filing papers respecting the proper construction of these requirements the papers may be transmitted with letter stating the differing opinions.

They are also instructed, in any case where information is received by them of the construction of railroads within their districts, on the rights of which they have no official knowledge, to promptly advise this office of the facts in order that proper information or directions in the matter may be given them.

VIII. Action upon maps filed will be facilitated by presenting them in duplicate. The attention of companies seeking the benefits of this act should be specially directed to this suggestion, as serious delays and embarrassments are often incurred, through the inability of this office, owing to its limited clerical force, to prepare the necessary copies for transmission to the district offices.

Very respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

DEPARTMENT OF INTERIOR,
November 7, 1879.

Approved.

C. SCHURZ,
Secretary.

ADDITIONAL INSTRUCTIONS.

For additional instructions relative to indemnity lands within the grants to railroads, see circular of May 22, 1883, and Secretary of Interior's letter of July 11, 1883, on pages 891 and 892 herein.

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FORMS FOR VERIFICATION OF LISTS OF SELECTIONS.

(A.)

——— OF ———,
County of ———, *ss:*

I, ——— ———, being duly sworn, depose and say that I am the land agent of the ———, formerly the ———; that the foregoing list of lands, which I hereby select, is a correct list of a portion of the public lands claimed by the said ——— company as inuring to ———, to aid in the construction of the ——— from ———, for which a grant of lands was made by the acts of Congress approved ———; that the said lands are vacant, unappropriated, and are not interdicted mineral nor reserved lands, and are of the character contemplated by the grant, being within the limits of —— miles on each side of the line of route for a continuous distance of —— miles, being for ——— section of said road, starting from ——— and ending ———.

——— ———. [LS.]

Sworn and subscribed before me this —— day of ———, 18—.

——— ———.

NOTE.—This affidavit may be made before either the Register or Receiver of the United States Land Office.

(B.)

UNITED STATES LAND OFFICE,
———, ———,
———, 18—.

We hereby certify that we have carefully and critically examined the foregoing list of lands claimed by the ———, under the grant to the ———, by act of Congress approved ———, and selected ——— by ——— ———, the duly authorized agent; and we have tested the accuracy of said list by the plats and records of this office, and that we find the same to be correct. And we further certify that the filing of said list is allowed and approved, and that the whole of said lands are surveyd public lands of the United States, and within the limit of ——— miles on each side; and that the same are not, nor is any part thereof, returned and denominated as mineral land or lands, nor claimed as swamp lands, nor is there any homestead, pre-emption, State, or other valid claim to any portion of said lands on file or record in this office.

We further certify that the foregoing list shows an assessment of the fees payable to us allowed by the act of Congress approved July 1, 1864, and contemplated by the circular of instructions dated November 7, 1879, addressed by the Commissioner of the General Land Office to Registers and Receivers of the United States Land Offices; and that the said company have paid to the undersigned, the Receiver, the full sum of ———, in full payment and discharge of said fees.

——— ———, *Register.*
——— ———, *Receiver.*

(C.)

——— OF ———,
UNITED STATES LAND OFFICE,
———, ———,
———, 18—.

The ———, under and by virtue of the acts of Congress entitled "——— ———," and under and in pursuance of the rules and regulations prescribed by the Commissioner of the General Land Office, hereby makes and files the following list of selections of public lands claimed by the said company as inuring to it, and to which it is entitled under and by virtue of the grants and provisions of the said acts of Congress, and the location of the line of route of the ——— of said company; being for the ——— section (——miles) of the same, commencing at ——— and ending ———; the selections being particularly described as follows, to wit: —— ——.

(D.)

UNITED STATES SURVEYOR GENERAL'S OFFICE,
———, ———,
———, 18—.

I, ——— ———, Surveyor General for the United States in and for the ———, hereby report and certify that the ——— has this day filed with me, at ———, a duplicate certificate of deposit, No. —, dated ——— of the ———, to the credit of the Treasurer of

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the United States, showing that the sum of $——— has been deposited as cost of survey and $——— for office work, and that the said sums are the correct amount of the cost of survey and office work for the lands mentioned and described in the list of lands hereto annexed, to the extent of said list.

Survey, $———.

Office work, $———.

In testimony whereof I have hereunto set my hand and official seal.

——— ———, *Surveyor General.*

RELINQUISHMENTS BY RAILROADS IN FAVOR OF SETTLERS.

(E.)

UNITED STATES LAND OFFICE,

———, ———,

———, 18—.

I, ——— ———, agent of the ——— Rail——— Company, hereby apply to select the following described lands, in lieu of lands inuring to said company, under act of ———, and surrendered by said company in favor of actual settlers thereon, as provided by act of June 22, 1874, entitled "An act for the relief of settlers on railroad lands."

(F.)

UNITED STATES LAND OFFICE,

———, ———,

———, 18—.

We hereby certify that we have carefully and critically examined the foregoing list of lands claimed by the ——— Rail——— Company, in lieu of lands heretofore granted for said company, and selected by ——— ———, the duly authorized agent, and that we find the same to be correct; and we further certify that the filing of said list is allowed and approved, and that the whole of said lands are surveyed public lands of the United States, and within the limits of —— miles.

We further certify that the foregoing list shows an assessment of the fees payable to us under the act of July 1, 1864, and that the said company have paid to the undersigned, the Receiver, the full sum of ———, in full payment of said fees.

——— ———, *Register.*

——— ———, *Receiver.*

FORMS FOR CERTIFICATION OF MAPS OF SURVEYS, PERMANENT LOCATIONS, AND CONSTRUCTION OF RAILROADS.

Nos. 1, 2, 3, and 4 to be used when grant was direct to the railroad company. Nos. 1, 3, 4, 5, 6, and 7 to be used when grant was made to the State or Territory.

(No. 1.)

——— OF ———,

County of———, *ss:*

——— ———, of ———, in said county and ———, being duly sworn, deposeth and says, that he is the chief engineer of the ———, and has been such chief engineer since the ———; that during the period above named ——— and ——— were employed, and by this deponent as chief engineer for said railroad company, as deputy or division engineers; that the said engineers, as shown by their field-notes, verified under oath, did actually survey and mark upon the ground the line or route of the ——— from ——— to ———, in the sections and at the times respectively designated by dates, which are included between the flag-staffs upon and along the line of route of said railroad as delineated on this map, showing the line of the public survey in connection with the surveyed line of the route; and that the acts of said deputy or division engineers in the premises were duly approved and accepted on behalf of said company by this deponent as said chief engineer of the ———.

——— ———, *Chief Engineer.*

Sworn and subscribed this ——— day of ———, before me.

[SEAL.] ——— ———, *Notary Public.*

NOTE.—The map of location *must*, as shown in the above form, in all cases show the lines of the public survey in connection with the line of route.

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(No. 2.)

OFFICE OF THE ——,
—— ——,
——, 18—.

It is hereby certified that, in pursuance of the act of Congress approved July 1, 1862, entitled "An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," wherein a grant of land is made by the —— section to the ——, who are thereby authorized to construct a railroad and telegraph line from ——, and the act of July 2, 1864, amendatory thereof, which —— —— to construct said railroad, this map shows the location of the line or route of the —— from —— to ——, being a part of the line or route of said railroad as definitely fixed, in compliance with said acts of Congress and in pursuance of the resolution of the board of directors of said company, passed on the ——; and that the dates of the field-work thereof are truly indicated along the line, from station to station, upon this map.

In testimony whereof the —— has caused the same to be signed by its president and engineer, and has attached hereunto its corporate seal, at ——, on the day and year first above written.

[SEAL.] —— ——, *President.*
—— ——, *Chief Engineer.*

Attest: —— ——,
Secretary.

(No. 3.)

——F ——,
County of ——, *ss:*

—— ——, of ——, in said county and ——, being duly sworn, deposeth and says, that he is the chief engineer of the said railroad from —— to ——, being for —— section of —— miles, as shown by the line of route in connection with the lines of the public surveys on this map; that it has been completed and equipped as required by law, and that this line of route shows the correct location of the said railroad.

[SEAL.] —— ——, *Chief Engineer.*

Sworn and subscribed this —— day of ——, before me.

[SEAL.] —— ——, *Notary Public.*

(No. 4.)

It is hereby certified that —— —— is the chief engineer of the ——, and that the location of the road as represented on this map is correct and approved by the company; and also that the said portion of the said road has been completed and equipped in all respects as required by law.

—— ——, *President.*

Attest: —— ——,
Secretary.

[SEAL.]

(No. 5.)

OFFICE OF THE ——,
—— ——.

It is hereby certified that, in pursuance of the act of the legislative assembly of the ——, approved ——, entitled "——" this map shows, in connection with the public surveys, the actually surveyed line of route of the —— from —— to ——, as definitely fixed, in compliance with the act of Congress approved ——, and in pursuance of the resolution of the board of directors of said railroad company, passed on the —— day of ——; and that the dates of the field-work thereof are truly indicated along the line, from station to station, upon this map.

In testimony whereof the —— has hereunto attached its corporate seal and caused the same to be signed by the president and engineer, at ——, in the day and year first above written.

[SEAL.] —— ——, *President.*
—— ——, *Chief Engineer.*

Attest: —— ——,
Secretary.

(No. 6.)

I, —— ——, governor of the ——, do hereby certify that this plat or map of the —— has been duly filed in my office by the railroad company, and shows, in connection with the public surveys, the location of the line of route as actually surveyed of the —— "from —— to ——," as definitely fixed, in compliance with

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the act of Congress approved ——, entitled "An act ——;" and with the act of the legislative assembly of the ——, approved ——, entitled "——," granting certain lands to the railroad herein named.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the ——.

Done at ——, this —— day of ——.

[SEAL.] —— ——, *Governor.*

Attest: —— ——,
Secretary of ——.

(No. 7.)

EXECUTIVE OFFICE, —— ——,
—— ——.

I, —— ——, governor of the ——, do hereby certify that this plat or map of the —— has been duly filed in my office by the said —— company, and shows that portion of the said railroad commencing at —— and ending at ——, which has been completed and equipped as required by the act of Congress approved ——, and the act of the legislative assembly of the ——, approved ——, entitled "——," granting lands to the said railroad company.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the ——.

Done at —— this —— day of ——.

[SEAL.] —— ——, *Governor.*

Attest: —— ——,
Secretary of ——.

FORMS FOR "DUE PROOFS" AND VERIFICATION OF MAPS OF RIGHT OF WAY RAILROADS.

(I.)

I, —— ——, secretary [or president] of the —— railroad company, do hereby certify that the organization of said company has been completed; that the company is fully authorized to proceed with the construction of the road according to the existing laws of the State [or Territory]; and that the copy of the articles of association [or incorporation] of the company filed in the Department of the Interior is a true and correct copy of the same.

In witness whereof I have hereunto set my name and the corporate seal of the company.

[SEAL.] —— ——,
—— *of the* —— *Railroad Company.*

(II.)

—— ——, being duly sworn, says that he is the president of the —— railroad company, and that the following is a true list of the officers of the said company, with the full name and official designation of each, to wit: [Here insert the full name and official designation of each officer.]

[SEAL OF COMPANY.] —— ——,
President of the Company.

Sworn and subscribed to before me this —— day of ——, 18—.

[SEAL.] —— ——,
Notary Public.

(III.)

—— ——, being duly sworn, says he is the chief engineer of [or is the person employed to survey the line of route of the road of] the —— railroad company; that the survey of the line of route of said road from —— to ——, a distance of —— miles, was made by him [or under his direction] as chief engineer of the company [or as surveyor employed by the company] and under its authority, commencing on the —— day of ——, 18—, and ending on the —— day of ——, 18—; and that such survey is accurately represented on the accompanying map.

—— ——,
—— ——.

Sworn and subscribed to before me this —— day of ——, 18—.

[SEAL.] —— ——,
Notary Public.

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(IV.)

I, ——— ———, do hereby certify that I am the president of the ——— railroad company; that ——— ———, who subscribed the foregoing affidavit, is the chief engineer of [or was employed to make the survey by] the said company; that the survey of the line of route of the company's road, as accurately represented on the accompanying map, was made under authority of the company; that the said line of route so, surveyed and as represented on the said map was adopted by the company by resolution of its board of directors on the —— day of ———, 18—, as the definite location of the road from ——— to ———, a distance of ——— miles; and that the map has been prepared to be filed for the approval of the Secretary of the Interior, in order that the company may obtain the benefits of the act of Congress approved March 3, 1875, entitled "An Act granting to railroads the right of way through the public lands of the United States."

——— ———,
President of the ——— Railroad Company.

Attest: ——— ———,
Secretary.

[SEAL OF COMPANY.]

(V.)

——— ———, being duly sworn, says that he is the chief engineer of [or was employed to construct the road of] the ——— railroad company; that said road has been constructed, under his supervision, from ——— to ———, a distance of ——— miles; that its construction was commenced on the —— day of ———, 18—, and finished on the —— day of ———, 18—; that the line of constructed road as aforesaid is accurately represented on the accompanying map, and that it conforms to the line of located route which received the approval of the Secretary of the Interior on the —— day of ———, 18—.

——— ———,
———.

Sworn and subscribed to before me this —— day of ———, 18—.
[SEAL.]

——— ———,
Notary Public.

(VI.)

I, ——— ———, do hereby certify that I am the president of the ——— railroad company; that the portion of the road from ——— to ———, a distance of ——— miles, was actually constructed as set forth in the foregoing affidavit of ——— ———, chief engineer, [or, the person employed by the company in the premises,] and on the exact route as represented on the accompanying map; that in its construction the road does not deviate from the line of route approved by the Secretary of the Interior on the —— day of ——, 18—; and that the company has in all things complied with the requirements of the act of Congress approved March 3, 1875, granting to railroads the right of way through the public lands of the United States.

——— ———,
President of the ——— Railroad Company.

Attest: ——— ———,
Secretary.

[SEAL OF COMPANY.]

(VII.)

——— ———, being duly sworn, says he is the chief engineer of [or the person employed by] the ——— railroad company, under whose supervision the survey was made of the grounds selected by the company for [station, buildings, depots, &c., as the case may be], under the act of Congress approved March 3, 1875, granting to railroads the right of way through the public lands of the United States; said grounds being situated in the ——— quarter of section ——— of township ———, —— of range ———, ——, in the State [or Territory] of ———; that the accompanying plat accurately represents the surveyed limits and area of the grounds so selected, and that the area of the ground so selected and surveyed is ——— acres and no more; that the company has occupied no other grounds for similar purposes upon public lands within ten miles of the ground designated on the said plat; and that, in his belief, the grounds so selected and surveyed, and represented, are actually and to their entire extent required by the company for the necessary uses contemplated by said act of Congress approved March 3, 1875.

——— ———,
——— ———.

Sworn and subscribed to before me this —— day of ——, 18—.
[SEAL.]

——— ———,
Notary Public.

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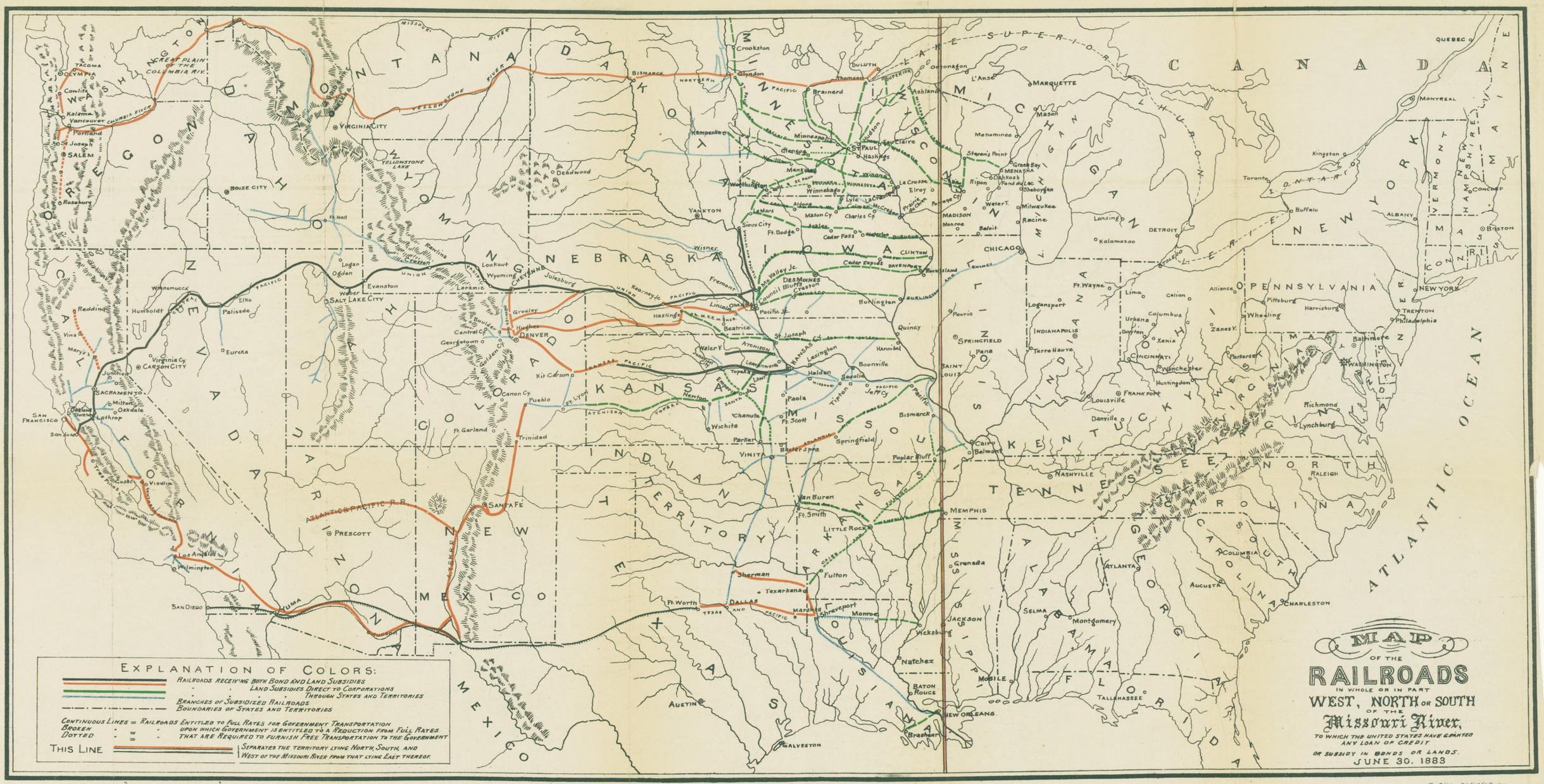

TO ACCOMPANY PUBLIC DOMAIN BY THOMAS DONALDSON.

The Heliotype Printing Co. Boston.

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(VIII.)

I, ——— ———, do hereby certify that I am the president of the ——— railroad company; that the survey of the tract represented on the accompanying plat was made under authority and by direction of the company, and under the supervision of ——— ———, its chief engineer, [or the person employed in the premises,] whose affidavit precedes this certificate; that the survey as represented on the accompanying plat actually represents the grounds required in the ——— quarter of section ——— of township ———, ——— of range ———, for the purposes indicated, and to their entire extent, under the act of Congress approved March 3, 1875, granting to railroads the right of way through the public lands of the United States; that the company has selected no other grounds upon public lands, for similar purposes, within ten miles from the grounds represented on said plat; and that the company, by resolution of its board of directors, passed on the ——— day of ———, 18—, directed the proper officers to present the said plat for the approval of the Secretary of the Interior, in order that the company may obtain the use of the grounds described, under said act approved March 3, 1875.

———— ————,
President of the ——— Railroad Company.

Attest: ——— ———,
Secretary.
[SEAL OF COMPANY.]

REFERENCES AND AUTHORITIES.

For statement showing States and corporations to which land concessions by Congress have been made for wagon-roads and railroads, see pages 766, 769, *et seq.*, herein.

For statement showing rights of way granted to railroad companies in States and Territories on the public domain, see page 769, herein.

For decisions of the Departments, see Reports of Commisioner of the General Land Office, 1862 to 1881, and decisions of Department of the Interior and General Land Office from June, 1881, to June, 1883, title, "Railroads," pages 265 and following.

MAPS OF LAND GRANTS IN AID OF WAGON AND RAILROADS.

The first of the maps facing page 949 herein, exhibiting the grants of land made by the United States in aid of the construction of wagon and railroads was prepared by Willis Drummond, jr., while in the service of the General Land Office in 1878. It was corrected to June 30, 1883, by J. Dempster Smith, esq., chief of the Railroad Division of the General Land Office. Confirmatory text will be found on pages 260 to 268, Chapter XX, and on pages 753, *et seq.*, addenda to Chapter XX.

The second, giving data as to land and bond granted railroads, is from the annual report of Hon. Theos. French, Auditor of Railroad Accounts, for 1878.

SCRIP.

TO JUNE 30, 1882.

[See Chapter XXI, pages 289, 290, 1276.]

From June 30, 1880, to June 30, 1882, the additional and other issues of scrip by the General Land Office have been as follows:

	Acres.
Scrip issued by surveyor-general of Louisiana, under act of June 2, 1858	13,222,660
(In all under this act to June 30, 1882, 219,858,324 acres.)	
Scrip issued to Charles Gayarré, Louisiana:	
On Las Ormigas grant	340,028
On La Narva grant	15,372,044

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	Acres.
Scrip issued by Commissioner of the General Land Office, pursuant to decrees of the United States Supreme Court, under act of June 22, 1860, and supplemental legislation (In all under these acts to June 30, 1882, 624,268,041 acres.)	17,755,271
Scrip issued in satisfaction of the claim of T. B. Valentine, under act of April 5, 1872 (In all under this act, 13,316,000 acres.)	11,800,000
Scrip issued in satisfaction of act of June 1, 1878, for Robert Cole (20 Stat., p. 536)	2,320,000
Warrants issued under act of April 11, 1860, Porter field warrants (12 Stat., p. 836)	6,133,000
From June 30, 1880, to June 30, 1882, a total of	66,943,003
To June 30, 1880, the grand total of acres issued under all acts was	2,893,034.44
From June 30, 1880, to June 30, 1882, there were issued	66,943.03
In all, to June 30, 1882, under all acts, a grand total of	2,959,977.47

SCRIP, HOW ENTRIES ARE MADE WITH, FORMS USED, AND AUTHORITIES AS TO AND FOR CASH ENTRIES.

Scrip can be used as cash in paying for pre-emptions and commuted homesteads.

In pre-emptions or commuted homestead entries the forms on page 688 are used, with the addition of Forms A, B, and C in this chapter. When used in cash entries on lands subject to private entry (which are the only lands directly subject to scrip location or entry) Forms A, B, and C in this chapter alone are used. For details as to this character of location see the text of the following circular. See also Annual Reports of General Land Office, 1879, 1880, and Decisions of the Department of the Interior and General Land Office in cases relating to lands and land claims, from July, 1881, to June, 1883, pages 308–310, 635:

LOCATION AND ASSIGNMENT OF SCRIP ISSUED UNDER DECREES OF THE UNITED STATES SUPREME COURT, PURSUANT TO THE ACTS OF JUNE 22, 1860, MARCH 2, 1867, AND JUNE 10, 1872; AND ALSO SCRIP ISSUED UNDER THE ACT OF JUNE 2, 1858.

IN EFFECT DECEMBER 1, 1883.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 13, 1879.

GENTLEMEN: The act of Congress approved June 22, 1860, entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes" (Statutes, vol. 12, page 85), provides, in its sixth section, "That whenever it shall appear that lands claimed, and the title to which may be confirmed under the provisions of this act, have been sold in whole or in part by the United States prior to such confirmation, or where the surveyor-general of the district shall ascertain that the same cannot be surveyed and located, the party in whose favor the title is confirmed shall have the right to enter, upon any of the public lands of the United States, a quantity of land equal in extent to that sold by the Government: *Provided,* That said entry be made only on lands subject to private entry at one dollar and twenty-five cents per acre, and as far as may be possible in legal divisions and subdivisions, according to the surveys made by the United States."

The provisions of said act were extended and supplemented by the acts of March 2, 1867, and June 10, 1872, and they have been further supplemented by the act of January 28, 1879, entitled "An act defining the manner in which certain land scrip may be assigned and located, or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives," a copy of which is hereto attached.

In pursuance of the provisions of these acts, scrip has been issued by this office, the several certificates of which, representing various quantities of land, according to the circumstances of the respective cases, may be located in legal subdivisions on any public land in your district subject to sale at private entry at $1.25 per acre, any small excess in such subdivisions over the area called for in the scrip to be paid for in

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money; or they may, under the second section of the act of January 28, 1879, be received from actual settlers in payment of pre-emption claims or in commutation of homestead claims, even where the same embrace lands subject to entry at the double minimum price of $2.50 per acre, in the same manner and to the same extent as is now authorized by law in the case of military bounty land warrants. But the law authorizes no fees to be collected by the district land officers on account of locations made with this scrip.

When such scrip is presented in payment of a *pre-emption claim* composed of lands subject to entry at $2.50 *per acre*, the pre-emptor, in addition to the scrip surrendered, will be required to pay in cash the difference between the value of said scrip at $1.25 per acre and that of the tract embraced in his claim; or to surrender *additional scrip;* thus 160 acres of double minimum land may be paid for by the surrender of one piece of scrip for 160 acres, and the payment of $200, or by the surrender of *two* pieces of scrip for 160 acres each or one piece for 320 acres. If the value of the scrip should exceed that of the lands entered therewith, the pre-emptor will receive no repayment thereof from the United States; but if the land, at its rated price, should exceed the scrip in value, such excess must be paid by the locator with cash. It will be required also, in the location of a tract subject to entry at a greater minimum than $1.25 per acre, that each piece of scrip shall be located upon a *specific subdivision thereof*, and that the excess in area of the land, if any, shall be paid for in cash. The same rules will govern in commutations of homestead claims.

You will in every case require the party desiring to locate to surrender the scrip and make application according to attached Form A; when, if no objection should appear, you will allow the location to be made, properly fill up the heading of the application by inserting the number of the certificate of location, the register and receiver's number, the date of the decree, and the claim for which the certificate of location was issued, for which blanks are left in the form.

You will then issue a certificate of entry in duplicate according to Form B, annexed, one of which you will deliver to the party to be held by him as his evidence of title until the patent shall be issued.

The locations allowed, you will enter the same on your records, and at the expiration of the month will send up an abstract of all locations allowed during the same (Form C, annexed). You will forward therewith the applications received and certificates of entry issued during the month, and also the scrip surrendered. Patents will be issued thereupon in regular course, as provided for in the third section of the act of January 28, 1879.

By the first section of that act, it is declared that this scrip is "assignable by deed or instrument of writing according to the form and pursuant to regulations prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owners of the scrip." With regard to such form and regulations, the following is prescribed:

Entries with this scrip must be made by the confirmee or confirmees named in the scrip, or his or their duly authorized attorney, in the name of such confirmee or confirmees, or by the assignee or assignees of such confirmee or confirmees, or his or their duly authorized attorney, in the name of such assignee or assignees.

Each assignment must be attested by one or more subscribing witnesses; the mark of a witness will not be respected. Parties in interest as assignees are not recognized as legal attesting witnesses to an assignment, neither can an officer take an acknowledgment of an assignment to himself.

The execution of assignments is required to be acknowledged by the assignor, in the presence of a register or receiver of a land office, a judge or clerk of a court of record when authorized to take acknowledgments, a notary public, justice of the peace, a commissioner of deeds resident in the State from which he derives his appointment, or a commissioner of a circuit court of the United States, who shall certify to the facts of the acknowledgment and to the identity of the assignor, and the official seal of said court, notary public, or commissioner, shall be affixed to the certificate. When the acknowledgment is taken before a justice of the peace or other officer without an official seal (except a register or receiver of a land office), it must be accompanied by an additional certificate, under seal of the proper authority, establishing the official character of the person before whom the acknowledgment was made, and the genuineness of his signature.

Powers of attorney must be acknowledged in like manner.

Assignments executed by unmarried females must be accompanied by evidence that they have attained the age of twenty-one years, and when married women assign, their husbands must unite with them in making the transfer.

When assignments are executed by a commissioner or other designated person, alleged to be acting under a decree of court, there must be procured and filed in this office a duly certified copy of such decree, in which all the proceedings had in the case should be recited, and from which it must appear that due notice of the pending suit had been given, by publication or otherwise, to all the parties interested.

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When the assignment of this scrip is executed in a foreign country, and the acknowledgment thereof taken by an officer authorized by the laws thereof to perform such duties, the attestation of the American consul in such country should be obtained as to the official character and genuineness of the signature of the person before whom the acknowledgment of the said assignment was made, or if the official character, &c., of such foreign magistrate is attested by a consular agent of such foreign government residing in this country, his official character must be certified by the diplomatic representative of such government in the United States.

When such assignments are executed in a foreign language, duly authenticated translations thereof must be furnished. Secretaries of legation and consular officers of the United States are authorized to take acknowledgments, but they must certify the same under their official seals.

When the persons named as confirmees are described in the scrip as being minors, their assignments thereof must be accompanied by satisfactory evidence that they had attained their majority at the date of the transfer.

When an assignment has been executed and witnessed, but not acknowledged, it may be proved in open court, but a certified transcript of the proceedings in the case must be filed in this office. When, however, such assignment has not been properly attested, it must be made anew.

For general forms of assignment and of powers of attorney and acknowledgment, see Forms D, E, F, G, H, I, K, L, M, N, O, P. In cases where the assignments, powers, or acknowledgments are written or printed and signed on the back of the certificate, the words "the within certificate" may be used instead of the full description of such certificate provided for in these forms.

It will not be practicable in all cases to attach the assignment or power of attorney to each certificate of location, and it will not be required by this office.

When a single assignment or power of attorney covers a number of certificates, such assignment or power may be filed in this office, and will be referred to to perfect the assignment of any of the certificates named therein, whenever they or either of them shall have been located and returned to this office for patenting. Such assignment or power thus filed will also be referred to by this office for the purpose of attaching to any certificate of location named therein a certificate (Form Q) relative to the validity of the certificate of location and the assignments thereof.

Upon the application of any assignee of this scrip, accompanied by the scrip and papers in his possession relative to the assignment thereof, this office will examine said scrip and assignments, and such assignments thereof as are found on the files of this office; and if the scrip be found free from objections, and the assignments sufficient in form, a certificate of approval of such scrip and the assignments thereof (Form Q) will be attached by this office to the scrip thus submitted.

Each piece of scrip thus transmitted to this office must be accompanied by the sum of one dollar, the legal fee for a certificate of verification.

The fourth section of the act of January 28, 1879, declares that its provisions respecting the assignment and patenting of scrip and its application to pre-emption and homestead claims shall apply to the indemnity certificates of location provided for in the act of the second of June, 1858, entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri," and for other purposes. The general principles hereinbefore laid down in regard to scrip issued under the act of June 22, 1860, are applicable to the class of certificates issued under the act of June 2, 1858, and you will be governed thereby in dealing with any of the latter presented for location. The same forms may be used with such verbal alterations in them as may be necessary to adopt them to the case in hand. You will take care, however, in making returns for these two classes of locations, to keep them separate and distinct.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

REGISTER and RECEIVER,
———,
———.

[PUBLIC—No. 20.]

AN ACT defining the manner in which certain land-scrip may be assigned and located, or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, in cases prosecuted under the acts of Congress of June twenty-second, eighteen hundred and sixty, March second, eighteen hundred and sixty-seven, and the first section of the act of June tenth, eighteen hundred and seventy-two, providing for the adjustment of private land-claims in the States of

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Florida, Louisiana, and Missouri, the validity of the claim has been, or shall be hereafter, recognized by the Supreme Court of the United States, and the court has decreed that the plaintiff or plaintiffs is or are entitled to enter a certain number of acres upon the public lands of the United States, subject to private entry at one dollar and twenty-five cents per acre, or to receive certificate of location for as much of the land the title to which has been established as has been disposed of by the United States, certificate of location shall be issued by the Commissioner of the General Land Office, attested by the seal of said office, to be located as provided for in the sixth section of the aforesaid act of Congress of June twenty-second, eighteen hundred and sixty, or applied according to the provisions of the second section of this act; and said certificate of location or scrip shall be subdivided according to the request of the confirmee or confirmees, and, as nearly as practicable, in conformity with the legal divisions and subdivisions of the public lands of the United States, and shall be, and are hereby declared to be, assignable by deed or instrument of writing, according to the form and pursuant to regulations prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owners of the scrip, including the right to locate the scrip in his own name.

SEC. 2. That such scrip shall be received from actual settlers only in payment of pre-emption claims or in commutation of homestead claims, in the same manner and to the same extent as is now authorized by law in the case of military bounty-land warrants.

SEC. 3. That the register of the proper land-office, upon any such certificate being located, shall issue, in the name of the party making the location, a certificate of entry, upon which, if it shall appear to the satisfaction of the Commissioner of the General Land Office that such certificate has been fairly obtained, according to the true intent and meaning of this act, a patent shall issue, as in other cases, in the name of the locator or his legal representative.

SEC. 4. That the provisions of this act respecting the assignment and patenting of scrip and its application to pre-emption and homestead claims shall apply to the indemnity-certificates of location provided for by the act of the second of June, eighteen hundred and fifty-eight, entitled "An act to provide for the location of certain confirmed private land-claims in the State of Missouri, and for other purposes."

Approved, January 28, 1879.

(FORM A.)

Application to locate scrip—signed by applicant.

Acts of June 22, 1860, *March* 2, 1867, *and June* 10, 1872.

REGISTER and RECEIVER'S No. ——. } SCRIP No. ——.

Scrip issued by virtue of a decree rendered on the —— day of ——, by the Supreme Court of the United States, for the claim of —— —— or —— legal representatives.

I, —— ——, hereby apply to locate with the above-described certificate —— quarter of Section No. ——, in Township No. ——, of Range No. ——, containing —— acres, in the district of lands subject to sale at ——.

Witness my hand this —— day of ——, A. D. 187–.

Attest: —— ——.

—— ——, *Register.*

—— ——, *Receiver.*

(FORM B.)

[In duplicate, one to be kept for the records, the other to be delivered to locator. On this patent issues.]

Acts of June 22, 1860, *March* 2, 1867, *and June* 10, 1872.

CERTIFICATE OF ENTRY.
REGISTER and RECEIVER'S No. ——. }

UNITED STATES DISTRICT LAND OFFICE
AT ——, ——, 187–.

We certify that certificate of location No. ——, for —— acres, issued by virtue of a decree rendered on the —— day of ——, by the Supreme Court of the United States, has this day been located by —— —— on the —— quarter of Section No. ——, in Township No. ——, of Range No. ——, containing —— acres.

—— ——, *Register.*

—— ——, *Receiver.*

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Monthly return of scrip located, by register and receiver.

(FORM C.)

Abstract of locations made with scrip, in satisfaction of private land claims, under act of June 22, 1860, at the land office at ——, in the month of ——, 18—.

Date of location.	Register and receiver's No.	Scrip No.	Tracts located.				Area.	By whom located.	Remarks.
			Part of section.	Section.	Township.	Range.	Acres.		

LAND OFFICE AT ——, ——, 18—.

——— ———, *Register.*
——— ———, *Receiver.*

"FORM Q."

Form "Q" herein is the approving certificate of the Commissioner of the General Land Office, and completes the entry for patent. Page 958.

(FORM D.)

For the assignment of scrip by confirmee or assignee.

For value received, I, ——— ———, to whom certificate of location No. ——, issued by the General Land Office of the United States on the —— day of ———, A. D. 18—, pursuant to the act of Congress approved June 22, 1860, and supplemental legislation, and by virtue of a decree of confirmation by the Supreme Court of the United States rendered ———, in favor of ——— ———, was issued (or was assigned by ——— ———, as the case may be), do hereby sell and assign to A B, of ——— County, State of ———, and to his heirs and assigns forever, all my right, title, and interest in and to the said certificate of location, and authorize the said A B, his heirs and assigns, to locate the same, and receive from the United States such evidence of title for such location as is now or may hereafter be authorized by law.

A B. [SEAL.]

Attest:
C D.
E F.

(FORM E.)

Of acknowledgment where the vendor is known to the officer taking the same.

STATE OF ———,
——— *County, ss:*

On this —— day of ———, 187–, before me personally came A B, to me well known, and acknowledged the foregoing assignment to be his act and deed; and I certify that the said A B is the identical person to whom the above-described certificate of location issued (or was assigned by ———), and who executed the foregoing assignment thereof.

(*Officer's signature.*)

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(FORM F.)

Of acknowledgment where the vendor is not known to the officer and his identity has to be proven.

STATE OF ———,
——— *County, ss:*

On this —— day of ———, 187–, before me personally came A B and E F, of the county of ———, in the State of ———, and the said E F, being well known to me as a credible and disinterested person, was duly sworn by me, and on his oath declared and said that he well knows the said A B, and that he is the same person to whom the above-described certificate of location issued (or was assigned by ——— ———), and who executed the foregoing assignment, and his testimony being satisfactory evidence to me of that fact, the said A B thereupon acknowledged the said assignment to be his act and deed.

(*Officer's signature.*)

(FORM G.)

For the assignment of a certificate by an administrator.

For value received, I, A B, administrator of the estate of ——— ———, deceased, who died intestate, to whom certificate of location No. —— issued by the General Land Office of the United States on the —— day of———, A D. 18—, pursuant to the act of Congress approved June 22, 1860, and supplemental legislation, and by virtue of a decree of confirmation by the Supreme Court of the United States rendered in favor of ——— ———, was issued (or assigned, as the case may be), do hereby sell and assign for the use of ——— ——— unto ——— ———, of ——— County, State of ———, and to his heirs and assigns forever, the said certificate and authorize the said ——— ———, his heirs and assigns, to locate the same and receive from the United States such evidence of title for such location as is now or may hereafter be authorized by law.

A B, [SEAL.]
Administrator.

Attest:
E F.
G H.

NOTE.—A certified copy of the letters of administration must accompany this assignment or be filed in this office as a separate document, or a certificate filed from the clerk of the proper court that said letters had been duly issued and were in force at the date of the assignment.

If the date of death is not stated in the letters of administration, or other evidence as above mentioned, the same must appear in the clerk's certificate appended thereto.

(FORM H.)

For the acknowledgment.

STATE OF ———,
——— *County, ss:*

On this —— day of ———, 187–, before me personally came ——— ———, to me well known, and acknowledged the foregoing assignment to be ——— act and deed, and in my presence subscribed ——— name thereto; and I certify that the said ——— ——— is administrator of the estate of ——— ———, deceased, to whom the above-described certificate, No. ——, was issued (or was assigned by ——— ———), and who executed the foregoing assignment thereof.

Witness my hand and official seal the day and year above written.

(*Officer's signature.*)

(FORM I.)

For assignment of certificate by executor.

For value received, I, A B, executor of C D, who died testate, and to whom—(same as Form G).

NOTE.—A certified copy of the will, and also of the letters testamentary or other proper evidence, under the seal of said court, showing that said executor was duly

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appointed and authorized to act as such at the date of said assignment, must accompany this assignment, or be filed in the General Land Office as a separate document.

If the date of death is not stated in the letters testamentary or other evidence, as above mentioned, it must appear in the certificate of the clerk appended thereto, as taken from the records of said court. The certificate of the acknowledgment may be the same as in Form H, except that the word "executor" must be used instead of "administrator."

(FORM K.)

For the assignment and acknowledgment of scrip by heirs at law of deceased confirmee or assignee.

For value received, we, A B and C D, the only heirs at law of G H, to whom—(same as Form D).

(FORM L.)

For the acknowledgment.

STATE OF ———,
——— *County, ss:*

On this —— day of ———, 187–, before me personally came A B and C D, to me well known, and acknowledged the foregoing assignment to be their act and deed; and I certify that the said A B and C D are the identical persons named in the attached certificate as the only heirs at law of said deceased, and who executed the foregoing assignment thereof.

Witness my hand and official seal the day and year above written.

(*Officer's signature.*)

NOTE.—For the evidence of the death and heirship above mentioned it will be necessary to procure and attach, or file in the General Land Office as a separate document, a certificate, under seal, from a court having probate jurisdiction, showing that it has been proven to the satisfaction of said court, in open court, that said confirmee (or assignee), G H, is dead, the date of his death, whether he died testate or intestate, whether or not he left a widow, and who are his heirs and only heirs at law, with their respective ages. If any of such heirs are *feme coverts* their husbands must join in the assignment.

This rule will apply to all assignments made by married women.

(FORM M.)

For the assignment of a certificate by a guardian.

For value received, I, A B, guardian of the person and estate of C D, a minor, confirmee (or a minor heir at law of ——— ———, as the case may be), to whom certificate of location No. —— issued by the General Land Office of the United States on the —— day of ———, A. D. 18—, pursuant to the act of Congress approved June 22, 1860, and supplemental legislation, and by virtue of a decree of confirmation by the Supreme Court of the United States in favor of ——— ———, was issued, do hereby sell and assign, for the benefit of said minor, unto E F, of the county of ———, and State of ———, and to his heirs and assigns, the said certificate, and authorize the said E F, his heirs and assigns, to locate the same, and receive from the United States such evidence of title for such location as may be authorized by law.

——— ———, [SEAL.]
Guardian.

Attest:
G H.
I J.

(FORM N.)

Form of acknowledgment for guardian.

STATE OF ———,
——— *County, ss:*

On this —— day of ———, 187–, before me personally came ——— ———, to me well known, and acknowledged the foregoing assignment to be his act and deed, and

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in my presence subscribed his name thereto; and I certify that the said ——— ——— is guardian of the person and estate of said minor, and who executed the foregoing assignment thereof.

Witness my hand and seal the day and year above written.

(*Officer's signature.*)

NOTE.—A certified copy of the letters of guardianship, or other legal evidence, under the seal of the proper probate court, showing that the guardian was duly appointed and authorized to act as such at the date of said assignment, must accompany the certificate thus assigned; or where this evidence applies to a number of certificates it may be filed in the General Land Office separately, in which case such evidence will be used to perfect the assignment of the various certificates as they are from time to time located and returned to this office.

(FORM O.)

Power of attorney to sell or locate scrip.

Know all men by these presents that I, ——— ———, of the county of ———, State of ———, do hereby constitute and appoint ——— ———, of the county of ———, State of ———, my true and lawful attorney, for me and in my name to assign, sell, and convey (or locate) certificate of location No. ——, issued to ——— ——— by the General Land Office of the United States on the —— day of ———, A. D. 18—, pursuant to the provisions of the act of Congress approved June 22, 1860, and supplemental legislation, and by virtue of a decree of confirmation rendered by the Supreme Court of the United States ———, 18—, in favor of the said ——— ———.

Witness my hand and seal this —— day of ———, A. D. 18—.

——— ———. [SEAL.]

Signed in the presence of—
C D.
E F.

The form of acknowledgment for a power of attorney must not be the same as for a sale of this scrip.

NOTE.—It must appear by satisfactory evidence that title to the certificate named was vested in the party executing the power of attorney on the day when such power was executed. Conditions should be inserted in the above power, 1st, revoking all powers of attorney previously given for the sale of the certificate named; 2d, renouncing all right to appoint any other person attorney for the sale of said certificate.

This renunciation must be for a valuable consideration, which, in all cases, should be expressed in the power.

(FORM P.)

Of the certificate of the clerk of the court, judge, or other person who is authorized to certify, under seal, to the official character of the officer who takes acknowledgments of assignments.

STATE OF ———, }
——— COUNTY, } *ss:*

I, A B, clerk of the court ———, in the county and State aforesaid, hereby certify that John Jones, whose genuine signature is affixed to the above acknowledgment, was, at the time of signing the same, a justice of the peace (notary public, or other officer), duly authorized by law to take such acknowledgment, and that full faith and credit are due to all his official acts as such.

Given under my hand and the seal of said court this —— day of ———, 18—.

A B, *Clerk.* [SEAL.]

NOTE.—Where any acknowledgment is taken before a clerk of a court, judge, notary public, or other officer duly authorized by law, with their respective official seals affixed, the above certificate will not be required; nor is such certificate required when the acknowledgment is taken before a register or receiver of a United States land office.

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(FORM Q.)

[See Forms A, B, C.]

Certificate approving certificate of location and assignment thereof.

ACTS OF JUNE 22, 1860, MARCH 2, 1867, JUNE 10, 1872, AND JANUARY 28, 1879.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington City, D. C., ———, 18—.

The certificate of location No. ——, for ——— acres, hereto attached, is found free from objection on the records of this office, and, as the assignments of said certificate from ——— ——— to ——— ——— and from ——— ——— to ——— ——— are found in form, the same are hereby approved accordingly.

——— ———,
Commissioner.

To ——— ———.
Fees: ———, paid.

RULES AND REGULATIONS FOR ISSUING REVOLUTIONARY BOUNTY-LAND SCRIP.

[See Chapter XIV, pages 232 to 237, and 711 to 721.]

[Under the act entitled "*An act making further provisions for the satisfaction of Virginia land warrants,*" approved August 31, 1852 (U. S. Stat. at L., vol. 10, page 143), in connection with the supplemental act, approved June 22, 1860, "*to declare the meaning*" of the said law of August 31, 1852 (U. S. Stat. at L., vol. 12, page 84)].

IN EFFECT JUNE 30, 1883.

Located in the same manner as bounty land warrants, page 721, and used as cash in cash, pre-emption and commuted homestead entries. Issued in lieu of bounty land warrants, and located under regulations adopted by law and the General Land Office.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE, *July* 20, 1875.

1. The acts of Congress above mentioned, copies of which are hereto annexed, authorize the Secretary of the Interior to issue land-scrip in favor of the present proprietors of all unsatisfied outstanding military land warrants, or parts of warrants, fairly and justly issued or allowed prior to the 1st day of March, 1852, by the proper authorities of the Commonwealth of Virginia, and consequently embrace the 10 per centum deducted from the warrants filed under the act of March 3, 1835; the warrants or parts of warrants located in Ohio, which conflict with previous valid locations; and also those located in Kentucky, on which the State refused to issue patents, and which locations therein have been lost by interference with prior valid claims.

It is provided by the said act of June 22, 1860, that if any claim has been legally "*allowed*" by Virginia, prior to March 1, 1852, the warrants founded thereon, though issued *after* said date, may be satisfied by the grant of scrip in lieu thereof, if the case is found to conform with "the principles already recognized by the Department of the Interior in the execution of the provisions of the said act" of August 31, 1852.

2. The Secretary of the Interior having charged this office with the execution of the laws in question, it is required that all warrants or parts of warrants embraced thereby, with the evidence in virtue of which the same were allowed and issued, shall be filed therein.

The evidence of service in each case, upon which the allowance of the claim was made, is to be found in the office of the secretary of state, at Richmond, Va., and the proof upon which any designated warrant was issued is filed with the register of the State land office at the same place. Certified copies from both these offices, of the evidence filed therein, must accompany the warrant when presented for satisfaction.

If a "revision of the proofs" should fail to satisfactorily establish the fact that any warrant surrendered was fairly and justly issued, in pursuance of the laws of Virginia, then "additional testimony," as provided by said act of August 31, 1852, will be received.

All assignments of warrants made since the passage of this law (August 31, 1852) must be in the presence of two witnesses, acknowledged before a justice of the peace, who must certify to the identity of the assignor, and whose official character must be certified to, under seal, by the clerk of the court.

The cases will be taken up and examined in the order in which they have been or may be filed in this office, and where the evidence is satisfactory, scrip will be issued; where it is deficient, in whole or in part, the parties will be advised, and the case suspended till the deficiency is supplied; or, if it is ascertained that the warrant was not fairly and justly issued, the claim will be rejected.

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3. All warrants issued for services in the State or Continental line, or State navy, prior to June 1, 1792, when the State of Kentucky was admitted into the Union, should be accompanied by a certificate, under seal from the register of the Kentucky land office, stating that such warrants have not been patented in that State.

Continental line warrants issued since that period, and prior to January 1, 1852, should be accompanied by a certificate from the surveyor of the Virginia military district in Ohio, stating that no location or survey has been made of such warrants; or if a location and survey, or either, has been made, when, the amount, in whose favor, &c.

4. In all places where a warrant has been lost, mislaid, or destroyed, the present proprietor must file a duplicate copy thereof, with a certificate from the register that the original has not been surrendered in exchange for any other warrant or warrants. After the warrant has been filed, with proofs showing the loss of the original, the present proprietor must give six weeks' public notice in a newspaper published near the domicile of the party in interest, and another in the city of Washington, describing the warrants, service rendered, amount, date, and number, stating the loss of the original, and the intention of applying to this office for scrip for the same.

A bond of indemnity to the United States must be filed, duly executed and acknowledged by the party in interest, and properly certified, with sufficient sureties, to be approved by some court of competent jurisdiction, or other proper officer, in the penalty of double the value of the lost or destroyed warrant, estimating the same at $1.25 per acre, and conditioned to indemnify and save harmless the United States from any and all costs, charges, and expenses in case that, at any time after the issue of scrip, any claim to the original warrant should be legally substantiated of a character adverse to the title of the present claimant.

Upon a compliance with these requirements, the duplicate warrant will remain *three months* on file in this office after the expiration of such notice, and if the title is not contested at that time, the same will be commuted into scrip for the amount found due thereon.

5. Where warrants, having been partly satisfied by patent from the State of Kentucky, remain on file in the office of the register of the land office of that State, and therefore cannot be produced, certified copies of them from the register of the land office at Richmond must be filed, and be accompanied by a certificate from the register at Frankfort, Ky., describing the warrant, survey, &c.

6. The scrip will be issued in pieces or certificates of eighty acres, or one hundred dollars each, except for fractions, to which claimants may be entitled after deducting the eighty-acre certificates. "When there are more persons than one interested in the same warrant," scrip will issue to each person "for his or her proportion of the warrant," if desired.

7. When scrip is claimed, located, or sold by the "guardian of an infant," or "the husband of a feme covert," the evidence of their being such guardian or husband, fully authenticated, must be produced.

8. This scrip is "assignable by indorsement, attested by two witnesses," in the following manner, upon the back of the certificate:

For value received (I, or we, as the case may be), the present proprietor— of the within certificate of scrip, do hereby sell and assign the same to ——— ———, of ———————, and his heirs and assigns forever.

Witness my hand and seal this the ——— day of ———, 18—.

E. F. [SEAL.]

Attest:
A B.
C D.

9. This scrip is "receivable in payment of any lands owned by the United States subject to sale at private entry," and can be applied at the rate of $1.25 per acre, in the same manner as money, in all cases where the tract applied for contains the area specified in the scrip, or more; where it contains less, the excess of the scrip cannot be refunded in money, but may be denoted in the relinquishment as applicable to any other tract. It can also be used in commutation of homestead entries, and can be applied in payment of offered or unoffered lands which may be embraced by pre-emption entries.

10. When located, this scrip must be relinquished by the legal owner thereof after the following form, viz:

I (or we) do hereby relinquish to the United States the within certificate, in payment (or in part payment, as the case may be) of the ——— half of the ——— quarter of section No. ——. in township No. ——— of range No. ———, located in the name of ———, at the land office ———, this ——— day of ———, 18—.

Signed A B. [SEAL.]

Witnesses:
C D.
E F.

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11. No acknowledgment of the transfer of said scrip is required, the same being declared by law "assignable by indorsement, attested by two witnesses." The relinquishment may be executed in the same manner.

No fees are required to be paid upon the location thereof, the same being regarded as money; and the local land officers receive from the United States Treasury their commissions upon the surrender thereof, as in the case of entries made with actual cash.

12. Any person prosecuting this class of claims, either as attorney or on his own account, will be required, in accordance with the provisions of sections 3478 and 3479, United States Revised Statutes, to subscribe to and file the oath of allegiance, and to support the Constitution of the United States, as follows, viz:

"I do solemnly swear (or affirm, as the case may be) that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith and allegiance and loyalty to the same, any ordinance, resolution, or law of any State convention or legislature to the contrary notwithstanding; and further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsover; and further, that I will well and faithfully perform all the duties which may be required of me by law: SO HELP ME GOD."

The oath herein referred to may be taken before any officer of the United States, or of the several States, authorized by law to administer oaths for general purposes. If taken before an officer not having an official seal, it must also be accompanied by a certificate, under seal from the proper officer, as to the official character and signature of the officer before whom the same was taken.

"VIRGINIA MILITARY DISTRICT—KENTUCKY."

The following rules have been adopted by this office for the guidance of those who make application for the satisfaction of entries and surveys founded on Virginia military warrants located in Kentucky prior to June 1, 1792, and which have been lost, either in whole or in part, by interference with previous valid locations, founded either upon Virginia military warrants or State treasury warrants, conformably with the provisions of the act of Congress approved "August 31, 1852," providing for the further satisfaction of Virginia military warrants.

1st. It will be necessary to file either the original warrants or duplicates of the same, together with a certificate from the register of the land office at Frankfort, Ky., bearing his official seal, setting forth specifically the cause of interference, and the amount thus lost, giving the number of the survey, amount for which it calls, in whose name made, and the date of the same, together with the same data in relation to the survey with which it conflicts; and also, whether there is any evidence filed in his office showing that the locators of the surveys or the patentees for which application is made for the amount of interference have conveyed the same or any portion of it.

2d. Copies of the surveys thus lost, and those with which they interfere, with the metes and bounds accurately set forth, must be forwarded, authenticated by a certificate from the register under his hand and seal.

3d. When patents have issued before such interferences were discovered, it will be necessary to file certified copies of the originals, together with certificates from the proper officers of the county where the land is situated, setting forth that there is no evidence on file showing that the patentees, their heirs-at-law or devisees, have conveyed the same.

4th. The patentees, their heirs-at-law or devisees, must file a deed of relinquishment of the land patented to them or their ancestors, to the United States and to the State of Virginia, which deed must be recorded in the county court where the land is located.

5th. In all cases where there is doubt as to the correctness of the amount of such interferences, and copies of the original surveys cannot be procured, it will be necessary to have a resurvey made, and the amount of such interferences decreed by judgment of the proper court of the county where the land is located.

When applicants have complied with the foregoing rules and filed the required evidence as to service and proprietorship, the claims will be taken up for examination in their regular order, and disposed of at the earliest moment practicable.

"VIRGINIA MILITARY DISTRICT—OHIO."

1. Where application is made for the issue of bounty-land scrip founded upon Virginia military warrants entered in said district, and which locations are claimed to be in conflict with former valid entries and surveys, the claim therefor must be accompanied, in addition to the evidence of service, heirship, and present proprietorship, with the official certificate of the surveyor of the Virginia military district, whose office is at Chillicothe, Ohio, setting forth the number and amount in acres of the

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warrant, when and for whose service issued, when entered or surveyed, and with what entry and survey it is found to interfere, and the date when the latter were made.

This certificate must show the precise amount of the warrant lost by the interference in question, and should give the name of the county in Ohio in which the land located is situate.

2. A certificate from the auditor of the county in which the said locations have been made must be produced, showing that the lands claimed to have been lost by interference have not been sold for taxes.

3. The certificate of the recorder of deeds for said county must also be obtained to the effect that the lands included in the entry and survey in question have not been sold or conveyed, or charged with any incumbrance by or through the party making the said location, or his grantees.

4. If a patent has been issued for lands in said district, and the whole or any part thereof been declared by the judgment of a court of competent jurisdiction to be invalid by reason of conflict with a previous valid title, upon filing in this office a certified copy of the record of such decision, and the return of the patent with a relinquishment indorsed thereon, duly recorded, from the patentee to the United States, and accompanied by the certificate of the auditor and recorder as above mentioned, the Virginia military land warrant embraced in said patent will be commuted into scrip in the name of the present proprietor thereof for the amount so established to have been previously satisfied.

Applications under these rules must also be accompanied by the evidence of service, &c., as hereinbefore prescribed.

Rules and Regulations for Issuing Certified Copies in Lieu of Lost or Destroyed Revolutionary Bounty-Land Scrip.

1. The claimant must make and file an affidavit, duly certified, setting forth all the particulars as to the loss or destruction of the original scrip.

This affidavit, if found satisfactory, will be regarded as a *temporary caveat*, and will *suspend* for the time being, and until the other requirements of this office can be answered, the issue of any patent found upon the location of any such original scrip.

2. Publication must be made immediately upon the filing of said affidavit for six successive weeks—once in each week—in a newspaper of general circulation, published at or nearest the domicile of the party in interest, and also in a newspaper of the city of Washington, D. C., stating the loss or destruction of the original scrip, fully describing it, and giving notice that at a specified time application will be made to this office for the issue of a certified copy thereof.

3. Proof of the publication of such notice for the required time, made by the proprietor of such papers, or other competent party, must be filed in this office with copies of said notice.

4. A bond of indemity to the United States must be filed, duly executed, and acknowledged by the party in interest, and properly certified, with sufficient sureties, to be approved by some court of competent jurisdiction, or other proper officer, in the penalty of double the value of the lost or destroyed scrip, estimating the same at $1.25 per acre, and conditioned to indemnify and save harmless the United States from any and all costs, charges, and expenses in case that, at any time after the issue of such certified copy, any claim to the original scrip should be legally substantiated of a character adverse to the title of the present claimant.

FORM OF NOTICE.

Whereas on the —— day of ———, 18—, United States revolutionary land-bounty scrip No. ——, for ——— acres, was issued by the Department of the Interior, under the act of Congress of August 31, 1852 (*or, if under any former act, mentioning it*), in part satisfaction of Virginia (*or United States*) military land warrant No. ——, granted for the services of (*name of officer, soldier, or seaman*), who was a (*description of service*) in the Virginia Continental (*or State*) line (*or State navy*), (*or in the United States Continental line*); and whereas said scrip has been lost or destroyed, notice is hereby given that on the —— day of ———, 18—, application will be made to the Commissioner of the General Land Office, at the city of Washington, D. C., in pursuance of the rules and regulations of his office, for the issue of a certified copy in lieu of said lost or destroyed scrip, the undersigned being the present lawful owner (*by assignment or otherwise*) thereof.

Circulars of December 20, 1852, June 30, 1854, and March 1, 1862.

S. S. BURDETT,
Commissioner.

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AN ACT making further provisions for the satisfaction of Virginia land warrants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all unsatisfied outstanding military land warrants, or parts of warrants, issued or allowed prior to the first day of March, eighteen hundred and fifty-two, by the proper authorities of the Commonwealth of Virginia, for military services performed by the officers and soldiers, seamen or marines, of the Virginia State and Continental lines, in the army or navy of the Revolution, may be surrendered to the Secretary of the Interior, who, upon being satisfied, by a revision of the proofs, or by additional testimony, that any warrant thus surrendered was fairly and justly issued, in pursuance of the laws of said Commonwealth, for military services so rendered, shall issue land scrip in favor of the present proprietors of any warrant thus surrendered, for the whole or any portion thereof yet unsatisfied, at the rate of one dollar and twenty-five cents for each acre mentioned in the warrant thus surrendered, and which remains unsatisfied; which scrip shall be receivable in payment for any lands owned by the United States subject to sale at private entry; and said scrip shall moreover be assignable by indorsement, attested by two witnesses. In issuing such scrip the Secretary is authorized, when there are more persons than one interested in the same warrant, to issue to each person scrip for his or her portion of the warrant; and where infants or feme coverts may be entitled to any scrip, the guardian of the infant, and the husband of the feme covert, may receive and sell or locate the same: *Provided,* That no less than a legal subdivision shall be entered and paid for by the scrip issued in virtue of this act.

SEC. 2. *And be it further enacted,* That this act shall be taken as a full and final adjustment of all bounty-land claims to the officers and soldiers, seamen and marines, of the State of Virginia, for services in the war of the Revolution: *Provided,* That the State of Virginia shall, by a proper act of the legislature thereof, relinquish all claim to the lands in the Virginia military land district in the State of Ohio.

SEC. 3. *And be it further enacted,* That in settling the claims of the State of Ohio, under the acts of March second, eighteen hundred and twenty-seven, and May twenty-fourth, eighteen hundred and twenty-eight, granting lands to said State for canal purposes, the same principles shall be acted upon as have been applied under the provisions of the act of May the ninth, eighteen hundred and forty-eight, entitled "An act in addition to an act therein mentioned," for the settlement of the claims of the State of Indiana accruing under the said act of March the second, eighteen hundred and twenty-seven.

Approved August 31, 1852.

AN ACT to declare the meaning of the act entitled "An act making further provision for the satisfaction of Virginia land warrants," passed August thirty-one, eighteen hundred and fifty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, in executing the provisions of the act passed August thirty-one, eighteen hundred and fifty-two, entitled "An act making further provisions for the satisfaction of Virginia land warrants," be required so to construe the same as to authorize the satisfaction in scrip of all warrants or parts of warrants issued on allowances made by the executive of Virginia prior to the first day of March, 1852, coming within the principles already recognized by the Department of the Interior in the execution of the provisions of the said act, and whether issued before or since the first day of March, eighteen hundred and fifty-two: *Provided, however,* That no warrant or part of a warrant shall be satisfied in scrip, founded or issued on any allowance made by the executive of Virginia since the first day of March, eighteen hundred and fifty-two.

Approved June 22, 1860.

GRADUATION ACT OF 1854.

TO JUNE 30, 1882.

[See Chapter XXII, page 291 and 1277.]

No change in the chapter as printed on page 291.

COAL LANDS.

TO JUNE 30, 1882.

[See Chapter XXIII, page 292 to 294 and 1277.]

The total number of entries under this act from March 3, 1866, to June 30, 1882, was 180, containing 24,560 acres, realizing $336,528.65.

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Statement showing the number of entries and area, and the amount of cash received by the United States from the sales of coal lands from 1866 *to June* 30, 1882.

	California.	Oregon.	Utah.	Washington.	Wyoming.	New Mexico.	Colorado.	Montana.	Total.
1866—Entries	2								2
Acres	240.00								240.00
Amount	$4,800 00								$4,800 00
1867—Entries	1								1
Acres	160.00								160.00
Amount	$3,200 00								$3,200 00
1868—Entries	1								1
Acres	160.00								160.00
Amount	$3,200.00								$3,200 00
1869—Entries	4								4
Acres	200.00								200.00
Amount	$4,000.00								$4,000 00
1870—Entries	1								1
Acres	160.00								160.00
Amount	$3,200 00								$3,200 00
1871—Entries	2								2
Acres	274.79								274.79
Amount	$3,772.75								$3,772 75
1874—Entries	1	1		3					5
Acres	160.00	160.00		484 00					804.00
Amount	$1,600.00	$1,600 00		$4,848 30					$8,048 30
1875—Entries	1	1	4	10	3				19
Acres	160.00	25.18	576.76	1,399.77	440.00				2,601.71
Amount	$1,600 00	$251 80	$7,535 20	$13,997 70	$8,800 00				$32,184 70
1876—Entries	2		1	3	2				8
Acres	400.00		122.40	480.00	760.00				1,762.40
Amount	$4,000 00		$1,224 00	$6,400 00	$15,200 00				$26,824 00
1877—Entries	4		4	3	1		1		13
Acres	440.00		480.00	400.00	155.00		80.00		1,555.00
Amount	$5,200.00		$4,800 00	$4,000 00	$3,100 00		$1,600 00		$18,700 00
1878—Entries			1	1					2
Acres			160.00	40.00					200.00
Amount			$3,200 00	800 00					$4,000 00
1879—Entries							2		2
Acres							200.80		200.80
Amount							$2,416 00		$2,416 00
1880—Entries			3	6		5	5		19
Acres			476.48	753.15		721.35	680.56		2,631 54

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Statement showing the number of entries and area, and the amount of cash received by the United States from sales of coal lands, &c.—Continued.

	California.	Oregon.	Utah.	Washington.	Wyoming.	New Mexico.	Colorado.	Montana.	Total.
1880—Amount			$4,764 80	$15,063 00		$7,220 10	$7,205 60		$34,253 50
1881—Entries			18	7			20	1	46
Acres			1,176.52	961.93			2,797.13	40.00	4,975.58
Amount			$12,021 20	$19,238 60			$32,344 70	$400 00	$64,004 50
1882—Entries	2		19	11	9		11	3	55
Acres	320.00		2,798.22	1,516.17	2,080.00		1,439.94	480.00	8,634.33
Amount	$3,200 00		$35,164 40	$26,761 70	$35,200 00		$18,798 80	$4,800 00	$123,924 90

RECAPITULATION.

State or Territory.	No. of Entries.	Acres.	Amount.
California	21	2,674.79	$37,772 75
Oregon	2	185.18	1,851 80
Utah	50	5,790.38	68,709 60
Washington	44	6,035.02	91,109 30
Wyoming	15	3,435.00	62,300 00
New Mexico	5	721.35	7,220 10
Colorado	39	5,198.43	62,365 10
Montana	4	520.00	5,200 00
Total	180	24,560.15	336,528 65

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REGULATIONS UNDER THE COAL LAND LAW AND FORMS FOR ENTRY.

IN EFFECT DECEMBER 1, 1883.

[See also "Decisions of Department of Interior to June 1883," page 552.]

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 31, 1882.

GENTLEMEN: The following sections of the Revised Statutes provide for the sale of coal lands of the United States:

TITLE XXXII, CHAPTER SIX.

MINERAL LANDS AND MINING RESOURCES.

SEC. 2347. Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter, by legal subdivisions, any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the receiver of not less than ten dollars per acre for such lands, where the same shall be situated more than fifteen miles from any completed railroad, and not less than twenty dollars per acre for such lands as shall be within fifteen miles of such road.

Entry of coal lands. 3 March, 1873, c. 279, s. 1, v. 17, p. 607.

SEC. 2348. Any person or association of persons severally qualified, as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference-right of entry, under the preceding section, of the mines so opened and improved: *Provided,* That when any association of not less than four persons, severally qualified as above provided, shall have expended not less than five thousand dollars in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements.

Pre-emption of coal lands. *Ibid.*, s. 2.

SEC. 2349. All claims under the preceding section must be presented to the register of the proper land-district within sixty days after the date of actual possession and the commencement of improvements on the land, by the filing of a declaratory statement therefor; but when the township plat is not on file at the date of such improvement, filing must be made within sixty days from the receipt of such plat at the district office; and where the improvements shall have been made prior to the expiration of three months from the third day of March, eighteen hundred and seventy-three, sixty days from the expiration of such three months shall be allowed for the filing of a declaratory statement, and no sale under the provisions of this section shall be allowed until the expiration of six months from the third day of March, eighteen hundred and seventy-three.

Pre-emption claims of coal land to be presented within sixty days, &c., *Ibid.*, s. 3.

SEC. 2350. The three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons, any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such sections shall enter or hold any other lands under their provisions; and all persons claiming under section twenty-three hundred and forty-eight shall be required to prove their respective rights, and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice, or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

Only one entry allowed. *Ibid.*, s. 4.

SEC. 2351. In case of conflicting claims upon coal lands where the improvements shall be commenced after the third day of March, eighteen hundred and seventy-three, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference-right to purchase. And also where improvements have already been made prior to the third day of March, eighteen hundred and seventy-three, division of the land claimed may be made by legal subdivisions, to include, as near as may be, the valuable improvements of the respective parties. The Commissioner of the General Land Office is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and the four preceding sections.

Conflicting claim. *Ibid.*, s. 5.

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Rights reserved. *Ibid.*, s. 6.

SEC. 2352. Nothing in the five preceding sections shall be construed to destroy or impair any rights which may have attached prior to the third day of March, eighteen hundred and seventy-three, or to authorize the sale of lands valuable for mines of gold, silver, or copper.

RULES AND REGULATIONS.

Under the authority conferred by said section 2351 the following rules and regulations are issued for carrying into effect the provisions of said law:

1. Sale of coal lands is provided for—

By ordinary *private entry* under section 2347.

By granting a *preference-right* of purchase, based on priority of possession and improvement, under 2348.

2. The land entered under either section must be *by legal subdivisions*, as made by the regular United States survey. Entry is confined to surveyed lands; to such as are vacant, not otherwise appropriated, reserved by competent authority, or containing valuable minerals other than coal.

3. Individuals and associations may purchase. If an individual, he must be twenty-one years of age, and a citizen of the United States, or have declared his intention to become such citizen.

4. If an association of persons, each person must be qualified as above.

5. A person is not disqualified by the ownership of any quantity of other land, nor by having removed from his own land in the same State or Territory.

6. Any individual may enter by legal subdivisions as aforesaid any area not exceeding one hundred and sixty acres.

7. Any association may enter not to exceed three hundred and twenty acres.

8. Any association of not less than four persons, duly qualified, who shall have expended not less than $5,000 in working and improving any coal mine or mines, may enter under section 2348 not exceeding six hundred and forty acres, including such mining improvements.

9. One person can have the benefit of one entry or filing *only*. He is disqualified by having made such entry or filing alone, or as a member of an association. No entry can be allowed an association which has in it a single person thus disqualified, as the law prohibits the entry or holding of more than one claim either by an individual or an association.

10. Lands that are sufficiently valuable for gold, silver, or copper to prevent their entry as agricultural lands cannot be entered as coal-lands; and you will not allow any entry to be made under the above named provisions of law of lands valuable for their deposits of said minerals.

11. The present rules relative to "hearings to establish the character of lands," contained in General Land Office regulations of October 31, 1881, issued under the mining laws, will, as far as applicable, govern your action in determining the character of lands sought to be entered as coal land.

12. The price per acre is $10 where the land is situated *more* than fifteen miles from any completed railroad, and $20 per acre where the land is *within* fifteen miles of such road. The price of the land, however, must be determined by its distance from a completed railroad at the date of payment and entry irrespective of the preference-right of entry.

13. When application is made to purchase coal-land at the rate of $10 per acre you will in all cases require satisfactory proof that the land applied for is, at date of entry, situated more that fifteen miles from any completed railroad. This proof may consist of the affidavit of the applicant, or that of his duly authorized agent, corroborated by the affidavit of some disinterested credible party showing personal knowledge of the facts.

14. Where the land lies *partly within* fifteen miles of such road and in *part outside* such limit, the *maximum* price must be paid for all legal subdivisions the greater part of which lie within fifteen miles of such road.

15. The term "completed railroad" is held to mean one which is actually constructed on the face of the earth; and lands within fifteen miles of any point of a railroad so constructed will be held and disposed of at $20 per acre.

16. Any duly qualified person or association must be preferred as purchasers of those public lands on which they have opened and improved, or shall open and improve, any coal mine or mines, and which they shall have in actual possession.

17. Possession by agent is recognized as the possession of the principal. The clearest proof on the point of agency must, however, be required in every case, and a clearly-defined possession must be established.

18. The *opening and improving* of a coal mine, in order to confer a preference-right of purchase, must not be considered as a mere matter of form; the labor expended and improvements made must be such as to clearly indicate the good faith of the claimant.

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19. These lands are intended to be sold, where there are adverse claimants therefor, to the party who, by substantial improvements, actual possession, and a reasonable industry, shows an intention to continue his development of the mines in preference to those who would purchase for speculative purposes only. With this view, you will require such proof of compliance with the law, when lands are applied for under section 2348 by adverse claimants, as the circumstances of each case may justify.

20. In conflicts, where improvements have been or shall hereafter be commenced, priority of possession and improvement shall govern the award when the law has been fully complied with by each party. A mere possession, however, without satisfactory improvements, will not secure the tract to the first occupant when a subsequent claimant shows his full compliance with the law.

21. After an entry has been allowed to one party, you will make no investigation concerning it at the instance of any person except on instructions from this office. You will, however, receive all affidavits concerning such case and forward the same to this office, accompanied by a statement of the facts as shown by your records.

22. Prior to entry it is competent for you to order an investigation, on sufficient grounds set forth under oath of a party in interest and substantiated by the affidavits of disinterested and credible witnesses.

MANNER OF OBTAINING TITLE.

Application for coal lands—private entry.

23. When title is sought by *private entry* the party will himself make oath to the following application, which must be presented to the register:

I, ——— ———, hereby apply, under the provisions of the Revised Statutes of the United States relating to the sale of coal lands of the United States, to purchase the ——— quarter of section ———, in township ——— of range ———, in the district of lands subject to sale at the land office at ———, and containing ——— acres; and I solemnly swear that no portion of said tract is in the possession of any other party; that I am twenty-one years of age, a citizen of the United States (or have declared my intention to become a citizen of the United States), and have never held nor purchased lands under said act, either as an individual or as a member of an association; and I do further swear that I am well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that my knowledge of said land is such as to enable me to testify understandingly with regard thereto; that said land contains large deposits of coal and is chiefly valuable therefor; that there is not to my knowledge within the limits thereof any vein or lode of quartz or other rock in place bearing gold, silver, or copper, and that there is not within the limits of said land, to my knowledge, any valuable deposits of gold, silver, or copper. So help me God.

——— ———.

24. Thereupon the register, if the tract is vacant, will so certify to the receiver, stating the price, and the applicant or his duly authorized agent must then pay the amount of purchase money.

25. The receiver will then issue to the purchaser a duplicate receipt, and at the close of the month the register and receiver will make returns of the sale to the General Land Office, from whence, when the proceedings are found regular, a patent or complete title will be issued; and on surrender of the duplicate receipt such patent will be delivered, at the option of the patentee, either by the Commissioner at Washington or by the register at the district land office.

26. This disposition at private entry will be subject to any valid prior adverse right which may have attached to the same land, and which is protected by section 2348.

PRE-EMPTION OF COAL LANDS.

27. *Second.* When the application to purchase is based on a priority of possession, &c., as provided for in section 2348, the claimant must, when the township plat is on file in your office, file his declaratory statement for the tract claimed sixty days from and after the first day of his actual posession and improvement. Sixty days, exclusive of the first day of possession, &c., must be allowed.

Declaratory statement.

28. The declaratory statement must be substantially as follows, to wit:

I——— ———, do solemnly swear that I am ——— years of age, and a citizen of the United States (or have declared my intention to become a citizen of the United

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States), that I never have, either as an individual or as a member of an association, held or purchased any coal lands under the provisions of the Revised Statutes of the United States relating to the sale of coal lands of the United States, and I do hereby declare my intention to purchase, under the provisions aforesaid, the ——— quarter of section ———, in township ——— of range ———, of lands subject to sale at the district land office at ———, and that I came into posession of said tract on the ——— day of ———, A. D. 18—, and have ever since remained in actual possession continuously; that I have located and opened a valuable mine of coal thereon; and have expended in labor and improvements on said mine the sum of ——— dollars, the labor and improvements being as follows: (here describe the nature and character of the improvements) and I do furthermore solemnly swear that I am well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that my knowledge of said land is such as to enable me to testify understandingly with regard thereto; that there is not, to my knowledge, within the limits thereof any vein or lode of quartz or other rock in place bearing gold, silver, or copper, and that there is not within the limits of said land, to my knowledge, any valuable deposit of gold, silver, or copper. So help me God.

——— ———.

29. When the township plat is not on file at date of claimant's first possession the declaratory statement must be filed within sixty days from the filing of such plat in your office.

30. One year from and after the expiration of the period allowed for filing the declaratory statement is given within which to make proof and payment; but you will allow no party to make final proof and payment except on notice to all others who appear on your records as claimants to the same tract.

31. A party who otherwise complies with the law may enter *after* the expiration of said year, *provided* no valid adverse right shall have intervened. He postpones his entry beyond said year at his own risk, and the Government cannot thereafter protect him against another who complies with the law, and the value of his improvements can have no weight in his favor.

Affidavit of claimant at time of purchase.

32. Each claimant at the time of actual purchase must make affidavit as follows:

I ——— ———, claiming under the provisions of the Revised Statutes of the United States, relating to the sale of coal lands of the United States, the right of purchase to the ——— quarter of section ———, in township ——— of range ———, subject to sale at ———, do solemnly swear that I have never had the right of purchase under the aforesaid provisions of law either as an individual or as a member of an association, and that I have never held any other lands under its provisions. I further swear that I have expended in developing coal mines on said tract in labor and improvements the sum of ——— dollars, the nature of such improvements being as follows: ——— ——— ———; that I am now in the actual possession of said mines, and make the entry for my own use and benefit, and not directly or indirectly for the use and benefit of any other party; and I do furthermore swear that I am well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that my knowledge of said land is such as to enable me to testify understandingly with regard thereto; that the same is chiefly valuable for coal; that there is not, to my knowledge, within the limits thereof any vein or lode of quartz or other rock in place bearing gold, silver, or copper, and that there is not within the limits of said land, to my knowledge, any valuable deposit of gold, silver, or copper. So help me God.

——— ———.

33. The application, declaratory statement, and the affidavit required at the time of actual purchase—the forms of which are given above under paragraphs 23, 28, and 32—may be sworn to before any officer authorized by law to administer oaths, but the authority of such officer must be properly shown.

34. Any party duly qualified under the law, *after* swearing to his application or declaratory statement, may, by a sufficient power of attorney, duly executed under the laws of the State or Territory in which such party may then be residing, empower an agent to file with the register of the proper land office the application, declaratory statement, or affidavit required at the time of actual purchase, and also authorize him to make payment for and entry of the land in the name of such qualified party; and when such power of attorney shall have been filed in your office you will permit such agent to act thereunder as above indicated.

35. Where a claimant shows by affidavit that he is not personally acquainted with the character of the land, his duly authorized agent who possesses such knowledge

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may make the required affidavit as to its character; but whether this affidavit is made by principal or agent, it must be corroborated by the affidavits of two disinterested and credible witnesses having knowledge of its character.

36. Nothing in these regulations shall be so construed as to prevent a party from proving his citizenship or age, or establishing the status of the lands sought to be entered, in accordance with ordinary rules of evidence; and any proof regularly introduced for that purpose that would be competent in a court or before a commissioner charged with the ascertainment of facts may be considered.

Assignments recognized.

37. Assignments of the right to purchase will be recognized when properly executed. Proof and payment must be made, however, within the prescribed period, which dates from the first day of the possession of the assignor who initiated the claim.

38. The "Rules of Practice in cases before the United States district land offices, the General Land Office, and the Department of the Interior," approved December 20, 1880, will, as far as applicable, govern all cases and proceedings arising under the sections of the Revised Statutes above quoted providing for the sale of coal lands of the United States.

39. You will report at the close of each month as "sales of coal lands" all filings and entries in separate abstracts, commencing with number *one*, and thereafter proceeding consecutively in the order of their reception. Where a series of numbers has already been commenced by sale of coal lands you will continue the same without change.

N. C. McFARLAND,
Commissioner.

To Registers and Receivers.

Department of Interior, *July* 31, 1882.

Approved.

H. M. TELLER,
Secretary.

ESTIMATE OF COAL LANDS AND LOCATION.

[See pages 292, 293, herein.]

New discoveries are being constantly made. The probabilities are that much of the valley and plains land of the desert and arid region cover coal beds.

DONATION ACTS.

[See Chapter XXIV, pages 295 to 297 and 1278.]

To June 30, 1882.

Under the several donation acts the nation has disposed of public lands as follows:

	Acres.
Under Florida act of August 4, 1842, to June 30, 1882, 1,317 entries, containing	210,720.00
Under Oregon act of September 27, 1850, to June 30, 1882, 7,317 entries, containing	2,563,752.02
Under Washington act of March 2, 1853, to June 30, 1882, 985 entries, containing	290,215.35
Under New Mexico act of July 22, 1854, to June 30, 1882, 332 entries, containing	52,609.36
A grand total to June 30, 1882, of	3,117,401.73

NEW MEXICO DONATION ACT.

[See, also, "Decisions of Department of the Interior and General Land Office to June, 1883," page 287.]

The only donation act in operation is the act relating to New Mexico. The following corrected table (see page 297) exhibits the results of this act to June 30, 1882.

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New Mexico donations, under the act of July 22, 1854 (10 Stats., 308), reported to the General Land Office up to June 30, 1882.

	Number of certificates.	Area.
		Acres.
For the fiscal year 1874	29	4,519.19
For the fiscal year 1875	1	160.00
For the fiscal year 1876	1	320.00
For the fiscal year 1877	6	960.00
For the fiscal year 1878	22	2,160.00
For the fiscal year 1880	69	10,981.32
For the fiscal year 1881	120	20,115.98
For the fiscal year 1882	84	13,392.87
Total	332	52,609.36

TOWN-SITE AND COUNTY-SEAT ACTS.

[See Chapter XXV, pages 298 to 305, inclusive, and 1278.]

TO JUNE 30, 1882.

Under all of these several acts there has been disposed of to June 30, 1882, 162,794.41 acres.

TOTAL ENTRIES TO JUNE 30, 1882, OF TOWN SITES.

To June 30, 1880, under the town-site acts, there were located, on public lands, 420 towns, containing 144,131.23 acres; from June 30, 1880, to June 30, 1882, there were located 45 towns, with an acreage of 12,626.50 acres; in all to June 30, 1882, 465 towns, with a total acreage of 156,757.73 acres.

COUNTY SEATS.

[See page 305, and also section 2286, R. S.]

TOTAL ENTRIES TO JUNE 30, 1882, UNDER COUNTY-SEAT ACT.

To June 30, 1880, eight counties under the county-seat act located 886.68 acres; from June 30, 1880, to June 30, 1882, one county took the benefit of the act, locating 160 acres; in all to June 30, 1882, nine entries, containing 1,046.68 acres.

TOWN LOTS.

[See page 305, and also section 2382, R. S.]

TOTAL ENTRIES UNDER TOWN-LOT ACT TO JUNE 30, 1882.

Six towns took the benefit of the town-lot act, entering 649 blocks, containing 3,840 acres, to June 30, 1880. From that date to June 30, 1882, one town received the benefit of the act, entering 102 blocks, containing 510 acres; in all, to June 30, 1882, seven entries, containing 751 blocks, embracing total area of 4,350 acres.

MILITARY RESERVATIONS.

SALE OF MILITARY RESERVATION AT DALLES, OREGON.

By act of March 3, 1877, 128 city lots were sold, at the Dalles, Oregon, containing 640 acres.

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TOWN SITES.

FROM JUNE 30, 1880, TO JUNE 30, 1882.

Forty-five entries were approved under the town-site acts, as follows, containing 12,626.50 acres:

List of town-site entries approved from July 1, 1880, to June 30, 1882, inclusive.

Date of entry.	Town site.	State or Territory.	Area in acres.	Act.
Jan. 3, 1880	Pine Valley	Utah	240	March 2, 1867
May 20, 1879	Harper	Kansas	160	March 3, 1871
Jan. 13, 1879	Capital City	Colorado	101.65	March 2, 1867
Oct. 4, 1880	Hamilton	Nevada	155.07	Do.
July 10, 1880	Glendale	Montana	33.81	Do.
Nov. 6, 1879	Republican City	Nebraska	327.40	Do.
Aug. 2, 1880	Downieville	California	240	Do.
Oct. 26, 1880	Wauship	Utah	40	Do.
July 19, 1880	Pitkin	Colorado	160	Do.
Feb. 5, 1881	Mantau	Utah	640	Do.
Apr. 8, 1880	Salina	do	280	Do.
Apr. 8, 1880	Redmond	do	160	Do.
Apr. 28, 1880	Lehi	do	320	March 3, 1877
Apr. 10, 1880	Newton	do	480	March 2, 1867
Apr. 10, 1880	Paradise	do	640	Do.
Apr. 10, 1880	Clarkston	do	640	Do.
Oct. 7, 1880	Maysville	Colorado	320	Do.
Mch. 4, 1880	Strawberry Valley	California	320	Do.
Mch. 18, 1881	Bonanza City	Colorado	280	Do.
Nov. 16, 1876	Cherryvale	Kansas	80	Do.
Sept. 9, 1880	Kokomo	Colorado	121.61	Do.
June 25, 1881	Latrobe	Calitrnia	240	Do.
July 21, 1881	Sierra City	do	332.48	Do.
June 25, 1880	Paris	Idaho	640	Do.
June 25, 1880	Montpelier	do	562.64	Do.
June 25, 1880	Bloomington	do	560	Do.
June 25, 1880	St. Charles	do	320	Do.
July 8, 1881	Rapid City	Dakota	640	Do.
Apr. 8, 1880	Elsinore	Utah	200	Do.
Jan. 31, 1881	Alpine	California	69.40	March 3, 1877
Apr. 7, 1881	St. Elmo	do	157.02	March 2, 1867
July 9, 1881	Eureka	do	179.69	Do.
Apr. 4, 1881	Cornwell	do	320	Do.
May 22, 1880	Mayfield	Utah	640	Do.
Dec. 3, 1881	Teller	Colorado	304.50	Do.
July 26, 1880	Mendon City	Utah	80	March 3, 1877
Aug. 13, 1881	Sedgwick	Colorado	321.25	March 2, 1867
Apr. 16, 1881	Indian City	Kansas	160	May 23, 1844
Feb. 6, 1882	Vulture City	Arizona	160	March 2, 1867
Jan. 17, 1881	Brigham City	Utah	120	Do.
Mch. 29, 1877	Florence	Arizona	160	Do.
Dec. 2, 1882	Junction City	Colorado	80	Do.
Mch. 2, 1882	Lulu City	do	159.98	Do.
Apr. 9, 1880	Tombstone	Arizona	320	Do.
Oct. 23, 1880	Kiowa	Kansas	160	Do.
	TOWN-LOT ACT, SEC. 2382.			
	Ketchum	Idaho	bl'ks, 102 acres, 500	July 1, 1864
	COUNTY-SEAT ACT, SEC. 2286.			
Apr. 10, 1880	Cache County	Utah	160	May 26, 1824
	SALE OF MILITARY RESERVATION.			
	The Dalles	Oregon	bl'ks, 128 acres, 640	March 3, 1877
	Total		13,936.50	

TOWN SITES AND TOWN LOTS. DECISIONS AND RULINGS.

For decisions as to, see annual reports Commissioner of the General Land Office, and "Decisions of the Department of the Interior and General Land Office, from June, 1881, to June, 1883," pages 501 to 506, and 567, 568.

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METHOD OF ENTRY AND FORM OF PATENT.

The following letters of the Secretary of the Interior and Commissioner of the General Land Office are inserted on account of historical interest and information.

[Ex. Doc. No. 187, Forty-sixth Congress, Second Session.]

Letter from the Secretary of the Interior, transmitting, in response to Senate resolution of the 30th ultimo calling for information concerning entries of town sites on mineral lands, the report of the Commissioner of the General Land Office on the subject.

MAY 25, 1880.—Referred to the Committee on Public Lands and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, May 24, 1880.

SIR: In answer to Senate resolution of the 30th ultimo calling on me for information concerning entries of town sites on mineral lands, I have the honor to transmit herewith the report of the Commissioner of the General Land Office on the subject, under date of the 7th instant, and to state that I concur in the views therein set forth.

Very respectfully,

C. SCHURZ,
Secretary.

The Hon. the PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 7, 1880.

SIR: I have the honor to acknowledge receipt, by Department reference of 3d instant, of Senate resolution dated 30th ultimo, as follows:

"*Resolved*, That the Secretary of the Interior be directed to inform the Senate if changes of rulings and construction of statutes concerning entries of town sites upon mineral lands have recently been made in his Department; whether such change of ruling and construction have affected the substantial rights of parties who have settled upon the public lands, and, if so, what legislation, if any, is in his judgment necessary to protect the equitable rights of such parties; and the Secretary is requested to suspend action upon cases affected by said rulings until action by Congress."

I will first give, briefly, the outlines of the practice of this office under the laws relating to the subject presented by said resolution.

"The act for the disposal of coal lands and of town property in the public domain," approved July 1, 1864 (13 Stats., 343), was prior to the acts providing for the sale of mineral lands, other than coal, and did not mention such other minerals.

In "An act supplemental to the act approved first July, eighteen hundred and sixty-four, for the disposal of coal lands and of town property in the public domain," approved March 3, 1865 (13 Stats., 529), the existence of minerals in such lands was recognized, as follows:

"*Provided further*, That where mineral veins are possessed, which possession is recognized by local authority, and to the extent so possessed and recognized, the title to town lots to be acquired shall be subject to such recognized possession and the necessary use thereof; *Provided, however*, That nothing contained herein shall be so construed as to recognize any color of title in possessors for mining purposes as against the Government of the United States."

This act was also prior to the first act providing for the sale of mineral lands, other than coal.

In the official circular instructions, under the last-named act, the provisions relating to mineral veins are referred to as follows:

"In the second section of the supplemental act it is provided that parties having a *possessory* right to *mineral* veins, which possession is *recognized by local* authority, are to be protected therein, and titles to be acquired to town lots under this act are made subject to "such recognized possession and the necessary use thereof," yet with an *express saving of the paramount title* of the United States."

No further instructions seem to have been given upon said point.

The first act of Congress providing for the sale of mineral lands, other than coal, was approved July 26, 1866 (14 Stats., 251), and entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes."

This act made no specific reference to town sites, but allowed the party in possession of a mining claim, held in accordance with local customs or rules of miners, and in regard to whose possession there was no controversy or opposing claim, to purchase the same from the United States and receive patent therefor.

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The act approved March 2, 1867, entitled "An act for the relief of the inhabitants of cities and towns upon the public lands" (14 Stats., 541), provides for the entry of lands "settled upon and occupied as a town site and therefore not subject to entry under the agricultural pre-emption laws," by the corporate authority, in case the town should be incorporated, and otherwise by the judge of the county court, in trust for the several use and benefit of the occupants thereof, and contained the following proviso:

"*And provided further*, That no title shall be acquired, under the provisions of this act, to any mine of gold, silver, cinnabar, or copper."

On June 8, 1868, an act amendatory of the last-named act of March 2, 1867, was approved (15 Stats., 67), and contained the following provision:

"That no title under said act of March two, eighteen hundred and sixty-seven, shall be acquired to any valid mining claim or possession held under the existing laws of Congress."

In the official circular-instructions issued under said acts, and dated September 21, 1868, the provision relating to mines was only referred to, as follows:

"All military and other reservations of the United States, private grants, and valid mining claims, are excluded from the operation of these town-site laws."

April 21, 1869, the then Commissioner of this office, in a letter to the local land officers at Sacramento, Cal., concerning the application to enter Nevada City, Cal., as a town site, held that the mines of gold formerly in the land having been completely exhausted, the town-site entry could be made.

Section 2318, U. S. Revised Statutes, provides that—

"In all cases lands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law."

ENTRIES OF TOWN SITES ON MINERAL LANDS.

The town-site entry of Clarksville, Cal., was approved for patent August 23, 1872, and was the FIRST ENTRY patented with a reservation inserted in the patent saving mineral rights, it having evidently been theretofore the practice to require proof of the non-mineral character of the land applied for as a town site, and to allow town-site entry *only upon proof that the land was non-mineral.*

In the annual report of this office for 1872, on page 21, the then Commissioner said:

"There has been no legislation by Congress since my last report relative to the location of town sites upon the public lands. It is now held by this office that patents may issue to the proper authorities for lands claimed as mineral, stating that 'no title shall be hereby acquired to any mine of gold, siver, cinnabar, or copper, or to any valid mining claim or possession held under existing laws of Congress.' This obviates the necessity of suspending the issue of patent until the non-mineral character of the land has been shown, and allows parties claiming lots on a town site to obtain title thereto at an early day after the entry has been made, while any part of the land upon which minerals exist is specially reserved and excepted from the operation of the patent."

The practice indicated as above was followed thereafter until October 6, 1875, in the matter of the Silver City town site, Nevada. The Commissioner, in addition to the usual clause of reservation, decided to except from the operations of the patent certain mineral surveys by name.

The owners of mines under the town site of Central City, Colo., for which application for patent had been made, desired that any patent which should issue for the town site should contain the following clause:

"*Provided*, That no title shall be acquired under this patent to any mine of gold, silver, cinnabar, or copper, nor to any surface ground over any such mine, or within fifty feet on each side of the same, throughout the length of the vein, which said surface ground shall be reserved, and shall be sold with the mines for the special use and working thereof at not less than ——— dollars per acre."

PATENTS FOR TOWN SITE ON LAND CONTAINING VEINS.

On the 23d of December, 1875, my predecessor rendered decision in said case, stating that patent for the town site would issue with a proviso in the following form:

"*Provided*, That no title shall be hereby acquired to any mine of gold, silver, cinnabar, or copper, or to any valid mining claim or possession held under existing laws: *And provided further*, That the grant hereby made is held and declared to be subject to all the conditions, limitations, and restrictions contained in section two thousand three hundred and eighty-six of the Revised Statutes of the United States so far as the same are applicable thereto."

The exception in mining patent for land within a town site was also in the same decision recited, as follows:

"Excepting and excluding, however, from these presents all town property rights upon the surface, and there are hereby expressly excepted and excluded from the same

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all houses, buildings, and structures, lots, blocks, streets, alleys, or other municipal improvements on the surface of the above-described premises, not belonging to the grantees herein, and all rights necessary or proper to the occupation, possession, and enjoyment of the same."

Said decision was affirmed by Hon. Secretary Chandler, June 7, 1876.

It should here be remarked that said decision relates to a town site upon land containing *veins*, and was, therefore, directly founded upon section 2386, Revised Statutes, which relates exclusively to *veins*.

TOWN SITE ON PLACER GROUND.

On the 23d of November, 1876, the local land officers at Helena, Mont., were instructed by me to allow the entry of the town site of Butte, and that the patent would contain the reservation specified in said decision in case of Central City town site before mentioned. The town of Butte was located upon *placer* ground, and I held that after the issue of patent to the town site with said reservation, the title to all valid mining claims or possessions still remained in the United States, and that title thereto could only be acquired under the provisions of law relating to the disposal of mineral lands by parties who showed compliance with the terms of the mining acts.

In the case of Kemp *vs.* Starr, an application having been made by Starr for patent to his placer-mining claim, in Leadville, Colo., it was alleged that the land was non-mineral, whereupon a hearing was held to determine the fact.

It was proven that the claim was valuable for minerals; that it was regarded as placer-mining ground as early as 1860; that the mining claims represented by Starr had their inception long prior to the occupation of any portion of the land as a town site; that at a very recent date there had been a sudden influx of population, whose residence or occupancy would doubtless depend upon the mining prosperity of the locality; that in order to prevent forcible occupation, the proprietors of the mining claim had laid out lots on a part thereof, and permitted building on certain considerations, and agreements for the conveyance of such lots, upon receiving patent, being executed, and that the town authorities made no opposition to Starr's application for patent.

I held that the application of Starr for a patent should be allowed; and that no exception of any town rights should be inserted in the patent, for the reason that his claim was a surface claim, and was anterior to town site occupation, no adverse or conflicting right having been acquired by the town or by individual settlers who went there with record notice of ownership of said placer claim.

My decision in this case was affirmed by you under date of March 4, 1879.

In your decision you said:

"After careful consideration of the same, I concur with you that the land embraced in the application is land which should, under the provisions of section 2318, Revised Statutes, be held as 'valuable for minerals,' and should be reserved from sale except as provided by law regulating the sale of mineral lands. In my opinion, the evidence submitted as to the relative value of the land for town-site or mining purposes was improperly allowed. If the land is mineral, it was subject to location only under the provisions of the mining law, without reference to the relative value of a portion of the tract for town-site purposes."

The decision of the Department of June 7, 1876, in case of the town site of Central City related to a town site overlying *veins*, which condition is referred to in Revised Statutes, section 2386, and was the first decision of a case involving the question then presented.

That decision has been uniformly followed to this day.

The decision aforesaid by the Department in the Starr claim was its first decision upon a case where a town site was located upon *placer mines*, which, as a rule, are surface claims, and are valueless, when unaccompanied by surface proprietorship.

This decision has likewise been followed uniformly since it was rendered.

It will therefore be seen that the decisions of the Department have not been changed; they have simply been rendered when cases involving the separate specific questions aforesaid have been regularly presented for adjudication.

It is hardly within my power to report specifically "whether the substantial rights of parties who have settled upon the public lands" have been affected by said rulings. It has been the law for many years that no title should be acquired through a town-site patent to any valid mining claim or possession. (See section 2392, Revised Statutes.)

The decision aforesaid in case of the Central City town site relates to a town overlying *veins*, the use and development of which is compatible with surface occupation by a town, and seemed distinctly justified by section 2386, Revised Statutes.

In the town site of Deadwood, Dak., lately the subject of a decision by me, it was found that town site occupation *followed* the location of placer-mining claims, and did not precede such locations; that the placer-miners were actually prohibited in some

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instances from working their claims at all, because they were prevented by force and by color of municipal authority from having the necessary drainage and facilities essential to such work. Yet it appeared in that case that the occupation for dwelling and business purposes followed close upon the occupation for mining purposes, and was substantially contemporaneous with it. The mines were surface claims, however, and their development was plainly incompatible with municipal occupation. The former probate judge who made the entry, entered and paid for every foot of ground within the survey for the town site, including a number of mineral surveys, of which entries had then already been made, and were in this office awaiting patents; and by publication in the newspapers said probate judge gave the claimants to city lots notice to pay for the same within thirty days, and that the land not so taken would then be sold and disposed of at public sale.

While this case has not yet been taken before you on appeal from this office, I have mentioned it as illustrating the difficulties involved in cases where town sites are made upon land located, purchased, and valuable for placer mines.

In view of the fact that it has for many years been the law that no title to a valid mining claim or possession could be acquired through a town-site entry, and that, when a surface placer-claim of value existed, the town site claimant necessarily had personal knowledge of the incompatibility of the existence of both claims upon the same ground, I am, in the absence of accurate knowledge of the equitable claims, if any, existing in individual cases heretofore embraced in general adjudications, unable to advisedly conclude what, if any, equitable relief is due, or what legislation could be directed to relieve such occupants of town sites which would not at the same time destroy essential rights long since allowed by law to mineral claimants.

In such cases, where the land has been awarded to mineral claimants, it is extremely probable that surface occupants have already purchased from the mineral owners such privileges as were necessary or desirable, and that any present disturbance of title heretofore adjusted by this Department would result only in positive injury to the actual occupants of such lands. That parties interested in speculations might profit by such unsettling of title should not constitute a reason for new legislation.

LEGISLATION RECOMMENDED.

Concerning defects in the present law, I am of the opinion, in view of all the difficulties which seem to surround this question, and the uncertainty of title which is represented to result from the apparently unavoidable construction of the existing laws, that such legislation should be had as would most distinctly define the respective rights of mineral and town-site claimants, and leave the least possible ground for controversy or possible misdirection. Legislation upon the subject which would clearly advise all parties of their rights and mislead none and leave nothing to chance, would be of such paramount importance that other considerations could well be postponed.

To this end I would respectfully suggest that if new legislation be had, it should provide for the following conditions:

1st. Where mineral location of lodes or placer antedates town occupation, patent should issue, without reservation, to the mineral claimants.

2d. Where the land is occupied as a town prior to mineral location, and the character of the town occupancy is clearly permanent and in good faith, the same rule of priority should control; and patent, without reservation, should issue to the town authorities, without regard to the characters of the land.

3d. Where the ground is known to be mineral in character, and the location of mining claims and building and occupancy of dwellings, stores, &c., proceed contemporaneously, very difficult questions of fact arise in every case. Minerals are discovered in any certain locality; locations are made; temporary dwellings are erected; miners from different localities rush in, under the excitement of the new discoveries; stores, saloons, boarding-houses, &c., &c., are built to satisfy the demand of trade during what may be the transient occupation of the mining camp. No man during that period builds or occupies for permanent purpose; he is there for the profits of the hour. If the mineral developments after due effort are found to be poor, the place is soon abandoned for other more promising localities; if the mines are found rich and extensive, the general occupation will soon take the character of permanency, of which there was no earlier intent. Now, when the surface occupants decide upon permanent and organized occupation, it is in their power to *immediately* apply for patent; and if any delay in preparation is necessary, they can at least give published notice of their claim, with its boundaries, and file the same in the district land office; and this would be a full notice from its date to all subsequent locators of mining claims, and the right of the town to unlocated ground should attach and patent issue without exception in favor of such subsequent locators, while prior locations made during the period when everything except the mining location was considered as transient, and calculated only for temporary purposes, should not be embraced in a

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town-site entry, but be subject to entry and patent without any reservation, by the individual owners thereof.

I think that any objection to this plan based upon the proposition that valuable mineral ground may sometimes be patented to a town should be subordinated to the larger interests, public and private, to be secured only by certainty of proceeding and peace of title.

The said Senate resolution is herewith returned.

Very respectfully, your obedient servant,

J. A. WILLIAMSON,
Commissioner.

Hon. SECRETARY OF THE INTERIOR.

TOWN SITES.

[Official circular.]

IN EFFECT DECEMBER 1, 1883.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., October 1, 1880.

* * * * * * *

The eighth chapter of the Revised Statutes of the United States, comprising sections 2380 to 2394, and act of Congress of March 3, 1877, provide for the disposal of town sites on the public domain.

TITLE, HOW ACQUIRED.

There are two methods by which title to such town property may be acquired, subject to the election of parties desiring to do so; one provided for in sections 2382, 2383, 2384, and 2385, and the other in sections 2387, 2388, and 2389 of the Revised Statutes of the United States. The first method limits the extent of the area of the city or town to 640 acres, to be laid off into lots, and which, after filing in the General Land Office the transcript, statement, and testimony required by section 2382, are to be offered at public sale to the highest bidder, at a minimum of ten dollars for each lot. Lots not thus disposed of are made thereafter liable to private entry at said minimum, or at such reasonable price as the Secretary of the Interior may order from time to time, as the municipal property may increase or decrease, after at least three months' notice.

A privilege, however, is granted to any *actual settler* upon any *one* lot of pre-empting that, and any additional lot on which he may have "substantial improvements," at said minimum, at any time before the day fixed for the public sale.

ENTRY, HOW MADE BY INDIVIDUALS.

There are, however, certain preliminary conditions to be complied with in order to the enjoyment of the privileges granted in this section. Parties who have already founded, or may hereafter found, a city or town are required—

1st. To file with the recorder of the county in which the town or city is situate a plat thereof, not exceeding 640 acres, describing its exterior boundaries according to the lines of the public surveys, where such surveys have been executed.

2d. Also the plot or map of such city or town must exhibit the name of the city or town, the streets, squares, blocks, lots, and alleys; the size of the same, with measurements and area of each municipal subdivision, the lots in which shall each not exceed 4,200 square feet, with a statement of the extent and general character of improvements.

3d. Further, the said map and statement to be verified by oath by the party acting for and in the behalf of the founders of the city or town.

4th. Within one month after filing the map or plat with the recorder of the county a verified copy of said map and statement is to be sent to the General Land Office, accompanied by the testimony of two witnesses that such city or town has been established in good faith.

5th. Where the city or town is within the limits of an organized land district, a similar copy of the map and statement must be filed with the register and receiver.

Section 2383 provides for cities or towns founded on *unsurveyed* land, and directs that it may be lawful to adjust the exterior limits of the premises with the lines of the public surveys, where it can be done without impairing the rights of others. It also provides for the issue of patents for lots disposed of under these provisions as in ordinary cases.

Section 2384 authorizes the Secretary of the Interior, in case the parties interested shall fail or refuse, within twelve months of the founding of a city or town on the public domain, to file in the General Land Office a copy of the map, with the statement and testimony called for by section 2382, to cause a survey and plat to be made

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of the said city or town, and thereafter the lots to be sold, as provided, at an increase of fifty per cent. on the minimum price of ten dollars per lot.

ENTRY, HOW MADE BY INHABITANTS OF CITIES OR TOWNS.

Sections 2387, 2388, and 2389 grant to the inhabitants of cities and towns on the public lands the privilege of entering the lands occupied as town sites at the minimum price of one dollar and twenty-five cents per acre, through the corporate authorities of such towns and cities, or the judges of the county courts, acting as trustees for the occupants thereof.

This privilege is granted where such mode of obtaining title to town property is preferred to that provided in sections 2382, 2383, 2384, and 2385, which are not repealed by the former sections. The inhabitants of these towns or cities are limited, however, to one or the other of the modes provided in these statutes, and cannot commence proceedings under both systems.

The provisions of sections 2382, 2383, 2384, and 2385 were originally embodied in the acts of Congress of July 1, 1864, and March 3, 1865; those of sections 2387, 2388, and 2389 in the act of March 2, 1867. Section 2394 is a re-enactment of the act of June 8, 1868. It has reference to cases where the inhabitants of cities or towns proceeded to act under the provisions of the acts of July 1, 1864, and March 3, 1865, prior to June 22, 1874, the date of the Revised Statutes, and in which they have partly proved up and paid for the lots claimed by them according to said acts. It provides for extending the privilege of sections 2387, 2388, and 2389, if the town authorities in any such case should elect to proceed under them, to such of the inhabitants as may not have paid for their lots, without interfering with the issuing of patents to those who had made or might make entries or elect to proceed under the acts of July 1, 1864, and March 3, 1865, or sections 2382, 2383, 2384, and 2385 of the Revised Statutes. Accordingly, should any case be presented where proceedings had been commenced, as aforesaid, by the inhabitants of any town or city before the date indicated, and a part of them, not having entered and paid for their lots, desire to take advantage of the other system referred to, they would be entitled under section 2394, on application to the register and receiver of the proper district office, through the town authorities, pursuant to the provisions of sections 2387, 2388, and 2389, to enter or file upon such portion of the town site as has not already been entered and paid for, and is not in possession of parties electing to complete their titles under the original proceedings; after which, that part of the town site so entered or filed upon will be disposed of under the last-mentioned sections, and the remaining portion, if any, under sections 2382, 2383, 2384, and 2385. Section 2394 has no reference to any case in which proceedings for acquiring title to the town site were commenced subsequent to June 22, 1874, the inhabitants in all such cases being restricted to the method of acquiring title according to which they may have commenced to act.

PRICE OF LANDS AND SURVEYS.

Section 2394 further provides that, in addition to the minimum price of the lands included in any town site entered under its provisions and those of sections 2387, 2388, and 2389, there shall be paid by the parties availing themselves thereof all costs of surveying and platting any such town site, and expenses incident thereto, incurred by the United States, before any patent therefor shall issue. Hence, when it is desired to enter a town site found upon the *unsurveyed* public lands, a written application should be presented to the surveyor-general of the proper district for a survey of the same under section 2401 of the Revised Statutes, and the amount estimated by him as sufficient to cover the said cost and expenses deposited with any assistant United States treasurer or designated depositary in favor of the United States Treasurer, to be passed to the credit of the fund created by "individual depositors for the survey of the public lands," the depositor taking a duplicate certificate of deposit, one to be filed with the surveyor-general to be sent to the General Land Office, and the other retained by the depositor. On receiving such certificate, showing that the requisite sum has been deposited in a proper manner to pay for the work, the surveyor-general will transmit to the register and receiver of the district land office his certificate of such payment having been made, and will contract with a competent United States deputy surveyor and have the survey made and returned in the same manner as other public surveys, after which the lands embraced within the site may be entered, or filed upon, as in the case of town sites upon surveyed lands.

When town sites are located upon land already surveyed, the entry must be made in conformity to the legal subdivisions of the public lands, and here no costs in regard to past surveys will be exacted. When sites are upon *unsurveyed* land, it will be necessary, after the extension thereto of the public survey, to close those lines upon the exterior limits of the town site.

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AREA TO BE EMBRACED.

Section 2389, it will be observed, stipulates that there shall be conceded, where the number of inhabitants is one hundred and less than two hundred, not exceeding three hundred and twenty acres; where the population is more than two hundred and less than one thousand, not exceeding six hundred and forty acres; and where the inhabitants number one thousand and over, not exceeding twelve hundred and eighty acres; and for each additional one thousand inhabitants, not exceeding five thousand in all, a further grant of three hundred and twenty acres.

WHAT LANDS ARE EXEMPT FROM SUCH ENTRIES.

All military and other reservations of the United States, private grants, and valid mining claims are excluded from the operation of these town-site laws. In patents issued thereunder it is expressly declared as follows, viz: "No title shall be hereby acquired to any mine of gold, silver, cinnabar, or copper, or any valid mining claim or possession held under existing laws of Congress." (Section 2392, Revised Statutes.)

MISCELLANEOUS.

In any Territory in which a land office may not have been established the declaratory statements provided for in the foregoing statutes may be filed with the surveyor-general of the proper district.

In the act of Congress of March 3, 1877, section one restricts the amount of land that can be reserved from pre-emption and homestead entry, by reason of the existence or incorporation of a town upon the public domain, to 2,560 acres, unless the excess shall "be actually settled upon, inhabited, improved, and used for business and municipal purposes."

Section 2 confirms pre-emption and homestead entries already made within the corporate limits of a town, the entries being regular in all respects, *provided* it shall be satisfactorily shown that the lands so entered are "not settled upon or used for any municipal purpose, nor devoted to any public use of such town."

Section 3 provides that, when it shall appear that the corporate limits of a town embrace lands in excess of the maximum quantity allowed, the proper authorities may select those portions that are actually occupied, used, and improved for municipal purposes, which lands shall be reserved from pre-emption and homestead entry, and the residue will be restored, or become subject to such settlement and entry. This selection must be made within sixty days from notice, and in default thereof a hearing will be ordered and testimony taken as to the condition of the land, and such portion set apart as shall appear to be within the meaning of the act.

The fourth section, with the proviso to the second edition, provides for additional entries by towns, where entries have already been made, in cases in which an increase in the number of inhabitants would entitle them to an entry of a larger area under section 2389 of the Revised Statutes of the United States, such entries, however, to be within the maximum amount, or 2,560 acres.

* * * * * * *

MINES ON THE PUBLIC DOMAIN.

[See Chapter XXVI, pages 306 to 331, inclusive, and 1279 to 1282.]

TO JUNE 30, 1882, AND JUNE 30, 1883, AS NOTED.

Under the acts of 1866, 1870, and 1872 there have been patented as quartz, vein or lode, or other valuable deposit mining claims in the several precious metal bearing States and Territories of the public domain, from 1867 to June 30, 1882, 5,609 lodes, containing 53,020.57 acres, and realizing $272,726. Under the placer acts of 1866, 1870, and 1872, there have been patented in the same localities to June 30, 1882, 1,688 placer claims, containing 141,950.03 acres, realizing $369,691; in all, vein and placer from 1866 to June 30, 1882, patents for 7,297 claims, containing 194,970.60 acres, realizing to the nation $642,417. (See Tables, pages 982 to 985.)

MINING LOCATIONS, HOW MANY MADE.

It is estimated that since the discovery of gold in California, January 19, 1848, to June 30, 1883, there have been more than 300,000 mining locations made in the several mining States and Territories, yet to June 30, 1882, but 7,249 of these claims had been patented.

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To accompany "Public Domain" Base Map from Mitchells Series of Geographies published by E. H. Butler & Co. Philadelphia. *By Thomas Donaldson.*

Map, showing the approximate location of gold, silver, and cinnabar lands of the public domain west of the 100° meridian, June 30, 1883. Estimated to contain 64,000,000 of acres (exclusive of Alaska, in which there is known to be gold). See page 325 and 978 to 980 for text. Much of this area is, however, covered with timber, and the surface is also embraced in the estimate of "timber lands." The cinnabar lands in California are almost all taken. The production of quicksilver in California in 1882 was 7,000 flasks less than in 1881. It is estimated that $30,000,000 of capital is invested in quicksilver mining on the Pacific coast, employing 5,000 men.

SCHEME OF COLORS.

- Boundaries of the Public Domain.
- Gold.
- Silver.
- Cinnabar.

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GOLD AND SILVER MINERS IN 1882.

The number of persons classed as miners in the precious metal regions on the public domain in 1882 was as follows (in round numbers 99,000):

Arizona	4,678
California	37,147
Colorado	28,970
Dakota	3,570
Idaho	4,708
Montana	4,813
Nevada	6,647
New Mexico	1,496
Oregon	3,696
Wyoming	328
Utah	2,592
	98,645

AVERAGE WAGES OF MINERS.

The production of gold and silver for the year 1882 makes an average of about $1,000 for each miner employed in precious-metal mining.

CORPORATION DIVIDENDS PAID IN 1882.

Fifty-four corporations in the several States and Territories paid dividends as follows:

States and Territories.	Mines.	Amount.
Arizona	5	$1,887,500
Colorado	16	2,326,650
California	10	1,312,047
Dakota	3	1,110,000
Montana	3	221,516
Nevada	7	663,262
Utah	4	2,129,000
Idaho	3	38,000
Georgia	1	48,000
New Mexico	2	204,000
Total	54	9,939,975

CORPORATION ASSESSMENTS IN 1882-'83.

One hundred and seventy-five gold and silver mining companies made three hundred and forty-three assessments. Seventy-six of these received $7,087,000. If the remaining ninety-nine received a proportionate amount, the assessments would be more than $10,000,000, or largely in excess of dividends by corporations.

REFERENCES.

For a most valuable and interesting report on the precious-metal regions of the public domain, as well as of other portions of the United States, see Annual Reports of the Hon. H. C. Burchard, Director of the Mint, upon the "Statistics of the production of the precious metals in the United States for the years 1880, 1881, and 1882," the statistical work being under the supervision of Dr. Frederick Eckfeldt, aided by a corps of efficient agents living in the regions mentioned. See also Compendium United States Census, 1880, pages 1229 to 1236.

ESTIMATE OF AREA, UNSOLD, OF PRECIOUS-METAL REGIONS.

[See page 325.]

TO JUNE 30, 1883.

The estimated area of the precious-metal bearing region of the public domain [the property of the nation] is about 64,000,000 acres. This is exclusive of Alaska.

See map of approximate location of the precious-metal lands, facing this page. It will be noted that most of these lands lie under surface, covered with timber.

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PRODUCTION OF GOLD AND SILVER IN THE UNITED STATES, AND FROM THE PUBLIC DOMAIN.

[See page 320.]

FROM 1848 TO JUNE 30, 1882.

Since the discovery of gold in paying quantities in California, in 1848, there has been produced in the United States the sum of $2,137,463,792 in gold and silver, of which $1,587,241,532 was in gold, and $550,222,260 in silver. All but about $1,500,000 of this sum (which would represent the gold and silver extracted in the States other than public-land States) has been extracted from the lands of the public domain.

The following estimate of the yearly production of gold and silver from 1848 to 1882 is from the reports of Hon. H. C. Burchard, Director of the Mint:

Estimate of the production of the precious metals in the United States from 1848 *to* 1882, *by fiscal years.*

Date.	Gold.	Silver.	Total gold and silver.
1848	$10,000,000	.....	$10,000,000
1849	40,000,000	$50,000	40,050,000
1850	50,000,000	50,000	50,050,000
1851	55,000,000	50,000	55,050,000
1852	60,000,000	50,000	60,050,000
1853	65,000,000	50,000	65,050,000
1854	60,000,000	50,000	60,050,000
1855	55,000,000	50,000	55,050,000
1856	55,000,000	50,000	55,050,000
1857	55,000,000	50,000	55,050,000
1858	50,000,000	50,000	50,050,000
1859	50,000,000	100,000	50,100,000
1860	46,000,000	150,000	46,150,000
1861	43,000,000	2,000,000	45,000,000
1862	39,200,000	4,500,000	43,700,000
1863	40,000,000	8,500,000	48,500,000
1864	46,000,000	11,000,000	57,000,000
1865	53,225,000	11,250,000	64,475,000
1866	53,500,000	10,000,000	63,500,000
1867	51,725,000	13,500,000	65,225,000
1868	48,000,000	12,000,000	60,000,000
1869	49,500,000	12,000,000	61,500,000
1870	50,000,000	16,000,000	66,000,000
1871	43,000,000	23,000,000	66,000,000
1872	36,000,000	28,750,000	64,750,000
1873	36,000,000	35,750,000	71,750,000
1874	33,490,902	37,324,594	70,815,496
1875	33,467,856	31,727,560	65,195,416
1876	39,929,166	38,783,016	78,712,182
1877	46,897,390	39,793,573	86,690,963
1878	51,206,360	45,281,385	96,487,745
1879	38,899,858	40,812,132	79,711,990
1880	36,000,000	37,700,000	73,700,000
1881	34,700,000	43,000,000	77,700,000
1882	32,500,000	46,800,000	79,300,000
Total to December 31, 1882	1,587,241,532	550,222,260	2,137,463,792

CHANGES AND EXISTING LAWS.

TO JUNE 30, 1883.

No change of moment in the mining laws relating to the public lands has been made since June 30, 1880, except that two acts of general interest have been passed.

The act of March 3, 1881 (given in full on page 994), and the act of March 3, 1883, relating to mineral lands in Alabama.

AN ACT to exclude the public lands in Alabama from the operation of the laws relating to mineral lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within the State of Alabama all public lands, whether mineral or otherwise, shall be subject to disposal only as agricultural lands: *Provided, however,* That all lands which have heretofore been reported to the General Land

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Office as containing coal and iron shall first be offered at public sale: *And provided further*, That any *bona fide* entry under the provisions of the homestead law of lands within said State heretofore made may be patented without reference to an act approved May tenth eighteen hundred and seventy-two, entitled "An act to promote the developement of the mining resources of the United States," in cases where the persons making application for such patents have in all other respects complied with the homestead law relating thereto.

The following circular was issued by the Commissioner of the General Land Office in relation to said law:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 9, 1883.

TO DISTRICT LAND OFFICERS,
Montgomery and Huntsville, Ala.:

GENTLEMEN: The act of March 3, 1883 (copy herewith), enacts that all public lands within the State of Alabama, whether mineral or otherwise, shall be subject to disposal *only as agricultural land;* provided, that all lands which have heretofore been reported as containing coal and iron shall first be offered at public sale, and, further, that any *bona fide* entry under the provisions of the homestead law of lands within said State *heretofore made,* may be patented without reference to the act of May 10, 1872, in cases where the persons making application for such patents have in all other respects complied with the homestead law relating thereto.

In order to carry out the provisions of said act it will be necessary to prepare a list of all public lands heretofore reported as mineral that have not been entered and have them offered by President's proclamation. In the mean time you will be careful not to allow an entry to be made for any lands lists of which were transmitted to your office October 23, 1879, nor of other tracts that have been since investigated and reported as valuable for minerals, a list of which I inclose herewith.

All existing *bona fide* entries, under the homestead laws, may be perfected regardless of the mineral character of the land, in accordance with rules and regulations governing the same.

Any contest pending before you, where the *only* allegation is the mineral character of the land, must be dismissed.

The law requires the offering to embrace all lands heretofore reported as containing coal or iron, which remain undisposed of by entry or sale.

Entries, whether by cash or location, already allowed and reported to this office will be examined and disposed of upon their merits without reference to the question of mineral.

Very respectfully,

N. C. McFARLAND,
Commissioner.

DEPARTMENT OF THE INTERIOR,
April 9, 1883.

Approved.

H. M. TELLER,
Secretary.

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Statement of the number of placer mining claims patented in the several precious metal-bearing States and Territories of the public domain from 1867 *to June* 30, 1882, *together with the acreage and amount paid therefor, under the several mining acts of July* 26, 1866, *July* 9, 1870, *and May* 10, 1872.

[See page 1281.]

	California.	Oregon.	Nevada.	Idaho.	Montana.	Wyoming.	Utah.	Colorado.	Dakota.	Total.
1867.—Number of placers	1									1
Number of acres	80.70									80.70
Amount paid	$405 00									$405 00
1870.—Number of placers	2	2			1					5
Number of acres	71.16	250			26.24					347.40
Amount paid	$185 00	$625 00			$67 50					$877 50
1871.—Number of placers	36	6			14					56
Number of acres	385.84	446.47			1,187.37					2,019.68
Amount paid	$9,632 50	$1,373 00			$2,447 50					$13,453 00
1872.—Number of placers	79	5			29			4		117
Number of acres	8,680.57	324.06			2,566.27			482.75		12,053.65
Amount paid	$20,837 00	$814 50			$6,479 50			$1,207 50		$29,338 50
1873.—Number of placers	130	4			66			24		224
Number of acres	10,748.32	147.97			3,822.08			1,932.05		16,650.42
Amount paid	$26,973 50	$445 00			$9,671 50			$4,842 50		$41,932 50
1874.—Number of placers	104	7			42			13		166
Number of acres	9,562.67	288.48			2,714.91			477.01		13,043.07
Amount paid	$23,979 50	$677 50			$6,842 50			$1,200 00		$32,699 50
1875.—Number of placers	107	10	3		40		1	12		173
Number of acres	12,439.51	697.39	400.00		1,970.15		8.20	1,248 16		16,763.41
Amount paid	$29,874 00	$1,745 50	$1,000 00		$4,994 50		$22 50	$3,272 00		$40,908 50
1876.—Number of placers	57	8	1		17	4	1	17		105
Number of acres	6,789.05	468.94	160.00		875.47	320.00	32.28	1,038.34		9,684.08
Amount paid	$16,982 00	$1,276 00	$400 00		$2,207 00	$1,050 00	$82 50	$2,762 00		$24,759.50
1877.—Number of placers	67	7	1		12			17	5	109
Number of acres	6,371.49	386.59	1,280.00		498.57			1,203.83	25.07	9,765.55
Amount paid	$16,030 00	$987 50	$3,200 00		$1,254 00			$3,275 00	$67 50	$24,814 00
1878.—Number of placers	95	7		1	15			12	17	147
Number of acres	11,409.17	414.18		19.86	907.19			118.31	154.17	13,022.88
Amount paid	$28,615 50	$1,055 00		$50 00	$2,285 00			$2,807 50	$330 00	$35,143 00
1879.—Number of placers	72	1		2	15		2	23	4	119
Number of acres	4,719.32	20.00		36.15	831.16		40.00	1,799.01	61.80	7,507.44
Amount paid	$14,142 00	$50 00		$185 00	$2,132 50		$310 00	$4,632 50	$172 00	$21,624 00
1880.—Number of placers	36	3			17			30	1	87
Number of acres	4,266.55	71.90			1,268.09			2,593.80	1.66	8,202.00
Amount paid	$11,005 00	$182 50			$3,197 50			$6,516 50	$5 00	$20,906 50
1881.—Number of placers	82	3			23		2	52	4	166
Number of acres	8,419.04	91.79			1,006.73		56.51	4,685.45	26.51	14,286.03
Amount paid	$21,102 50	$232 50			$4,037 50		$142 50	$11,760 00	$72 50	$37,347 50
1882.—Number of placers	80	4	1	1	28	3	1	78	17	213
Number of acres	7,499.83	140.00	417.74	19.86	2,036.23	331.95	11.77	7,866.51	199.83	18,523.72
Amount paid	$17,921 00	$350 00	$1,045 00	$50 00	$5,117 50	$830 00	$30 00	$19,621 00	$517 50	$45,482 00

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RECAPITULATION.

[See page 1281.]

States and Territories.	No. of placers.	Total acres.	Total amount.
California	948	91,443.22	$237,684 50
Oregon	67	3,747.77	9,814 00
Nevada	6	2,257.74	5,645 00
Idaho	4	75.87	285 00
Montana	319	19,710.46	50,734 00
Wyoming	7	651.95	1,880 00
Utah	7	148.76	587 50
Colorado	282	23,445.22	61,896 50
Dakota	48	469.04	1,164 50
Total	1,688	141,950.03	369,691 00

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Statement of the number of quartz vein or lode, or other valuable deposit mining claims, patented in the several precious-metal-bearing States and Territories of the public domain, from 1867 *to June* 30, 1882, *together with the acreage and amount paid therefor, under the several mining acts of July* 26, 1866, *July* 9, 1870, *and May* 10, 1872.

	California.	Oregon.	Nevada.	Idaho.	Montana.	Wyoming.	Utah.	Colorado.	New Mexico.	Arizona.	Dakota.	Total.
1867.—Number of lodes	4		3									7
Number of acres	138.68		16.19									154.87
Amount paid	$700 00		$90 00									$790 00
1868.—Number of lodes	2		26		9			3				40
Number of acres	147.09		287.19		53.93			3.42				491.63
Amount paid	$740 00		$1,485 00		$290 00			$25 00				$2,540 00
1869.—Number of lodes	6		34		7			27				74
Number of acres	207.84		255.16		50.52			39.42				552.94
Amount paid	$1,045 00		$1,320 00		$280 00			$245 00				$2,890 00
1870.—Number of lodes	6		44		5			61	1			117
Number of acres	348.15		249.53		45.70			104.93	20.66			768.97
Amount paid	$1,755 00		$1,295 00		$240 00			$670 00	$105 00			$4,065 00
1871.—Number of lodes	13	1	23		2		8	72				119
Number of acres	740.00	13.76	115.23		13.77		49.28	117.32				1,049.36
Amount paid	$3,725 00	$70 00	$595 00		$75 00		$270 00	$775 00				$5,510 00
1872.—Number of lodes	54	4	26		16		36	123		3		262
Number of acres	1,182.46	13.76	179.93		73.76		171.46	189.38		45.63		1,856.38
Amount paid	$6,020 00	$70 00	$925 00		$420 00		$940 00	$1,340 00		$248 00		$9,963 00
1873.—Number of lodes	84		63	1	20		46	188		13		415
Number of acres	1,950.57		459.27	7.23	85.00		252.76	342.89		163.49		3,261.21
Amount paid	$10,090 00		$2,370 00	$40 00	$500 00		$1,365 00	$2,145 00		$845 00		$17,355 00
1874.—Number of lodes	81		73	1	24		34	114	2	6		335
Number of acres	2,123.69		741.86	5.50	277.98		84.16	222.36	13.77	116.40		3,585.72
Amount paid	$9,650 00		$3,450 00	$30 00	$1,505 00		$460 00	$1,500 00	$70 00	$600 00		$17,265 00
1875.—Number of lodes	88		70	5	25		31	138	1	7		365
Number of acres	2,753.86		706.92	68.50	632.40		296.58	453.53	20.66	133.59		5,066.04
Amount paid	$14,040 00		$3,620 00	$350 00	$3,275 00		$1,375 00	$2,645 00	$105 00	$680 00		$26,090 00
1876.—Number of lodes	61		77		30	1	57	173	1	10		410
Number of acres	1,701.45		872.18		307.40	8.89	455.87	818.37	20.66	169.32		4,354.14
Amount paid	$8,320 00		$4,450 00		$1,605 00	$45 00	$1,840 00	$4,534 00	$105 00	$870 00		$21,769 00
1877.—Number of lodes	76		68		35		63	139		18		399
Number of acres	1,696.60		737.76		372.02		375.91	676.88		207.23		4,066.40
Amount paid	$7,955 00		$3,865 00		$2,045 00		$2,010 00	$3,755 00		$1,065 00		$20,695 00
1878.—Number of lodes	59		83		72		67	242	2	7	3	535
Number of acres	1,167.02		813.40		837.96		617.94	1,403.79	31.01	97.26	17.90	4,987.28
Amount paid	$5,875 00		$4,180 00		$4,365 00		$3,160 00	$7,570 00	$160 00	$500 00	$92 00	$25,902 00
1879.—Number of lodes	73	1	81		51		72	185	1	12	15	491
Number of acres	1,427.41	20.25	855.17		535.77		675.10	1,149.60	20.66	203.92	124.43	5,012.31
Amount paid	$6,675 00	$105 00	$4,350 00		$2,875 00		$3,040 00	$6,265 00	$105 00	$1,050 00	$670 00	$25,135 00
1880.—Number of lodes	65	1	33		26		59	207	2	9	7	409
Number of acres	508.97	20.66	407.28		308.94		406.06	1,398.47	40.88	180.44	46.59	3,318.29
Amount paid	$2,700 00	$105 00	$2,075 00		$1,595 00		$2,117 00	$7,535 00	$210 00	$915 00	$245 00	$17,497.00

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1881.—Number of lodes	84	1	68	2	47	.....	93	234	.....	3	10	542
Number of acres	1,147.54	19.87	683.79	36.15	577.11	.....	712.73	1,439.09	.....	66.98	72.20	4,755.46
Amount paid	$5,950 00	$100 00	$3,580 00	$185 00	$3,000 00	.....	$3,750 00	$6,980 00	.....	$340 00	$390 00	$24,275 00
1882.—Number of lodes	68	.....	79	15	69	.....	120	648	4	65	19	1,088
Number of acres	1,135.79	.....	855.05	241.41	929.92	.....	807.75	4,318.44	49.37	1,227.78	153.40	9,608 91
Amount paid	$5,841 00	.....	$4,465 00	$1,240 00	$4,815 00	.....	$4,150 00	$22,990 00	$255 00	$6,265 00	$865 00	$50,880 00

RECAPITULATION.

[See page 1282.]

States and Territories.	No. of lodes.	Total acres.	Total amount.
Arkansas	1	20.66	.....
California	824	18,302.34	$90,690 00
Oregon	8	88.30	450 00
Nevada	851	8,155.00	41,840 00
Idaho	24	358.79	1,845 00
Montana	439	5,034.08	26,530 00
Wyoming	1	8.89	45 00
Utah	686	4,873.03	24,297 00
Colorado	2,554	12,493.83	67,904 00
New Mexico	14	217.67	1,115 00
Arizona	153	2,591.52	13,273 00
Dakota	54	404.84	2,212 00
Total	5,609	53,020.57	272,726 00
Number of placer claims patented from 1866 to June 30, 1882	1,688	141,950.03	369,691 00
Number of vein or lode claims patented from 1866 to June 30, 1882	5,609	53,020.57	272,726 00
Total	7,297	194,970.60	642,417 00

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REGULATIONS UNDER EXISTING MINING LAWS.

UNITED STATES MINING LAWS, AND REGULATIONS THEREUNDER.

IN EFFECT DECEMBER 1, 1883.

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"For rulings and decisions since June, 1880, *see Report of the Commissioner of the General Land Office,* 1880," *and "Decisions of Department of the Interior and General Land Office from July* 1, 1881, *to June,* 1883," *pages* 541 *to* 592.

"For legal decisions and Departmental decisions and rulings, also under this chapter, see United States land laws, general and permanent," pages 142 *to* 157, *compiled by Public Land Commission,* 1880. *Forty-sixth Congress, third session, Ex. Doc.* 47, *Part* 1.

WHAT ARE MINERALS?

Whatever is recognized as mineral by the standard authorities, where the same occurs in quantity and quality to render the land in question more valuable on its account than for agricultural purpose, is mineral within the meaning of the mining laws.

S. J. KIRKWOOD,
Secretary of the Interior.

October 8, 1881.
(Appeal of W. H. Hooper and others, from Salt Lake office, January 25, 1881.)

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
October 29, 1881.

GENTLEMEN: Your attention is invited to the Revised Statutes of the United States and the amendments thereto in regard to

MINING LAWS AND MINING RESOURCES.

TITLE XXXII, CHAPTER 6.

Mineral lands reserved.
4 July, 1866, c. 166, s. 5, v. 14, p. 86.

SECTION 2318. In all cases lands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law.

Mineral lands open to purchase by citizens.
10 May, 1872, c. 152, s. 1, v. 17, p. 91.
U. S. *vs.* Gear, 3 How., 120.

SEC. 2319. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining-districts, so far as the same are applicable and not inconsistent with the laws of the United States.

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Length of mining claims upon veins or lodes.

10 May, 1872, c. 152, s. 2, v. 17, p. 91.

SEC. 2320. Mining-claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, heretofore located, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining-claim located after the tenth day of May, eighteen hundred and seventy-two, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining-claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the tenth day of May, eighteen hundred and seventy-two, render such limitation necessary. The end-lines of each claim shall be parallel to each other.

Proof of citizenship.

10 May, 1872, c. 152, s. 7, v. 17, p. 94.

SEC. 2321. Proof of citizenship, under this chapter, may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge, or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, by the filing of a certified copy of their charter or certificate of incorporation.

Locators' rights of possession and enjoyment.

10 May, 1872, c. 152, s. 3, v. 17, p. 91.

SEC. 2322. The locators of all mining locations heretofore made or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States, and with State, Territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface-lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side-lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end-lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

Owners of tunnels, rights of.

10 May, 1872, c. 152, s. 4, v. 17, p. 92.

SEC. 2323. Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel.

Regulations made by miners.

10 May, 1872, c. 152, s. 5, v. 17, p. 92.

SEC. 2324. The miners of each mining-district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining-claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining-claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the tenth day of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements

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made during each year. On all claims located prior to the tenth day of May, eighteen hundred and seventy-two, ten dollars' worth of labor shall be performed or improvements made by the tenth day of June, eighteen hundred and seventy-four, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing, or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section, his interest in the claim shall become the property of his co-owners who have made the required expenditures. (*Amended June* 6, 1874, *February* 11, 1875, *and January* 22, 1880, *see pages* 993 *and* 994).

Patents for mineral lands, how obtained.

10 May, 1872, c. 152, s.6, v.17, p.92.

SEC. 2325. A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this chapter, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this chapter, may file in the proper land-office and application for a patent, under oath, showing such compliance, together with a plat and field-notes of the claim or claims in common, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such land-office, and shall thereupon be entitled to a patent for the land, in the manner following: The register of the land-office, upon the filing of such application, plat, field-notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the register a certificate of the United States surveyor-general that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description, to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land-office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of five dollars per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter (*Amended January* 22, 1880, *see page* 994).

Adverse claim, proceedings on.

10 May, 1872, c. 152, s.7, v.17, p.93.

SEC. 2326. Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence

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proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment-roll with the register of the land office, together with the certificate of the surveyor-general that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the receiver five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment-roll shall be certified by the register to the Commissioner of the General Land Office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim with the proper fees, and file the certificate and description by the surveyor-general, whereupon the register shall certify the proceedings and judgment-roll to the Commissioner of the General Land Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Nothing herein contained shall be construed to prevent the alienation of a title conveyed by a patent for a mining claim to any person whatever. (*Amended March* 3, 1881, *see page* 994; *and April* 26, 1882, *see page* 1007.)

Description of vein-claims on surveyed and unsurveyed lands.

10 May, 1872, c. 152, s. 8, v. 17, p. 94.

SEC. 2327. The description of vein or lode claims, upon surveyed lands, shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued for claims upon unsurveyed lands, the surveyor-general, in extending the surveys, shall adjust the same to the boundaries of such patented claim, according to the plat or description thereof, but so as in no case to interfere with or change the location of any such patented claim.

Pending applications; existing rights.

10 May, 1872, c. 152, s. 9, v. 17, p. 94.

SEC. 2328. Applications for patents for mining-claims under former laws now pending may be prosecuted to a final decision in the General Land Office; but in such cases, where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of this chapter; and all patents for mining-claims upon veins or lodes heretofore issued shall convey all the rights and privileges conferred by this chapter where no adverse rights existed on the tenth day of May, eighteen hundred and seventy-two.

Conformity of placer-claims to surveys, limit of.

9 July, 1870, c. 235, s. 12, v. 16, p. 217.

SEC. 2329. Claims usually called "placers," including all forms of deposit, excepting veins of quartz or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands.

Subdivisions of ten-acre tracts; maximum of placer locations.

9 July, 1870, c. 235, s. 12, v. 16, p. 217.

SEC. 2330. Legal subdivisions of forty acres may be subdivided into ten-acre tracts; and two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof; but no location of a placer-claim, made after the ninth day of July, eighteen hundred and seventy, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona fide pre-emption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona fide settler to any purchaser.

Conformity of placer-claims to surveys; limitation of claims.

10 May, 1872, c. 152, s. 10, v. 17, p. 94.

SEC. 2331. Where placer-claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer-mining claims located after the tenth day of May, eighteen hundred and seventy-two, shall conform as near as practicable with the United States system of public-land surveys, and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer-claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed land; and where by the segregation of mineral lands in any legal subdivision a quantity of agricultural land less than forty acres remains, such fractional portion of agricultural land may be

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entered, by any party qualified by law, for homestead or pre-emption purposes.

What evidence of possession, &c., to establish a right to a patent.

9 July, 1870, c. 235, s. 13, v. 16, p. 217.

SEC. 2332. Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining-claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim; but nothing in this chapter shall be deemed to impair any lien which may have attached in any way whatever to any mining-claim or property thereto attached prior to the issuance of a patent.

Proceedings for patent for placer-claim, &c.

10 May, 1872, c. 152, s. 11, v. 17, p. 94.

SEC. 2333. Where the same person, association, or corporation is in possession of a placer-claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer-claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer-claim, subject to the provisions of this chapter, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer-claim, or any placer-claim not embracing any vein or lode claim, shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a vein or lode, such as is described in section twenty-three hundred and twenty, is known to exist within the boundaries of a placer-claim, an application for a patent for such placer-claim which does not include an application for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer-claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer-claim is not known, a patent for the placer-claim shall convey all valuable mineral and other deposits within the boundaries thereof.

Surveyor-general to appoint surveyors of mining-claims, &c.

10 May, 1872, c. 152, s. 12, v. 17, p. 95.

SEC. 2334. The surveyor-general of the United States may appoint in each land-district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining-claims. The expenses of the survey of vein or lode claims, and the survey and subdivision of placer-claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The Commissioner of the General Land Office shall also have power to establish the maximum charges for surveys and publication of notices under this chapter; and, in case of excessive charges for publication, he may designate any newspaper published in a land-district where mines are situated for the publication of mining-notices in such district, and fix the rates to be charged by such paper; and, to the end that the Commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid the register and the receiver of the land-office, wh ch statement shall be transmitted, with the other papers in the case, to the Commissioner of the General Land Office.

Verification of affidavits, &c.

10 May, 1872, c. 152, s. 13, v. 17, p. 95.

SEC. 2335. All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths within the land-district where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the register and receiver of the land-office. In cases of contest as to the mineral or agricultural character of the land, the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party cannot be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the register of the land-office as published nearest to the location of such land; and the register shall require proof that such notice has been given.

Where veins intersect, &c.

10 May, 1872, c. 152, s. 14, v. 17, p. 96.

SEC. 2336. Where two or more veins intersect or cross each other, priority of title shall govern; and such prior location shall be entitled to all ore or mineral contained within the space of intersection; but the subsequent location shall have the right of way through the space of intersection for the purposes of the convenient working of the mine.

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And where two or more veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection.

Patents for non-mineral lands, &c.

10 May, 1872, c. 152, s. 15, v. 17, p. 96.

SEC. 2337. Where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface-ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz-mill or reduction-works, not owning a mine in connection therewith, may also receive a patent for his mill-site, as provided in this section.

What conditions of sale may be made by local legislature.

26 July, 1866, c. 262, s. 5, v. 14, p. 252.

SEC. 2338. As a condition of sale, in the absence of necessary legislation by Congress, the local legislature of any State or Territory may provide rules for working mines, involving easements, drainage, and other necessary means to their complete development; and those conditions shall be fully expressed in the patent.

Vested rights to use of water for mining, &c.; right of way for canals.

26 July, 1866, c. 262, s. 9, v. 14, p. 253.

SEC. 2339. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Patents, pre-emptions, and homesteads subject to vested and accrued water-rights.

9 July, 1870, c. 235, s. 17, v. 16, p. 218.

SEC. 2340. All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water-rights, or rights to ditches and reservoirs used in connection with such water-rights, as may have been acquired under or recognized by the preceding section.

Mineral lands in which no valuable mines are discovered, open to homesteads.

26 July, 1866, c. 262, s. 10, v. 14, p. 253.

SEC. 2341. Wherever, upon the lands heretofore designated as mineral lands, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or copper discovered, and which are properly agricultural lands, the settlers or owners of such homesteads shall have a right of pre-emption thereto, and shall be entitled to purchase the same at the price of one dollar and twenty-five cents per acre, and in quantity not to exceed one hundred and sixty acres; or they may avail themselves of the provisions of chapter five of this Title, relating to "HOMESTEADS."

Mineral lands, how set apart as agricultural lands.

26 July, 1866, c. 262, s. 11, v. 14, p. 253.

SEC. 2342. Upon the survey of the lands described in the preceding section, the Secretary of the Interior may designate and set apart such portions of the same as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as other public lands, and be subject to all the laws and regulations applicable to the same.

Additional land-districts and officers, power of the President to provide.

26 July, 1866, c. 262, s. 7, v. 14, p. 252.

SEC. 2343. The President is authorized to establish additional land-districts, and to appoint the necessary officers under existing laws, wherever he may deem the same necessary for the public convenience in executing the provisions of this chapter.

Provisions of this chapter not to affect certain rights.

10 May, 1872, c. 152, s. 16, v. 17, p. 96.

SEC. 2344. Nothing contained in this chapter shall be construed to impair, in any way, rights or interests in mining property acquired under existing laws; nor to affect the provisions of the act entitled "An act granting to A. Sutro the right of way and other privileges to aid in the construction of a draining and exploring tunnel to the Com-

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9 July, 1870, c. 235, s. 17, v. 16, p. 218.

stock lode, in the State of Nevada," approved July twenty-five, eighteen hundred and sixty-six.

Mineral lands in certain States excepted.

18 Feb., 1873, c. 159, v. 17, p. 465.

SEC. 2345. The provisions of the preceding sections of this chapter shall not apply to the mineral lands situated in the States of Michigan, Wisconsin, and Minnesota, which are declared free and open to exploration and purchase according to legal subdivisions, in like manner as before the tenth day of May, eighteen hundred and seventy-two. And any bona fide entries of such lands within the States named since the tenth of May, eighteen hundred and seventy-two, may be patented without reference to any of the foregoing provisions of this chapter. Such lands shall be offered for public sale in the same manner, at the same minimum price, and under the same rights of pre-emption as other public lands.

Grants of lands to States or corporations not to include mineral lands.

30 Jan., 1865, Res. No. 10, v. 13, p. 567.

SEC. 2346. No act passed at the first session of the thirty-eighth Congress, granting lands to States or corporations to aid in the construction of roads, or for other purposes, or to extend the time of grants made prior to the thirtieth day of January, eighteen hundred and sixty-five, shall be so construed as to embrace mineral lands, which in all cases are reserved exclusively to the United States, unless otherwise specially provided in the act or acts making the grant.

REPEAL PROVISIONS.

TITLE LXXIV.

What Revised Statutes embrace.

SEC. 5595. The foregoing seventy-three titles embrace the statutes of the United States general and permanent in their nature, in force on the 1st day of December, one thousand eight hundred and seventy-three, as revised and consolidated by commissioners appointed under an act of Congress, and the same shall be designated and cited as The Revised Statutes of the United States.

Repeal of acts embraced in revision.

SEC. 5596. All acts of Congress passed prior to said first day of December, one thousand eight hundred and seventy-three, any portion of which is embraced in any section of said revision, are hereby repealed, and the section applicable thereto shall be in force in lieu thereof; all parts of such acts not contained in such revision having been repealed or superseded by subsequent acts, or not being general and permanent in their nature: *Provided*, That the incorporation into such revision of any general and permanent provision, taken from an act making appropriations, or from an act containing other provisions of a private, local, or temporary character, shall not repeal, or in any way affect any appropriation, or any provision of a private, local, or temporary character, contained in any of said acts, but the same shall remain in force; and all acts of Congress passed prior to said last-named day no part of which are embraced in said revision, shall not be affected or changed by its enactments.

Accrued rights reserved.

SEC. 5597. The repeal of the several acts embraced in said revision, shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal, but all rights and liabilities under said acts shall continue, and may be enforced in the same manner, as if said repeal had not been made; nor shall said repeal in any manner affect the right to any office or change the term or tenure thereof.

Prosecutions and punishments.

SEC. 5598. All offenses committed, and all penalties or forfeitures incurred under any statute embraced in said revision prior to said repeal, may be prosecuted and punished in the same manner and with the same effect, as if said repeal had not been made.

Acts of limitation.

SEC. 5599. All acts of limitation, whether applicable to civil causes and proceedings, or to the prosecution of offenses, or for the recovery of penalties or forfeitures, embraced in said revision and covered by said appeal, shall not be affected thereby, but all suits, proceedings or prosecutions, whether civil or criminal, for causes arising, or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made.

Arrangement and classification of sections.

SEC. 5600. The arrangement and classification of the several sections of the revision have been made for the purpose of a more convenient and orderly arrangement of the same, and therefore no inference or presumption of a legislative construction is to be drawn by reason of the Title under which any particular section is placed.

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SEC. 5601. The enactment of the said revision is not to affect or repeal any act of Congress passed since the 1st day of December, one thousand eight hundred and seventy-three, and all acts passed since that date are to have full effect as if passed after the enactment of this revision, and so far as such acts vary from, or conflict with any provision contained in said revision, they are to have effect as subsequent statutes, and as repealing any portion of the revision inconsistent therewith.

Acts passed since Dec. 1, 1873, not affected.

Approved, June 22, 1874.

The following is an act of Congress approved June 6, 1874:

AN ACT to amend the act entitled "An act to promote the development of the mining resources of the United States," passed May tenth, eighteen hundred and seventy-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the fifth section of the act entitled "An act to promote the development of the mining resources of the United States," passed May tenth, eighteen hundred and seventy-two, which requires expenditures of labor and improvements on claims located prior to the passage of said act, are hereby so amended that the time for the first annual expenditure on claims located prior to the passage of said act shall be extended to the first day of January, eighteen hundred and seventy-five.

The following is an act of Congress approved February 11, 1875:

AN ACT to amend section two thousand three hundred and twenty-four of the Revised Statutes, relating to the development of the mining resources of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two thousand three hundred and twenty-four of the Revised Statutes be, and the same is hereby amended so that where a person or company has or may run a tunnel for the purposes of developing a lode or lodes, owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since the passage of said act, and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same as required by said act.

The following is an act of Congress approved May 5, 1876:

AN ACT to exclude the States of Missouri and Kansas from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved May tenth, eighteen hundred and seventy-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within the States of Missouri and Kansas deposits of coal, iron, lead, or other mineral be, and they are hereby, excluded from the operation of the act entitled "An act to promote the development of the mining resources of the United States," approved May tenth, eighteen hundred and seventy-two, and all lands in said States shall be subject to disposal as agricultural lands.

The following is an act of Congress approved June 3, 1878:

AN ACT authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all citizens of the United States and other persons, bona fide residents of the State of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and

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of the undergrowth growing upon such lands, and for other purposes: *Provided*, The provisions of this act shall not extend to railroad corporations.

SEC. 2. That it shall be the duty of the register and the receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts.

SEC. 3. Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months.

The following is an act of Congress approved Jannary 22, 1880:

AN ACT to amend sections twenty-three hundred and twenty-four and twenty-three hundred and twenty-five of the Revised Statutes of the United States concerning mineral lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-three hundred and twenty-five of the Revised Statutes of the United States be amended by adding thereto the following words: "*Provided*, That where the claimant for a patent is not a resident of or within the land-district wherein the vein, lode, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits: *And provided*, That this section shall apply to all applications now pending for patents to mineral lands."

SEC. 2. That section twenty-three hundred and twenty-four of the Revised Statutes of the United States be amended by adding the following words: "*Provided*, That the period within which the work required to be done annually on all unpatented mineral claims shall commence on the first day of January succeeding the date of location of such claim, and this section shall apply to all claims located since the tenth day of May, anno Domini eighteen hundred and seventy-two."

The following is an act of Congress approved March 3, 1881:

AN ACT to amend section twenty-three hundred and twenty-six of the Revised Statutes relative to suits at law affecting the title to mining-claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if, in any action brought pursuant to section twenty-three hundred and twenty-six of the Revised Statutes, title to the ground in controversy shall not be established by either party, the jury shall so find, and judgment shall be entered according to the verdict. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the land-office or be entitled to a patent for the ground in controversy until he shall have perfected his title.

MINERAL LANDS OPEN TO EXPLORATION, OCCUPATION, AND PURCHASE.

1. It will be perceived that by the foregoing provisions of law the mineral lands in the public domain, surveyed or unsurveyed, are open to exploration, occupation, and purchase, by all citizens of the United States and all those who have declared their intention to become such.

STATUS OF LODE-CLAIMS LOCATED PRIOR TO MAY 10, 1872.

2. By an examination of the several sections of the Revised Statutes it will be seen that the *status* of lode-claims located *previous* to the 10th May, 1872, is not changed with regard to their *extent along the lode or width of surface.*

3. Mining rights acquired under such previous locations are, however, enlarged by said Revised Statutes in the following respect, viz: The locators of all such pre-

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viously taken veins or lodes, their heirs and assigns, so long as they comply with the laws of Congress and with State, Territorial, or local regulations not in conflict therewith, governing mining-claims, are invested with the exclusive possessory right of all the surface included within the lines of their locations, and of all veins, lodes, or ledges throughout their entire depth, the top or apex of which lies inside of such surface-lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side-lines of such locations at the surface, it being expressly provided, however, that the right of possession to such outside parts of said veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward, as aforesaid, through the end-lines of their locations so continued in their own direction that such planes will intersect such exterior parts of such veins, lodes, or ledges; no right being granted, however, to the claimant of such outside portion of a vein or ledge to enter upon the surface location of another claimant.

4. It is to be distinctly understood, however, that the law limits the possessory right to veins, lodes, or ledges, *other* than the one named in the original location, to such as were not *adversely claimed on May* 10, 1872, and that where such other vein or ledge was so adversely claimed at that date, the right of the party so adversely claiming is in no way impaired by the provisions of the Revised Statutes. (*Amended, see paragraph* 6, *page* 1010.)

5. In order to hold the possessory title to a mining-claim located prior to May 10, 1872, and for which a patent has not been issued, the law requires that *ten dollars* shall be expended annually in labor or improvements on each claim of *one hundred feet* on the course of the vein or lode until a patent shall have been issued therefor; but where a number of such claims are held in common upon the same vein or lode the aggregate expenditure that would be necessary to hold all the claims, at the rate of ten dollars per hundred feet, may be made upon any one claim; a failure to comply with this requirement in any one year subjecting the claim upon which such failure occurred to relocation by other parties, the same as if no previous location thereof had ever been made, unless the claimants under the original location shall have resumed work thereon after such failure and before such relocation. The first annual expenditure upon claims of this class should have been performed subsequent to May 10, 1872, and prior to January 1, 1875. From and after January 1, 1875, the required amount must be expended *annually* until patent issues. By decision of the honorable Secretary of the Interior, dated March 4, 1879, such annual expenditures are not required subsequent to entry, the date of issuing the patent certificate being the date contemplated by statute. (*Amended, see paragraph* 6, *page* 1010.)

6. Upon the failure of any one of several co-owners of a vein, lode, or ledge, which has not been entered, to contribute his proportion of the expenditures necessary to hold the claim or claims so held in ownership in common, the co-owners who have performed the labor, or made the improvements, as required by said Revised Statutes, may, at the expiration of the year, give such delinquent co-owner personal notice in writing, or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days; and if upon the expiration of ninety days after such notice in writing, or upon the expiration of one hundred and eighty days after the first newspaper publication of notice, the delinquent co-owner shall have failed to contribute his proportion to meet such expenditures or improvements, his interest in the claim by law passes to his co-owners, who have made the expenditures or improvements as aforesaid. Where a claimant alleges ownership of a forfeited interest under the foregoing provision, the sworn statement of the publisher as to the facts of publication, giving dates and a printed copy of the notice published, should be furnished, and the claimant must swear that the delinquent co-owner failed to contribute his proper proportion within the period fixed by the statute.

PATENTS FOR VEINS OR LODES HERETOFORE ISSUED.

7. Rights under patents for veins or lodes heretofore granted under previous legislation of Congress are enlarged by the Revised Statutes so as to invest the patentee, his heirs or assigns, with title to all veins, lodes, or ledges, throughout their entire depth, the top or apex of which lies within the end and side boundary lines of his claim on the surface, as patented, extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side-lines of the claim at the surface. The right of possession to such outside parts of such veins or ledges to be confined to such portions thereof as lie between vertical planes drawn downward through the end-lines of the claims at the surface, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges, it being expressly provided, however, that all veins, lodes, or ledges, the top or apex of which lies inside such surface locations, *other* than the one named in the patent, which were *adversely claimed on the* 10*th May*, 1872, are excluded from such conveyance by patent.

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8. Applications for patents for mining-claims pending at the date of the act of May 10, 1872, may be prosecuted to final decision in the General Land Office, and where no adverse rights are affected thereby, patents will be issued in pursuance of the provisions of the Revised Statutes.

MANNER OF LOCATING CLAIMS ON VEINS OR LODES AFTER MAY 10, 1872.

9. From and after the 10th May, 1872, any person who is a citizen of the United States or who has declared his intention to become a citizen, may locate, record, and hold a mining-claim of *fifteen hundred linear feet* along the course of any mineral vein or lode subject to location; or an association of persons, severally qualified as above, may make joint location of such claim of *fifteen hundred feet*, but in no event can a location of a vein or lode made subsequent to May 10, 1872, exceed fifteen hundred feet along the course thereof, whatever may be the number of persons composing the association.

10. With regard to the extent of surface-ground adjoining a vein or lode, and claimed for the convenient working thereof, the Revised Statutes provide that the lateral extent of locations of veins or lodes made after May 10, 1872, shall in no case *exceed three hundred feet on each side of the middle of the vein at the surface*, and that no such surface-rights shall be limited by any mining regulations to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the 10th May, 1872, may render such limitation necessary; the end-lines of such claims to be in all cases parallel to each other. Said lateral measurements cannot extend beyond three hundred feet on *either* side of the middle of the vein at the surface, or such distance as is allowed by local laws. For example: 400 feet cannot be taken on one side and 200 feet on the other. If, however, 300 feet on each side are allowed, and by reason of prior claims but 100 feet can be taken on one side, the locator will not be restricted to less than 300 feet on the other side; and when the locator does not determine by exploration *where* the middle of the vein at the surface is, his discovery shaft must be assumed to mark such point.

11. By the foregoing it will be perceived that no lode-claim located after the 10th May, 1872, can exceed a parallelogram fifteen hundred feet in length by six hundred feet in width, but whether surface-ground of that width can be taken depends upon the local regulations or State or Territorial laws in force in the several mining-districts; and that no such local regulations or State or Territorial laws shall limit a vein or lode claim to less than fifteen hundred feet along the course thereof, whether the location is made by one or more persons, nor can surface rights be limited to less than fifty feet in width, unless adverse claims existing on the 10th day of May, 1872, render such lateral limitation necessary.

12. It is provided by the Revised Statutes that the miners of each district may make rules and regulations not in conflict with the laws of the United States, or of the State or Territory in which such districts are respectively situated, governing the location, manner of recording, and amount of work necessary to hold possession of a claim. They likewise require that the location shall be so distinctly marked on the ground that its boundaries may be readily traced. This is a very important matter, and locators cannot exercise too much care in defining their locations at the outset, inasmuch as the law requires that all records of mining locations made subsequent to May 10, 1872, shall contain the name or names of the locators, the date of the location, and such a *description of the claim or claims* located, by reference to some natural object or permanent monument, as will identify the claim.

13. The statutes provide that no lode-claim shall be recorded until after the discovery of a vein or lode within the limits of the claim located, the object of which provision is evidently to prevent the appropriation of presumed mineral ground for speculative purposes to the exclusion of *bona fide* prospectors, before sufficient work has been done to determine whether a vein or lode really exists.

14. The claimant should, therefore, prior to locating his claim, unless the vein can be traced upon the surface, sink a shaft, or run a tunnel or drift, to a sufficient depth therein to discover and develop a mineral-bearing vein, lode, or crevice; should determine, if possible, the general course of such vein in either direction from the point of discovery, by which direction he will be governed in marking the boundaries of his claim on the surface. His location notice should give the course and distance as nearly as practicable from the discovery-shaft on the claim, to some permanent, well-known points or objects, such, for instance, as stone monuments, blazed trees, the confluence of streams, point of intersection of well-known gulches, ravines, or roads, prominent buttes, hills, &c., which may be in the immediate vicinity, and which will serve to perpetuate and fix the *locus* of the claim and render it susceptible of identification from the description thereof given in the record of locations in the district, and should be duly recorded.

15. In addition to the foregoing data, the claimant should state the names of adjoining claims, or, if none adjoin, the relative positions of the nearest claims; should

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drive a post or erect a monument of stones at each corner of his surface-ground, and at the point of discovery or discovery-shaft should fix a post, stake, or board, upon which should be designated the name of the lode, the name or names of the locators, the number of feet claimed, and in which direction from the point of discovery; it being essential that the location notice filed for record, in addition to the foregoing description, should state whether the entire claim of fifteen hundred feet is taken on one side of the point of discovery, or whether it is partly upon one and partly upon the other side thereof, and in the latter case, how many feet are claimed upon each side of such discovery-point.

16. Within a reasonable time, say twenty days after the location shall have been marked on the ground, or such time as is allowed by the local laws, notice thereof, accurately describing the claim in manner aforesaid, should be filed for record with the proper recorder of the district, who will thereupon issue the usual certificate of location.

17. In order to hold the possessory right to a location made since May 10, 1872, not less than one hundred dollars' worth of labor must be performed, or improvements made thereon annually until entry shall have been made. Under the provisions of the act of Congress approved January 22, 1880, the first annual expenditure becomes due and must be performed during the calendar year succeeding that in which the location was made. Expenditure made or labor performed prior to the first day of January succeeding the date of location will not be considered as a part of, or applied upon, the first annual expenditure required by law. Failure to make the expenditure or perform the labor required will subject the claim to relocation by any other party having the necessary qualifications, unless the original locator, his heirs, assigns, or legal representatives have resumed work thereon after such failure and before such relocation.

18. The expenditures required upon mining-claims may be made from the surface or in running a tunnel for the development of such claims, the act of February 11, 1875, providing that where a person or company has, or may, run a tunnel for the purpose of developing a lode or lodes owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same.

19. The importance of attending to these details in the matter of location, labor, and expenditure will be more readily perceived when it is understood that a failure to give the subject proper attention may invalidate the claim.

TUNNEL RIGHTS.

20. Section 2323 provides that where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins or lodes on the line of said tunnel.

21. The effect of this is simply to give the proprietors of a mining-tunnel run in good faith the possessory right to fifteen hundred feet of any blind lodes cut, discovered, or intersected by such tunnel, which were not previously known to exist, within three thousand feet from the face or point of commencement of such tunnel, and to prohibit other parties, after the commencement of the tunnel, from prospecting for and making locations of lodes on the *line thereof* and within said distance of three thousand feet, unless such lodes appear upon the surface or were previously known to exist.

22. The term "face," as used in said section, is construed and held to mean the first working-face formed in the tunnel, and to signify the point at which the tunnel actually enters cover; it being from this point that the three thousand feet are to be counted, upon which prospecting is prohibited as aforesaid.

23. To avail themselves of the benefits of this provision of law, the proprietors of a mining-tunnel will be required, at the time they enter cover as aforesaid, to give proper notice of their tunnel location by erecting a substantial post, board, or monument at the face or point of commencement thereof, upon which should be posted a good and sufficient notice, giving the names of the parties or company claiming the tunnel-right; the actual or proposed course or direction of the tunnel; the height and width thereof, and the course and distance from such face or point of commencement to some permanent well-known objects in the vicinity by which to fix and determine the *locus* in manner heretofore set forth applicable to locations of veins or

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lodes, and at the time of posting such notice they shall, in order that miners or prospectors may be enabled to determine whether or not they are within the lines of the tunnel, establish the boundary lines thereof, by stakes or monuments placed along such lines at proper intervals, to the terminus of the three thousand feet from the face or point of commencement of the tunnel, and the lines so marked will define and govern as to the specific boundaries within which prospecting for lodes not previously known to exist is prohibited while work on the tunnel is being prosecuted with reasonable diligence.

24. At the time of posting notice and marking out the lines of the tunnel as aforesaid, a full and correct copy of such notice of location defining the tunnel-claim must be filed for record with the mining recorder of the district, to which notice must be attached the sworn statement or declaration of the owners, claimants, or projectors of such tunnel, setting forth the facts in the case; stating the amount expended by themselves and their predecessors in interest in prosecuting work thereon; the extent of the work performed, and that it is *bona fide* their intention to prosecute work on the tunnel so located and described with reasonable diligence for the development of a vein or lode, or for the discovery of mines, or both, as the case may be. This notice of location must be duly recorded, and, with the said sworn statement attached, kept on the recorder's files for future reference.

25. By a compliance with the foregoing much needless difficulty will be avoided, and the way for the adjustment of legal rights acquired in virtue of said section 2323 will be made much more easy and certain.

26. This office will take particular care that no improper advantage is taken of this provision of law by parties making or professing to make tunnel locations, ostensibly for the purposes named in the statute, but really for the purpose of monopolizing the lands lying in front of their tunnels to the detriment of the mining interests and to the exclusion of *bona fide* prospectors or miners, but will hold such tunnel claimants to a strict compliance with the terms of the statutes; and a *reasonable diligence* on their part in prosecuting the work is one of the essential conditions of their implied contract. Negligence or want of due diligence will be construed as working a forfeiture of their right to all undiscovered veins on the line of such tunnel.

MANNER OF PROCEEDING TO OBTAIN GOVERNMENT TITLE TO VEIN OR LODE CLAIMS.

27. By section 2325 authority is given for granting titles for mines by patent from the Government to any person, association, or corporation having the necessary qualifications as to citizenship and holding the right of possession to a claim in compliance with law.—*Amended, see page* 1010, *paragraphs* 1, 2, 3.

28. The claimant is required in the first place to have a correct survey of his claim made under authority of the surveyor-general of the State or Territory in which the claim lies; such survey to show with accuracy the exterior surface boundaries of the claim, which boundaries are required to be distinctly marked by monuments on the ground. Four plats and one copy of the original field-notes, in each case, will be prepared by the surveyor-general; one plat and the original field-notes to be retained in the office of the surveyor-general, one copy of the plat to be given the claimant for posting upon the claim, one plat and a copy of the field-notes to be given the claimant for filing with the proper register, to be finally transmitted by that officer, with other papers in the case, to this office, and one plat to be sent by the surveyor-general to the register of the proper land-district to be retained on his files for future reference.

29. The claimant is then required to post a copy of the plat of such survey in a conspicuous place upon the claim, together with notice of his intention to apply for a patent therefor, which notice will give the date of posting, the name of the claimant, the name of the claim, mine, or lode; the mining-district and county; whether the location is of record, and, if so, where the record may be found; the number of feet claimed along the vein and the presumed direction thereof; the number of feet claimed on the lode in each direction from the point of discovery, or other well-defined place on the claim; the name or names of adjoining claimants on the same or other lodes; or, if none adjoin, the names of the nearest claims, &c.

30. After posting the said plat and notice upon the premises, the claimant will file with the proper register and receiver a copy of such plat, and the field-notes of survey of the claim, accompanied by the affidavit of at least two credible witnesses, that such plat and notice are posted conspicuously upon the claim, giving the date and place of such posting; a copy of the *notice* so posted to be attached to, and form a part of, said affidavit.

31. Attached to the field-notes so filed must be the sworn statement of the claimant that he has the possessory right to the premises therein described, in virtue of a compliance by himself (and by his grantors, if he claims by purchase) with the mining rules, regulations, and customs of the mining district, State, or Territory in which the claim lies, and with the mining laws of Congress; such sworn statement to nar-

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rate briefly, but as clearly as possible, the facts constituting such compliance, the origin of his possession, and the basis of his claim to a patent.

32. This affidavit should be supported by appropriate evidence from the mining recorder's office as to his possessory right, as follows, viz: Where he claims to be a locator, a full, true, and correct copy of such location should be furnished, as the same appears upon the mining records; such copy to be attested by the seal of the recorder, or if he has no seal, then he should make oath to the same being correct, as shown by his records; where the applicant claims as a locator in company with others who have since conveyed their interests in the lode to him, a copy of the original record of location should be filed, together with an abstract of title from the proper recorder, under seal or oath as aforesaid, tracing the co-locator's possessory rights in the claim to such applicant for patent; where the applicant claims only as a purchaser for valuable consideration, a copy of the location record must be filed, under seal or upon oath as aforesaid, with an abstract of title certified as above by the proper recorder, tracing the right of possession by a continuous chain of conveyances from the original locators to the applicant, also certifying that no conveyances affecting the title to the claim in question appear of record in his office other than those set forth in the accompanying abstract.

33. In the event of the mining records in any case having been destroyed by fire or otherwise lost, affidavit of the fact should be made, and secondary evidence of possessory title will be received, which may consist of the affidavit of the claimant, supported by those of any other parties cognizant of the facts relative to his location, occupancy, possession, improvements, &c.; and in such case of lost records, any deeds, certificates of location or purchase, or other evidence which may be in the claimant's possession, and tend to establish his claim, should be filed.

34. Upon the receipt of these papers the register will, at the expense of the claimant (who must furnish the agreement of the publisher to hold applicant for patent alone responsible for charges of publication), publish a notice of such application for the period of sixty days, in a newspaper published nearest to the claim; and will post a copy of such notice in his office for the same period. In all cases sixty days must intervene between the first and the last insertion of the notice in such newspaper. When the notice is published in a *weekly* newspaper ten consecutive insertions are necessary; when in a *daily* newspaper the notice must appear in each issue for the required period.

35. The notices so published and posted must be as full and complete as possible, and embrace all the *data* given in the notice posted upon the claim.

36. Too much care cannot be exercised in the preparation of these notices, inasmuch as upon their accuracy and completeness will depend, in a great measure, the regularity and validity of the whole proceeding.

37. The claimant, either at the time of filing these papers with the register, or at any time during the sixty days' publication, is required to file a certificate of the surveyor-general that not less than five hundred dollars' worth of labor has been expended or improvements made upon the claim by the applicant or his grantors; that the plat filed by the claimant is correct; that the field-notes of the survey, as filed, furnish such an accurate description of the claim as will, if incorporated into a patent, serve to fully identify the premises, and that such reference is made therein to natural objects or permanent monuments as will perpetuate and fix the *locus* thereof.

38. It will be the more convenient way to have this certificate indorsed by the surveyor-general, both upon the plat and field-notes of survey filed by the claimant as aforesaid.

39. After the sixty days' period of newspaper publication has expired the claimant will file his affidavit, showing that the plat and notice aforesaid remained conspicuously posted upon the claim sought to be patented during said sixty days' publication, giving the dates.

40. Upon the filing of this affidavit the register will, if no adverse claim was filed in his office during the period of publication, permit the claimant to pay for the land according to the area given in the plat and field-notes of survey aforesaid, at the rate of five dollars for each acre and five dollars for each fractional part of an acre, the receiver issuing the usual duplicate receipt therefor. The claimant will also make a sworn statement of all charges and fees paid by him for publication and surveys, together with all fees and money paid the register and receiver of the land-office; after which the whole matter will be forwarded to the Commissioner of the General Land Office and a patent issued thereon if found regular.

41. In sending up the papers in the case the register must not omit certifying to the fact that the notice was posted in his office for the full period of sixty days, such certificate to state distinctly when such posting was done and how long continued.

42. The consecutive series of numbers of mineral entries must be continued, whether the same are of lode or placer claims.

43. The surveyor-general must continue to designate all surveyed mineral claims

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as heretofore by a progressive series of numbers, beginning with lot No. 37 in each township; the claim to be so designated at date of filing the plat, field-notes, &c., in addition to the local designation of the claim; it being required in all cases that the plat and field-notes of the survey of a claim must, in addition to the reference to permanent objects in the neighborhood, describe the *locus* of the claim with reference to the lines of public surveys by a line connecting a corner of the claim with the nearest public corner of the United States surveys, unless such claim be on unsurveyed lands at a remote distance from such public corner, in which latter case the reference by course and distance to permanent objects in the neighborhood will be a sufficient designation by which to fix the *locus* until the public surveys shall have been closed upon its boundaries.

ADVERSE CLAIMS.

44. Section 2326 provides for adverse claims, fixes the time within which they shall be filed to have legal effect, and prescribes the manner of their adjustment.

45. Said section requires that the adverse claim shall be filed during the period of publication of notice; that it must be on the oath of the adverse claimant; and that it must show the "*nature*," the "*boundaries*," and the "*extent*" of the adverse claim.

46. In order that this section of law may be properly carried into effect, the following is communicated for the information of all concerned:

47. An adverse mining-claim must be filed with the register of the same land office with whom the application for patent was filed, or in his absence with the receiver, and within the sixty days' period of newspaper publication of notice.

48. The adverse notice must be duly sworn to by the person or persons making the same before an officer authorized to administer oaths within the land-district, or before the register or receiver; it will fully set forth the nature and extent of the interference or conflict; whether the adverse party claims as a purchaser for valuable consideration or a locator; if the former, a certified copy of the original location, the original conveyance, a duly certified copy thereof, or an abstract of title from the office of the proper recorder should be furnished, or if the transaction was a mere verbal one he will narrate the circumstances attending the purchase, the date thereof, and the amount paid, which facts should be supported by the affidavit of one or more witnesses, if any were present at the time, and if he claims as a locator he must file a duly certified copy of the location from the office of the proper recorder. (*Amended, see circular of May* 9, 1882, *page* 1007.)

49. In order that the "*boundaries*" and "*extent*" of the claim may be shown, it will be incumbent upon the adverse claimant to file a plat showing his entire claim, its relative situation or position with the one against which he claims, and the extent of the conflict. This plat must be made from an actual survey by a United States deputy surveyor, who will officially certify thereon to its correctness; and in addition there must be attached to such plat of survey a certificate or sworn statement by the surveyor as to the approximate value of the labor performed or improvements made upon the claim by the adverse party or his predecessors in interest, and the plat must indicate the position of any shafts, tunnels, or other improvements, if any such exist, upon the claim of the party opposing the application, and by which party said improvements were made.

50. Upon the foregoing being filed within the sixty days as aforesaid, the register, or in his absence the receiver, will give notice in writing to *both parties* to the contest, that such adverse claim has been filed, informing them that the party who filed the adverse claim will be required within thirty days from the date of such filing to commence proceedings in a court of competent jurisdiction to determine the question of right of possession, and to prosecute the same with reasonable diligence to final judgment, and that should such adverse claimant fail to do so, his adverse claim will be considered waived, and the application for patent be allowed to proceed upon its merits.

51. When an adverse claim is filed as aforesaid, the register or receiver will indorse upon the same the precise date of filing, and preserve a record of the date of notifications issued thereon; and thereafter all proceedings on the application for patent will be suspended, with the exception of the completion of the publication and posting of notices and plat, and the filing of the necessary proof thereof, until the controversy shall have been adjudicated in court, or the adverse claim waived or withdrawn.

52. The proceedings after rendition of judgment by the court in such case are so clearly defined by the act itself as to render it unnecessary to enlarge thereon in this place.

(*Paragraphs* 53 *to* 60 *amended, see circular of September* 22, 1882, *page* 1007.)

53. The proceedings to obtain patents for claims usually called placers, including all forms of deposit, are similar to the proceedings prescribed for obtaining patents for vein or lode claims; but where said placer-claim shall be upon surveyed lands, and

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conform to legal subdivisions, no further survey or plat will be required, and all placer-mining claims located after May 10, 1872, shall conform as nearly as practicable with the United States system of public-land surveys and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer-claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands. But where such claims are located previous to the public surveys, and do not conform to legal subdivisions, survey, plat, and entry thereof may be made according to the boundaries thereof, provided the location is in all respects legal.

54. The proceedings for obtaining patents for veins or lodes having already been fully given, it will not be necessary to repeat them here; it being thought that careful attention thereto by applicants and the local officers will enable them to act understandingly in the matter and make such slight modifications in the notice, or otherwise, as may be necessary in view of the different nature of the two classes of claims, placer-claims being fixed, however, at two dollars and fifty cents per acre, or fractional part of an acre.

55. By section 2330, authority is given for the subdivision of forty-acre legal subdivisions into *ten-acre* lots, which is intended for the greater convenience of miners in segregating their claims both from one another and from intervening agricultural lands.

56. It is held, therefore, that under a proper construction of the law these ten-acre lots in mining-districts should be considered and dealt with, to all intents and purposes, as legal subdivisions, and that an applicant having a legal claim which conforms to one or more of these ten-acre lots, either adjoining or cornering, may make entry thereof, after the usual proceedings, without further survey or plat.

57. In cases of this kind, however, the notice given of the application must be very specific and accurate in description, and as the forty-acre tracts may be subdivided into ten-acre lots, either in the form of squares of ten by ten chains, or of paralellograms five by twenty chains, so long as the lines are parallel and at right angles with the lines of the public surveys, it will be necessary that the notice and application state specifically what ten-acre lots are sought to be patented, in addition to the other *data* required in the notice.

58. Where the ten-acre subdivision is in the form of a square it may be described, for instance, as the "S. E. ¼ of the S. W. ¼ of N. W. ¼," or, if in the form of a paralellogram as aforesaid, it may be described as the "W. ½ of the W. ½ of the S. W. ¼ of the N. W. ¼ (or the N. ½ of the S. ½ of the N. E. ¼ of the S. E. ¼) of section ———, township ———, range ———," as the case may be; but, in addition to this description of the land, the notice must give all the other *data* that is required in a mineral application, by which parties may be put on inquiry as to the premises sought to be patented. The proof submitted with applications for claims of this kind must show clearly the character and the extent of the improvements upon the premises.

Inasmuch as the surveyor-general has no duty to perform in connection with the entry of a placer claim of legal subdivisions, the proof of improvements must show their value to be not less than *five hundred dollars* and that they were made by the applicant for patent or his grantor.

54. Applicants for patent to a placer-claim, who are also in possession of a known vein or lode included therein, must state in their application that the placer includes such vein or lode. The published and posted notices must also include such statement; and the vein or lode must be surveyed and marked upon the plat; the field-notes and plat giving the area of the lode claim or claims and the area of the placer separately. If veins or lodes lying within a placer location are owned by other parties, the fact should be distinctly stated in the application for patent, and in all the notices. It should be remembered that an application which omits to include an application for a known vein or lode therein, must be construed as a conclusive declaration that the applicant has no right of possession to the vein or lode. Where there is no known lode or vein, the fact must appear by affidavit of claimant and one or more witnesses.

60. When an adverse claim is filed to a placer application, the proceedings are the same as in the case of vein or lode claims, already described.—*Paragraphs* 53 *to* 60 *amended, see circular of September* 22, 1882, *pages* 1007, 1008.

QUANTITY OF PLACER GROUND SUBJECT TO LOCATION.

61. By section 2330 it is declared that no location of a placer-claim, made after July 9, 1870, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys.

62. Section 2331 provides that all placer mining-claims located after May 10, 1872, shall conform as nearly as practicable with the United States system of public surveys and the subdivisions of such surveys, and no such locations shall include more than twenty acres for each individual claimant.

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63. The foregoing provisions of law are construed to mean that after the 9th day of July, 1870, no location of a placer-claim can be made to exceed one hundred and sixty acres, whatever may be the number of locators associated together, or whatever the local regulations of the district may allow; and that from and after May 10, 1872, no location made by an individual can exceed twenty acres, and no location made by an association of individuals can exceed one hundred and sixty acres, which location of one hundred and sixty acres cannot be made by a less number than eight *bona fide* locators; and no local laws or mining regulations can restrict a placer location to less than twenty acres, although the locator is not compelled to take so much,

64. The regulations hereinbefore given as to the manner of marking locations on the ground, and placing the same on record, must be observed in the case of placer locations, so far as the same are applicable; the law requiring, however, that where placer-claims are upon *surveyed* public lands the locations must hereafter be made to conform to legal subdivisions thereof as near as practicable.

65. With regard to the proofs necessary to establish the possessory right to a placer-claim, section 2332 provides that "where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining-claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim."

66. This provision of law will greatly lessen the burden of proof, more especially in the case of old claims located many years since, the records of which, in many cases, have been destroyed by fire, or lost in other ways during the lapse of time, but concerning the possessory right to which all controversy or litigation has long been settled.

67. When an applicant desires to make his proof of possessory right in accordance with this provision of law, you will not require him to produce evidence of location, copies of conveyances, or abstract of title, as in other cases, but will require him to furnish a duly certified copy of the statute of limitations of mining-claims for the State or Territory, together with his sworn statement giving a clear and succinct narration of the facts as to the origin of his title, and likewise as to the continuation of his possession of the mining-ground covered by his application; the area thereof, the nature and extent of the mining that has been done thereon; whether there has been any opposition to his possession, or litigation with regard to his claim, and, if so, when the same ceased; whether such cessation was caused by compromise or by judicial decree, and any additional facts within the claimant's knowledge having a direct bearing upon his possession and *bona fides* which he may desire to submit in support of his claim.—*Amended, see paragraph* 8, *page* 1010.

68. There should likewise be filed a certificate, under seal of the court having jurisdiction of mining cases within the judicial district embracing the claim, that no suit or action of any character whatever involving the right of possession to any portion of the claim applied for is pending, and that there has been no litigation before said court affecting the title to said claim or any part thereof for a period equal to the time fixed by the statute of limitations for mining-claims in the State or Territory as aforesaid, other than that which has been finally decided in favor of the claimant.—*Amended as above.*

69. The claimant should support his narrative of facts relative to his possession, occupancy, and improvements by corrobative testimony of any disinterested person or persons of credibility who may be cognizant of the facts in the case and are capable of testifying understandingly in the premises.—*Amended as above.*

70. It will be to the advantage of claimants to make their proofs as full and complete as practicable.

MILL-SITES.

71. Section 2337 provides that, "where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface-ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz-mill or reduction-works, not owning a mine in connection therewith, may also receive a patent for his mill-site, as provided in this section."

72. To avail themselves of this provision of law, parties holding the possessory right to a vein or lode, and to a piece of non-mineral land not contiguous thereto, for mining or milling purposes, not exceeding the quantity allowed for such purpose by section 2337 United States Revised Statutes, or prior laws, under which the land was appropriated, the proprietors of such vein or lode may file in the proper land-office their application for a patent, under oath, in manner already set forth herein, which application, together with the plat and field-notes, may include, embrace, and describe, in

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addition to the vein or lode, such non-contiguous mill-site, and after due proceedings as to notice, &c., a patent will be issued conveying the same as one claim.

73. In making the survey in a case of this kind, the lode-claim should be described in the plat and field-notes as "Lot No. 37, A," and the mill-site as "Lot No. 37, B," or whatever may be its appropriate numerical designation; the course and distance from a corner of the mill-site to a corner of the lode-claim to be invariably given in such plat and field-notes, and a copy of the plat and notice of application for patent must be conspicuously posted upon the mill-site as well as upon the vein or lode for the statutory period of sixty days. In making the entry no separate receipt or certificate need be issued for the mill-site, but the whole area of both lode and mill-site will be embraced in one entry, the price being five dollars for each acre and fractional part of an acre embraced by such lode or mill-site claim.

74. In case the owner of a quartz-mill or reduction-works is not the owner or claimant of a vein or lode, the law permits him to make application therefor in the same manner prescribed herein for mining-claims, and after due notice and proceedings, in the absence of a valid adverse filing, to enter and receive a patent for his mill-site at said price per acre.

75. In every case there must be satisfactory proof that the land claimed as a mill-site is not mineral in character, which proof may, where the matter is unquestioned, consist of the sworn statement of the claimant, supported by that of one or more disinterested persons capable from an acquaintance with the land to testify understandingly.

76. The law expressly limits mill-site locations made from and after its passage to *five acres*.

77. The registers and receivers will preserve an unbroken consecutive series of numbers for all mineral entries.

PROOF OF CITIZENSHIP OF MINING-CLAIMANTS.

78. The proof necessary to establish the citizenship of applicants for mining patents must be made in the following manner: In case of an incorporated company, a certified copy of their charter or certificate of incorporation must be filed. In case of an association of persons unincorporated, the affidavit of their duly authorized agent, made upon his own knowledge, or upon information and belief, setting forth the residence of each person forming such association, must be submitted. This affidavit must be accompanied by a power of attorney from the parties forming such association, authorizing the person who makes the affidavit of citizenship to act for them in the matter of their application for patent.

79. In case of an individual or an association of individuals who do not appear by their duly authorized agent, you will require the affidavit of each applicant, showing whether he is a native or naturalized citizen, when and where born, and his residence.

80. In case an applicant has declared his intention to become a citizen, or has been naturalized, his affidavit must show the date, place, and the court before which he declared his intention, or from which his certificate of citizenship issued, and present residence.

81. The affidavit of claimant as to his citizenship may be taken before the register or receiver, or any other officer authorized to administer oaths within the land-district. If citizenship is established by the testimony of disinterested persons, such testimony may be taken at any place before any person authorized to administer oaths, and whose official character is duly verified.

APPOINTMENT OF DEPUTY SURVEYORS OF MINING-CLAIMS—CHARGES FOR SURVEYS AND PUBLICATIONS—FEES OF REGISTERS AND RECEIVERS, &C.

82. Section 2334 provides for the appointment of surveyors of mineral claims, authorizes the Commissioner of the General Land Office to establish the rates to be charged for surveys and for newspaper publications, prescribes the fees allowed to the local officers for receiving and acting upon applications for mining-patents and for adverse claims thereto, &c.

Under this authority of law the following rates have been established as the maximum charges for newspaper publications in mining cases:

a Where a daily paper is designated the charge shall not exceed seven dollars for each ten lines of space occupied, and where a weekly newspaper is designated as the medium of publication five dollars for the same space will be allowed. Such charge shall be accepted as full payment for publication in each issue of the newspaper for the entire period required by law.

It is expected that these notices shall not be so abbreviated as to curtail the description essential to a perfect notice, and the said rates established upon the understanding that they are to be in the usual body-type used for advertisements.

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b For the publication of citations in contests or hearings involving the character of lands, the charges shall not exceed eight dollars for five publications in weekly newspapers, or ten dollars for publications in daily newspapers for thirty days.

83. The surveyors-general of the several districts will, in pursuance of said law, appoint in each land-district as many *competent* deputies for the survey of mining-claims as may seek such appointment; it being distinctly understood that all expenses of these notices and surveys are to be borne by the mining-claimants and not by the United States; the system of making *deposits* for mineral surveys, as required by previous instructions, being hereby revoked as regards *field-work;* the claimant having the option of employing *any* deputy surveyor within said district to do his work in the field.

84. With regard to the *platting* of the claim and other *office-work* in the surveyor-general's office, that officer will make an estimate of the cost thereof, which amount the claimant will deposit with any assistant United States treasurer, or designated depository, in favor of the United States Treasurer, to be passed to the credit of the fund created by "individual depositors for surveys of the public lands," and file with the surveyor-general duplicate certificates of such deposits in the usual manner.

85. The surveyors-general will endeavor to appoint mineral deputy surveyors, so that one or more may be located in each mining-district for the greater convenience of miners.

86. The usual oaths will be required of these deputies and their assistants as to the correctness of each survey executed by them.

The duty of the deputy mineral surveyor ceases when he has executed the survey and returned the field-notes and preliminary plat thereof with his report to the surveyor-general. He will not be allowed to prepare for the mining-claimant the papers in support of an application for patent, or otherwise perform the duties of an attorney before the land-office in connection with a mining claim.

The surveyors-general and local land officers are expected to report any infringement of this regulation to this office.

87. The law requires that each applicant shall file with the register and receiver a sworn statement of all charges and fees paid by him for publication of notice and for survey; together with all fees and money paid the register and receiver, which sworn statement is required to be transmitted to this office, for the information of the Commissioner.

88. Should it appear that excessive or exorbitant charges have been made by any surveyor or any publisher, prompt action will be taken with the view of correcting the abuse.

89. The fees payable to the register and receiver for filing and acting upon applications for mineral-land patents are five dollars to each officer, to be paid by the applicant for patent at the time of filing, and the like sum of five dollars is payable to each officer by an adverse claimant at the time of filing his adverse claim.

90. All fees or charges under this law may be paid in United States currency.

91. The register and receiver will, at the close of each month, forward to this office an abstract of mining-applications filed, and a register of receipts, accompanied with an abstract of mineral lands sold, and an abstract of adverse claims filed.

92. The fees and purchase-money received by registers and receivers must be placed to the credit of the United States in the receiver's monthly and quarterly account, charging up in the disbursing account the sums to which the register and receiver may be respectively entitled as fees and commissions, with limitations in regard to the legal maximum.

HEARINGS TO ESTABLISH THE CHARACTER OF LANDS.

93. In every case where it becomes necessary under the law and existing instructions of this office that a hearing be held and testimony taken for the purpose of ascertaining the mineral or agricultural character of land, the local officers are directed to cause the evidence to be taken before a duly qualified officer whose office is located nearest the land in dispute, the distance to be computed by ordinary routes of travel.

Whenever the local office comes within this rule, the hearing will be held before the register and receiver.

It is intended to cause these hearings to be held, as far as practicable, in such manner as to afford the least inconvenience to persons interested. Should it appear, therefore, by written stipulation of all the parties that this purpose will best be subserved by the designation of any particular officer authorized to administer oaths within the land-district in which the land in controversy is situated, the instructions herein may be departed from in accordance with such stipulation. Such deviation may also be allowed where the officer who would, otherwise, be designated is an interested party, or where, for other good reason, his selection would be improper.

When the evidence is taken before an officer other than the register and receiver,

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the record should be sealed up, the title of the case indorsed on the envelope, and the whole returned by mail or express to the register and receiver.

On the 27th April, 1880, in accordance with the directions of the Secretary of the Interior, this office revoked the withdrawals theretofore made, upon general information, that vast tracts of public land were mineral in character, and instructed the local officers, in the absence of a specific allegation of the mineral character of land, to allow applications for agricultural entry thereof, upon due proof.

Hereafter the only tracts of public land that will be withheld from entry as agricultural land on account of its mineral character, will be such as are returned by the surveyor-general as mineral; and even the presumption which is supported by such return may be overcome by testimony taken at a regular hearing.

94. Hearings to determine the character of land, as practically distinguished, are of two kinds:

1st. Where lands which are sought to be entered and patented as agricultural are alleged by affidavit to be mineral, or when sought as mineral their non-mineral character is alleged.

The proceedings relative to this class are in the nature of a contest between two or more known parties, and the testimony may be taken on personal notice of at least ten days, duly served on all parties, or, if they cannot be found, then by publication for thirty days in a newspaper of general circulation, to be designated by the register of the land-office as published nearest to the land in controversy. If publication is made in a weekly newspaper, the notice must be inserted in five consecutive weekly issues thereof.

2d. When lands are returned as mineral by the surveyor-general.

When such lands are sought to be entered as agricultural, notice must be given by publication for thirty days as aforesaid.

95. All notices must describe the land, give the name and address of the claimant, the character of his claim, and the time, place, and purpose of the hearing.

Proof of service of notice, when personal, must consist of either acknowledgment of service indorsed on the citation (which is always desirable), or the affidavit of the party serving the same, giving date, place, and manner of service, indorsed as aforesaid.

Proof of publication must be the affidavit of the publisher of the newspaper, stating the period of publication, giving dates, stating whether in a daily or weekly issue, and a copy of the notice so published must be attached to, and form a part of, the affidavit.

Proof of posting on the claim must be made by the affidavits of two or more persons who state when and where the notice was posted; that it remained so posted during the prescribed period, giving dates, and a copy of the notice so posted must be attached to, and made a part of, the affidavits.

Proof of notice is indispensable to the regularity of proceedings and must accompany the record in every case.

The expense of notice must in every case be paid by the parties thereto.

96. At the hearing there must be filed the affidavit of the publisher of the paper that the said notice was published for the required time, stating when and for how long such publication was made, a printed copy thereof to be attached and made a part of the affidavit.

97. At the hearing the claimants and witnesses will be thoroughly examined with regard to the character of the land; whether the same has been thoroughly prospected; whether or not there exists within the tract or tracts claimed any lode or vein of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or other valuable deposit which has ever been claimed, located, recorded, or worked; whether such work is entirely abandoned, or whether occasionally resumed; if such lode does exist, by whom claimed, under what designation, and in which subdivision of the land it lies; whether any placer mine or mines exist on the land; if so, what is the character thereof—whether of the shallow-surface description, or of the deep cement, blue lead, or gravel deposits; to what extent mining is carried on when water can be obtained, and what the facilities are for obtaining water for mining purposes; upon what particular ten-acre subdivisions mining has been done, and at what time the land was abandoned for mining purposes, if abandoned at all.

98. The testimony should also show the agricultural capacities of the land, what kind of crops are raised thereon, and the value thereof; the number of acres actually cultivated for crops of cereals or vegetables, and within which particular ten-acre subdivision such crops are raised; also which of these subdivisions embrace his improvements, giving in detail the extent and value of his improvements, such as house, barn, vineyard, orchard, fencing, &c.

99. It is thought that *bona fide* settlers upon lands really agricultural will be able to show, by a clear, logical, and succinct chain of evidence, that their claims are founded upon law and justice; while parties who have made little or no permanent agricultural improvements, and who only seek title for speculative purposes, on ac-

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count of the mineral deposits known to themselves to be contained in the land, will be defeated in their intentions.

100. The testimony should be as full and complete as possible; and, in addition to the leading points indicated above, everything of importance bearing upon the question of the character of the land should be elicited at the hearing.

101. Where the testimony is taken before an officer who does not use a seal, other than the register and receiver, the official character of such officer must be attested by a clerk of a court of record, and the testimony transmitted to the register and receiver, who will thereupon examine and forward the same to this office, with their joint opinion as to the character of the land as shown by the testimony.

102. When the case comes before this office, such an award of the land will be made as the law and the facts may justify; and in cases where a survey is necessary to set apart the mineral from the agricultural land in any forty-acre tract, the necessary instructions will be issued to enable the agricultural claimant, *at his own expense*, to have the work done, at his option, either by United States deputy, county, or other local surveyor; the survey in such case may be executed in such manner as will segregate the portion of land actually containing the mine, and used as surface-ground for the convenient working thereof, from the remainder of the tract, which remainder will be patented to the agriculturist to whom the same may have been awarded, subject, however, to the condition that the land may be entered upon by the proprietor of any vein or lode for which a patent has been issued by the United States for the purpose of extracting and removing the ore from the same, where found to penetrate or intersect the land so patented as agricultural, as stipulated by the mining-act.

103. Such survey when executed must be properly sworn to by the surveyor, either before a notary public, officer of a court of record, or before the register or receiver, the deponent's character and credibility to be properly certified to by the officer administering the oath.

104. Upon the filing of the plat and field-notes of such survey, duly sworn to as aforesaid, you will transmit the same to the surveyor-general for his verification and approval; who, if he finds the work correctly performed, will properly mark out the same upon the original township-plat in his office, and furnish authenticated copies of such plat and description both to the proper local land-office and to this office, to be affixed to the duplicate and triplicate township-plats respectively.

105. In cases where a portion of a forty-acre tract is awarded to an agricultural claimant and he causes the segregation thereof from the mineral portion, as aforesaid, such agricultural portion will not be given a numerical designation as in the case of surveyed mineral claims, but will simply be described as the "Fractional ——— quarter of the ——— quarter of section ———, in township ———, of range ———, meridian, containing ——— acres, the same being exclusive of the land adjudged to be mineral in said forty-acre tract."

106. The surveyor must correctly compute the area of such agricultural portion, which computation will be verified by the surveyor-general.

107. After the authenticated plat and field-notes of the survey have been received from the surveyor-general, this office will issue the necessary order for the entry of the land, and in issuing the receiver's receipt and register's patent certificate you will invariably be governed by the description of the land given in the order from this office.

108. The fees for taking testimony and reducing the same to writing in these cases will have to be defrayed by the parties in interest. Where such testimony is taken before any other officer than the register and receiver, the register and receiver will be entitled to no fees.

109. If, upon a review of the testimony at this office, a ten-acre tract should be found to be properly mineral in character, that fact will be no bar to the execution of the settler's legal right to the remaining *non-mineral* portion of his claim, if contiguous.

110. No fear need be entertained that miners will be permitted to make entries of tracts ostensibly as mining-claims, which are not mineral, simply for the purpose of obtaining possession and defrauding settlers out of their valuable agricultural improvements; it being almost an impossibility for such a fraud to be consummated under the laws and regulations applicable to obtaining patents for mining-claims.

111. The fact that a certain tract of land is decided upon testimony to be mineral in character is by no means equivalent to an award of the land to a miner. A miner is compelled by law to give sixty days' publication of notice, and posting of diagrams and notices, as a preliminary step; and then, before he can enter the land, he must show that the land yields mineral; that he is entitled to the possessory right thereto in virtue of compliance with local customs or rules of miners, or by virtue of the statute of limitations; that he or his grantors have expended, in actual labor and improvements, an amount of not less than five hundred dollars thereon, and that the claim is one in regard to which there is no controversy or opposing claim. After all these proofs are met, he is entitled to have a survey made at his own cost, where a survey is required, after which he can enter and pay for the land embraced by his claim.

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112. Blank forms for proofs in mineral cases are not furnished by the General Land Office.

Respectfully,

N. C. McFARLAND,
Commissioner.

DEPARTMENT OF INTERIOR,
October 31, 1881.

Approved.

S. J. KIRKWOOD,
Secretary.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 9, 1882.

TO REGISTERS AND RECEIVERS,
U. S. District Land Offices:

GENTLEMEN: Your attention is directed to the provisions of the following act of Congress approved April 26, 1882:

AN ACT to amend section twenty-three hundred and twenty-six of the Revised Statutes, in regard to mineral lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the adverse claim required by section twenty-three hundred and twenty-six of the Revised Statutes may be verified by the oath of any duly authorized agent or attorney-in-fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the district wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record of the United States or the State or Territory where the adverse claimant may then be, or before any notary public of such State or Territory.

SEC. 2. That applicants for mineral patents, if residing beyond the limits of the district wherein the claim is situated, may make any oath or affidavit required for proof of citizenship before the clerk of any court of record, or before any notary public of any State or Territory.

1. It will be observed that the act is not retroactive, and hence cannot affect proceedings had prior to its approval; where citizenship, however, has not been proven, it may be established as provided by section two of this act.

2. Where an agent or attorney-in-fact verifies the adverse claim, he must distinctly swear that he is such agent or attorney, and accompany his affidavit by proof thereof.

3. The agent or attorney-in-fact must make the affidavit in verification of the adverse claim within the land district where the claim is situated.

Very respectfully,

N. C. McFARLAND,
Commisioner.

DEPARTMENT OF INTERIOR,
May 26, 1882.

Approved.

H. M. TELLER,
Secretary.

PATENTS TO PLACER CLAIMS.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 22, 1882.

TO REGISTERS AND RECEIVERS, AND SURVEYORS-GENERAL:

GENTLEMEN: The following regulations are promulgated as amendatory of circular of October 31, 1881, entitled "United States mining laws and regulators thereunder," and have special reference to applications for patents to placer claims. They are to be considered in connection with paragraphs 53 to 60 of regulations contained in said circular:

1. The first care in recognizing an application for patent upon a placer claim must be exercised in determining the exact classification of the lands. To this end the clearest evidence of which the case is capable should be presented. If the claim be all placer ground that fact must be stated in the application and corroborated by accompanying proofs. If of mixed placers and lodes it should be so set out, with a description of all known lodes situated within the boundaries of the claim. A specific declaration, such as is required by section 2333, Revised Statutes, must be fur-

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nished as to each lode intended to be claimed. All other known lodes are, by the silence of the applicant, excluded by law from all claim by him, of whatsoever nature, possessory or otherwise.

2. Section 2395, Revised Statutes (subdivision 7), requires the surveyor to "note in his field-books the true situation of all mines, salt licks, salt springs, and mill seats which come to his knowledge"; also "all water-courses over which the lines he runs may pass." It further requires him to "note the quality of the lands." These descriptive notes are required by subdivision 8 to be incorporated in the plat by the surveyor-general.

3. If these duties have been performed, the surveys will furnish a reasonable guide to the district officers and to claimants in prosecuting their applications. But experience has shown that great neglect has resulted from inattention to the law in this respect, and the regular plats are of very little value in the matter. It will, therefore, be required in the future that deputy surveyors shall, at the expense of the parties, make full examination of all placer claims, and duly note the facts as specified in the law, stating the quality and composition of the soil, the kind and amount of timber and other vegetation, the locus and size of streams, and such other matters as may appear upon the surface of the claims. This examination should include the character and extent of all surface and underground workings, whether placer or lode, for mining purposes.

4. In addition to these data, which the law requires to be shown in all cases, the deputy should report with reference to the proximity of centers of trade or residence; also of well-known systems of lode deposit or of individual lodes. He should also report as to the use or adaptability of the claim for placer mining; whether water has been brought upon it in sufficient quantity to mine the same, or whether it can be procured for that purpose; and finally, what works or expenditures have been made by the claimant or his grantors for the development of the claim, and their situation and location with respect to the same as applied for.

5. This examination should be reported by the deputy under oath to the surveyor-general, and duly corroborated; and a copy of the same should be furnished with the application for patent to the claim, constituting a part thereof, and included in the oath of the applicant.

6. In case of a proposed claim for lands not yet surveyed, the foregoing regulations will govern the application for survey.

7. In controversies hereafter to be determined respecting the mineral value of lands, their value for all purposes, whether agricultural or municipal, or as seats for towns, will be considered, without reference to the decisions heretofore made in particular cases. No decision finally executed, however, will be reconsidered under this modification.

8. No application by an association of persons for patent to a placer claim will be allowed to embrace more than one hundred and sixty acres, nor will any application be entertained that embraces more than one location. *Amended:* [see circular following.]

9. Applications awaiting entry, whether published or not, must be made to conform to these regulations, both with respect to amount of ground and examination as to the character of the land. Entries already made will be suspended for examination by the Commissioner, and such additional proofs as may be deemed necessary in each case will be demanded.

Very respectfully,

N. C. McFARLAND,
Commissioner.

DEPARTMENT OF THE INTERIOR,
September 23, 1882.

Approved.

H. M. TELLER,
Secretary.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
WASHINGTON, D. C., *December* 9, 1882.

To REGISTERS AND RECEIVERS AND SURVEYORS-GENERAL:

GENTLEMEN: By direction, contained in letter dated the 7th inst., from the honorable Secretary of the Interior, paragraph No. 8 of the preceding circular of September 22, 1882, relating to placer-mining claims, has been amended so as to read as follows:

"8. No application by an association of persons for patent to a placer claim will be allowed to embrace more than one hundred and sixty acres; and not less than five hundred dollars' worth of work must be shown to have been expended upon or for the

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benefit of each separate location embraced in such application. If an individual becomes the purchaser and possessor of several separate claims of twenty acres each or less, he may be permitted to include in his application for patent any number of such claims contiguous to each other, not exceeding in the aggregate one hundred and sixty acres; but upon or for the benefit of each original claim or location so embraced, he or his grantors must have expended the sum of five hundred dollars in improvements."

You are instructed to observe this modification of my said circular of September 22, 1882.

Very respectfully,

N. C. McFARLAND,
Commissioner.

VALUABLE DEPOSITS—INSTRUCTIONS.

REGULATIONS GOVERNING THE ENTRY OF LANDS CONTAINING BORAX AND ALKALINE EARTHS, SULPHUR, ALUM, AND ASPHALT.

Secretary Teller to Commissioner McFarland, January 30, 1883.

My attention is called to the fact that these deposits, although valuable, are not of sufficient value to permit their being entered under the mining laws, if the recent circular approved by me September 22, 1882, and its amendment of December 9, 1882, is applicable to entries of lands containing borax and other similar valuable deposits. It was early determined by the Department that the act of May 10, 1872, which describes certain lands containing valuable mineral deposits, was applicable to lands containing deposits of borax, corbonate and nitrate of soda, sulphur, alum, and asphalt; and I believe that from the passage of the law until the present time the definition of the term "valuable mineral deposits" has been such as to include the minerals and alkaline substances named. I understand that entries of borate lands have been allowed under the provisions of the act of 1872, and the regulations made in accordance therewith.

It is the desire of the persons interested that the regulations which were in existence, having special reference to the application for patent for placer claims—namely, the circular of October 31, 1881—should be continued in force so far as they relate to deposits of borax, &c., as mentioned above.

Believing that practical effect should be given to the mining laws of the United States, I am of the opinion that to apply the new regulations to such entries would result in excluding such lands from sale, and depriving the people of the benefit of the use of these natural deposits. I therefore direct you to permit the entry of public lands containing valuable deposits of borax, the carbonate and nitrate of soda, sulphur, alum, and asphalt in the States of California and Nevada and the Territories of Arizona, Utah, and Wyoming—in which section of country I am informed the deposits are present—under the regulations of October 31, 1881.

In addition, however, an applicant for patent for public lands containing deposits of borax, &c., as above, must affirmatively show that the lands entered are not valuable for any other purpose than the one for which application is made.

It will therefore follow that the circulars of September 22 and December 9, 1882, are not applicable to entries of the lands thus described and excepted.

SURVEYS OF MINING CLAIMS.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., November 16, 1882.

TO UNITED STATES SURVEYORS-GENERAL:

GENTLEMEN: The regulations of this office require that the plats and field-notes of surveys of mining claims shall disclose all conflicts between such surveys and prior surveys, giving the areas of conflicts.

The rule has not been properly observed in all cases. Your attention is invited to the following particulars, which should be observed in the survey of every mining claim:

1. The exterior boundaries of the claim should be represented on the plat of survey and in the field-notes.

2. The intersection of the lines of survey with the lines of conflicting prior surveys should be noted in the field-notes and represented upon the plat.

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3. Conflicts with unsurveyed claims, where the applicant for survey does not claim the area in conflict, should be shown by actual survey.

4. The total area of the claim embraced by the exterior boundaries should be stated, and also the area in conflict with each intersecting survey, substantially as follows:

	Acres.
Total area of claim	10.50
Area in conflict with survey No. 302	1.56
Area in conflict with survey No. 948	2.33
Area in conflict with Mountain Maid lode mining claim, unsurveyed	1.48

In a number of instances that have come to the attention of this office the total area in conflict has been given, but not the area in conflict with *each* intersecting claim. The portion of the plat not in conflict has been colored, and the remainder left uncolored. The language of the field-notes has been such as to convey the idea that the conflicting areas were excluded from the claim, whereas such was not the intention. It does not follow that because mining surveys are required to exhibit all conflicts with prior surveys, the areas of conflict are to be excluded. The field-notes and plat are made a part of the application for patent, and care should be taken that the description does not inadvertently exclude portions intended to be retained. It is better that the application for patent should state the portions to be excluded in express terms. A survey executed as in the example given will enable the applicant for patent to exclude such conflicts as may seem desirable. For instance, the conflict with survey No. 302 and with the Mountain Maid lode claim might be excluded, and that with survey No. 948 included.

Your attention is also invited to another matter. The practice of coloring portions of surveys, leaving other portions uncolored, is open to the same objections that have been stated concerning the field-notes. In the future no coloring will be used.

Very respectfully,

N. C. McFARLAND,
Commissioner.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 8, 1883.

To REGISTERS AND RECEIVERS AND SURVEYORS-GENERAL:

GENTLEMEN: The following additional regulations are promulgated as amendatory of circular of October 31, 1881, entitled "United States mining laws and regulations thereunder," which, except as herein modified, will remain in full force:

1. No application will be received, or entry allowed, which embraces more than one lode location.

2. A party who is not an applicant for patent under section 2325, Revised Statutes, or the assignee of such applicant, is not entitled to make entry under said section, and in no case will the name of such party be inserted in the certificate of entry. This regulation has no reference to proceedings under section 2326. *See page* 998.

3. Any party applying to make entry as *trustee* must disclose fully the nature of the trust and the name of the *cestui que trust;* and such trustee, as well as the beneficiaries, must furnish satisfactory proof of citzenship; and the names of beneficiaries, as well as that of the trustee, must be inserted in the final certificate of entry.

4. Where an adverse claim has been filed and suit thereon commenced within the statutory period, and final judgment determining the right of possession rendered in favor of the applicant, it will not be sufficient for him to file with the register a certificate of the clerk of the court, setting forth the facts as to such judgment, but he must, before he is allowed to make entry, file a certified copy of the judgment, together with the other evidence required by section 2326, Revised Statutes.

5. Where such suit has been dismissed, a certificate of the clerk of the court to that effect, or a certified copy of the order of dismissal, will be sufficient.

6. In no case will a relinquishment of the ground in controversy, or other proof, filed with the register or receiver, be accepted in lieu of the evidence required in paragraphs 4 and 5.

7. Where an adverse claim has been filed, but no suit commenced against the applicant for patent within the statutory period, a certificate to that effect by the clerk of the State court having jurisdiction in the case, and also by the clerk of the circuit court of the United States for the district in which the claim is situated, will be required.

8. Possessory title to a lode claim held and worked for a period equal to the time prescribed by the statute of limitations for mining claims of the State or Territory where the same may be situated, may, in the absence of any adverse claim, be established in the same manner as now allowed in placer claims, and indicated generally in paragraphs 67, 68, and 69 of the circular hereby amended. *See page* 995.

9. No entry will be allowed until the register has satisfied himself, by a careful

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examination, that proper proofs have been filed upon all the points indicated in official regulations in force, and that they show a sufficient *bona fide* compliance with the laws and such regulations. A strict observance of this regulation will be required.

L. HARRISON,
Acting Commissioner.

JULY 6, 1883.

Approved.

H. M. TELLER,
Secretary.

SURVEY OF A MINING CLAIM UNDER UNITED STATES LAW—METHOD AND COST.

The following letter gives the details of method and cost of surveying mining claims under the mining laws of the United States.

[Department of the Interior, United States Surveyor-General's Office for the district of California, 610 Commercial Street, San Francisco.]

DECEMBER 20, 1881.

J. A. WILLIAMSON,
Commissioner General Land Office, Washington, D. C.:

SIR: In compliance with your request that I furnish you with a statement of the work required from this office by the survey and platting of an ordinary mining claim, I have the honor to submit the following:

A necessary incident to the survey of a mine is the appointment of a deputy mineral surveyor, although it is not required that a deputy be appointed for each survey. There is so much to be done as to this preliminary that the steps taken are included in this statement as being properly a part of the work.

The applicant for appointment is examined as to his qualifications, either by this office or by a deputy. If found competent he is required to execute a bond in duplicate in the sum of $10,000. An examination as to the qualifications of the sureties upon the bond is made. After approval the bond is forwarded by letter for the approval of your office. Upon the receipt of the notice of such approval a commission is made out, sealed, and transmitted to the deputy.

A record of the bond and issuance of the commission is kept in a book, which shows also the date of appointment and address of the deputy.

Applications for survey are seldom in proper form, and the correspondence necessitated by the return of erroneous applications is by no means inconsiderable.

Upon the receipt of a correct application an estimate of the amount to be paid for office work and stationery is sent to the applicant. The amount of the estimate, usually $40, is in most cases sent to this office in order that it may be properly deposited in the Treasury. Although not required by law to receive the money and deposit it for the applicants, this office does so on account of the great convenience afforded claimants living at points remote from the Treasury. In such cases the Treasurer's receipts, in triplicate, are taken by this office and sent, one to the Treasury Department, one to your office, and the third to the depositor.

Upon the filing of the certificate of deposit, instructions to survey the mine are issued to a United States deputy mineral surveyor.

Upon the receipt of the deputy's returns they are registered and examined as to the form and general completeness, and if satisfactory are sent to the draughting-rooms for technical examination and platting. Errors in tabling and survey are often found, frequently of a serious nature, and, as by your letter, N, of December 11, 1878, errors in the sworn returns of a United States deputy mineral surveyor must be corrected by himself, a return of the work to the deputy with an explanatory letter is necessary.

When found to be correct and in accordance with the record of location and requirements of the law and instructions, the survey is platted.

Four plats are required in ordinary cases: one for the United States land office, one for the claimant, being the plat forwarded to your office with the returns from the United States land office, and one posting plat.

In cases where there are more than one location included in one survey, as many posting plats as there are locations must be made.

With the plat sent to the United States land office there must be a letter of transmittal, and the register's receipt must be recorded and filed.

With the plats furnished the claimant there are sent certified copies of the application for survey, and the approved field-notes and returns of the deputy. A receipt for the plats and copies furnished is made out and sent with them, and when returned is registered and filed.

For convenience of reference the original plat and field-notes are numbered and in-

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dexed, a double index being kept, that is, an index in the name of the mine and also in the name of the claimant.

Two of these are required: one in the draughting division and the other in the general office, as it would be extremely inconvenient in case but one index were kept to send up stairs to the draughting-rooms for the number of a case when but an examination of the papers is desired, or to send from that division to the general office for the number of a map when an examination of the map alone is all that is necessary.

Although this system of indexing may appear at first productive of unnecessary work, it is not so in practice, for inquiries relative to mines are constantly being made by persons who can give only the claimant's name.

The papers retained in this office are neatly folded and filed in heavy wrappers, upon which are shown the names of the mine and claimant; the district, county, and township and range in which the mine is situated; when the survey was made, and by whom, with the date of the deputy's instructions; by whom the field-notes were copied; when the plats and copies of the field-notes were sent to the claimant, and when the register's map was sent to the United States land office.

By this system of filing, the main points relative to location, survey, &c., can be seen without reference to the papers.

An account is opened with the depositor upon the receipt of the Treasurer's certificate in this office. Strict account is taken of the time engaged in platting the survey and making the necessary copies of the original plat and returns of survey. For this purpose each employé engaged upon "special-deposit work" is required to hand the accountant, at the end of each day's work, a tag showing what particular case or cases he has been employed upon during the day.

A full statement showing the condition of the deposits acted upon during the quarter must be made to accompany the quarterly returns of this office.

In cases where the original deposit is found insufficient, the claimant is called upon for an additional deposit, with which the same formulas are observed as with the original deposit.

The township plats must be amended from time to time as surveys of mines interfere with the areas of the public land sections. Duplicate diagrams showing the amendments must be made—one for the local land office and one for your office.

Much of the work attending the course of a survey through this office is of such a nature that no account can be taken of it as affecting any particular claim; as, for instance, making out instructions and estimates, writing letters to deputies and to claimants, preliminary examinations of the deputy's returns, designating surveys by their proper lot numbers and recording such lottings, &c., work which in the abstract is but slight, but which in the concrete requires much time and labor.

As a partial illustration of my statements, I transmit copies of the forms of the books in use in this office under the special-deposit system, so far as they relate to surveys of mining claims, and also transmit copies of the field-notes and plats of survey of the Bald Mountain Placer Mine, Sierra County, California, a case which I have selected as a fair example of the amount of office work which may be required in the preparation of plats and papers in the manner required by current usage and regulations.

By the records of this office it appears that the actual cost of the office work upon said survey was as follows:

For original plat, 26½ days, at $5.86½	$155 42
For one copy for the Department; for one copy for the local land office; for three copies for posting, one on each location	58 65
For ten days, at $5.86½ per diem	
For clerical work, 3½ days, at $5.86½	20 53
Total	234 60

A short description of the mine and of the office work performed will explain the apparently great amount of time, 26½ days, of 6½ hours each, consumed upon the original plat. This mine comprises three locations, namely, the Bald Mountain, the Parkman, and the Oregon Creek. The survey of the boundaries of the Bald Mountain location has 12 courses, that of the Parkman location 21 courses, and that of the Oregon Creek location 90 courses (prior to the amendment of the latter location it comprised 114 courses), and, as will be seen upon examination of the accompanying plats, the lines of the entire claim cross the boundaries of seven sections of the public surveys.

The survey was made in November, 1878, by Mr. Samuel Bethell, a United States deputy mineral surveyor, who, from long experience in the customs and regulations of this office (having been almost constantly at work on mining surveys for the past ten or twelve years), is believed to be as thoroughly conversant with all the requirements of the service as any deputy surveyor in the district.

The notes were received in January, 1879, examined from beginning to end, were found to require some amendments and explanations, and were returned to the deputy.

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The notes were received a second time in February, 1879, were again examined, found to contain other errors, and were again returned for amendments and explanations.

They were received a third time in February, 1879, were found to be in accordance with all requirements, and were platted.

Each of the examinations above referred to required, 1st, tabling the surveys according to Davie's method to determine their accuracy and the area; 2d, a comparison of all the approved surveys of the surrounding or adjacent claims, with the one under examination as to possible conflicts; and, 3d, the tabling of all the connections with the lines of the public surveys, to ascertain the fractional areas remaining to the public lands, and to see that the deputy had made no error in this part of his work. As this mining claim crosses the lines of several sections, much careful work was required in this part of the examination.

About five months after the approval of the survey, the claimants requested that the Oregon Creek location should be amended by cutting off 4,000 feet from the southern end; consequently, the new notes had to be examined and the plats amended at an expenditure of 5½ days' time, and a cost of—

For draughtsman's work	$32 26
For clerical work	6 00
Total for amended survey	38 26

This, added to the cost of original survey ($234.60), makes a grand total of $272.88. * * *

In conclusion, I have to state that the cost of office work is likely to increase in the future, for the reason that the richest mineral deposits are confined to comparatively narrow strips of country, and locations having been made at various dates by persons who were ignorant of previous legal locations upon the precise tracts which they wished to take up, the locations must overlap, and the extent of all such overlaps upon approved surveys must be investigated and delineated by this office for the information of the Department.

Very respectfully, your obedient servant,

THEO. WAGNER,
United States Surveyor-General for California.

MINERAL-LAND ENTRIES.

IN EFFECT DECEMBER 1, 1883.

FORMS REQUIRED AND PROCEDURE IN DISTRICT LAND OFFICE TO COMPLETE A TITLE.

The above regulations give the data requisite in entering mining lands, giving both the law and the departmental regulations. The following papers are requisite in making application for a patent; adverse claims may intervene, but in all cases patented the following is the procedure:

[When the entry is by a corporation, a copy of the act must be filed; when by an attorney, a copy of the power of attorney.]

The applicant files, when publication is made—

1. An application.
2. Notice of location (certified copy).
3. Abstract of title.
4. Affidavit of citizenship of applicants.
5. Field-notes of survey.
6. Plat of survey.
7. Affidavit of identity of claim.
8. Affidavit of amount of improvements.
9. Copy of by-laws of mining district.
10. Proof of posting notice of ownership and plat on the mine.
11. Notice for publication.

When entry is made (after publication), the applicant must file the following papers:

1. Proof that the notice and plat remained posted for the 60 days requisite during the full time of publication.

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2. The register certificate of posting notice and plat in his office the requisite time.
3. Fee statement.
4. Proof of publication by publisher (in newspaper) of notice of ownership.

The applicant now files the following application to purchase:

N. (4—011.)

APPLICATION TO PURCHASE.

To the Register and Receiver, United States Land Office at ——— :

Mineral Entry, No. —, Lot No. —.

———, ——— —, 188 .

The undersigned applicant , under the laws of Congress, for a patent for what is known as the ——— mining claim, embracing ——— linear feet of the ——— vein or lode, with ——— acres of surface ground, the same being designated by the surveyor-general as lot No. —, in the ——— of section —, in township —, of range —, of the ——— meridian, in the ——— mining district, ——— county, ——— of ———, do hereby apply to purchase said mineral claim or lot of land, and agree with the register to pay ——— dollars, being the legal price thereof.

——— ———.

I, ——— ———, register of the land office at ———, do hereby certify that the aforesaid mineral claim or lot No. — is subject to entry by the above-named applicants; the area being ——— acres, and the legal price thereof ——— dollars.

——— ———,
Register.

6. The receiver now issues, after payment, the following certificate in duplicate, one for the files, the other for the applicant:

[N.] [4—145.]

RECEIVER'S RECEIPT.

(Duplicate to be given the purchaser.)

UNITED STATES LAND OFFICE AT ———,
Mineral Entry, No. —, Lot No. —.

——— —, 18 .

Received from ——— ——— the sum of ——— dollars, the same being in full for the surface area embraced by survey No. —, in the ——— of section —, in township No. —, of range No. — meridian, said mineral claim or lot of land being situate in ——— mining district, county of ———, and ——— of ———, and known as the ——— mining claim, embracing ——— acres, as shown by said survey.
$ ———.

——— ———,
Receiver.

7. The register now issues the following certificate of entry in duplicate, one for the files and one for the applicant. On this certificate the patent issues:

(N.) [4—201.]

REGISTER'S FINAL CERTIFICATE OF ENTRY.

UNITED STATES LAND OFFICE AT ———,
Mineral Entry No. —, Lot No. —.

——— —, 188 .

It is hereby certified that, in pursuance of the mining act of Congress, approved July 25, 1866, and the acts amendatory thereof, approved July 9, 1870, and May 10, 1872, ——— ———, whose post-office address is ———, on this day purchased that mineral claim or lot of land designated as survey No. —, in the ——— of section —, in township No. —, of range — meridian, situate, lying and being in the ——— mining district, in the county of ——— and ——— of ———, known as the ——— mining claim, embracing ——— linear feet, with ——— acres of surface ground, as shown by

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said survey, for which the said ——— ——— have this day made payment to the receiver in full, amounting to the sum of ——— dollars.

Now, therefore, be it known that, upon the presentation of this certificate to the Commissioner of the General Land Office, together with the plat, survey, and description of said claim, a patent shall issue thereupon to the said ——— ——— if all be found regular.

———,
Register.

NOTE.—The entire case is now transmitted to the General Land Office at Washington for patent.

HOMESTEADS.

TABLES TO JUNE 30, 1882.

[See Chapter XXVII, pages 332 to 356, and 1282.]

The homestead acts continue to be the favorite laws for actual settlers, their beneficent provisions being easily understood and acted upon.

From May 20, 1862, to June 30, 1882, there were made 552,112 original homestead entries, containing 67,043,189.79 acres. During the same period 194,488 final entries were made, or homestead entries consummated, and title passed by the Nation to individual citizens, containing 23,412,795.92 acres, as follows:

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Number and area of entries under the homestead acts, by States and Territories, from May 20, 1862, to June 30, 1882.

[See pages 354, 355, and 1284.]

States and Territories.	In the years 1881 and 1882, to June 30.								Aggregate of entries by States and Territories and acres, from May 20, 1862, to June 30, 1882.			
	Fiscal year 1881.				Fiscal year 1882.				Recapitulation.			
	Original homesteads.		Final homesteads.		Original homesteads.		Final homesteads.		Original homestead entries.		Final homestead entries.	
	No. of entries.	Acres.	No. of entries.	Acres.	No. of entries.	Acres.	No. of entries.	Acres.	No. of entries.	Acres.	No. of entries.	Acres.
Alabama	2,801	300,872.88	626	63,826.41	2,336	266,123.44	884	96,896.07	28,995	2,873,547.12	5,227	542,147.69
Arizona	55	8,037.43	15	2,080.00	56	8,462.80	34	5,314.71	359	49,452.41	79	11,842.86
Arkansas	3,680	408,511.41	862	89,534.56	3,264	365,913.98	755	77,243.76	44,940	4,095,743.94	11,562	1,142,623.01
California	1,735	247,546.62	1,178	162,186.40	1,988	285,651.98	1,354	185,223.90	24,750	3,218,745.16	10,012	1,235,213.09
Colorado	821	115,550.99	492	70,764.19	934	136,408.88	543	78,574.52	8,462	1,156,989.62	3,249	447,075.28
Dakota	8,873	1,386,872.18	911	135,728.97	14,156	2,208,268.64	1,430	210,087.15	52,733	8,142,999.85	7,806	1,142,263.71
Florida	870	104,201.17	564	69,272.76	1,548	191,033.22	762	91,726.66	16,390	1,743,331.41	3,305	353,702.91
Idaho	418	64,555.01	109	15,098.61	528	80,632.00	115	17,548.74	2,910	432,763.27	718	99,081.95
Illinois					7	536.75	6	376.75	72	5,560.77	65	5,170.46
Indiana	1	40.00			1	40.00			21	1,446.13	15	1,272.28
Iowa	25	1,683.82	89	8,017.24	32	3,124.14	69	5,481.75	13,942	1,346,776.97	8,263	845,468.26
Kansas	3,186	447,247.04	3,274	477,247.06	3,789	537,349.07	3,499	499,300.12	86,936	11,746,949.80	34,055	4,660,734.83
Louisiana	785	96,628.77	227	26,470.35	872	116,703.70	187	20,737.22	9,965	1,172,960.13	2,188	264,782.14
Michigan	749	87,572.70	748	81,845.88	829	103,465.57	629	70,156.21	26,664	3,102,787.40	11,439	1,338,374.57
Minnesota	3,993	538,676.32	1,742	202,800.44	4,244	588,343.61	2,050	245,646.58	70,616	8,473,058.89	31,610	3,672,710.61
Mississippi	948	109,517.86	227	22,702.87	1,119	138,488.36	179	18,627.93	12,489	1,175,037.45	2,094	203,410.86
Missouri	1,061	106,266.55	243	25,226.63	1,306	134,222.68	297	30,523.53	27,008	2,730,379.87	10,157	1,030,800.64
Montana	392	56,361.46	45	5,646.28	445	64,682.59	75	8,509.69	2,475	370,686.88	692	102,703.79
Nebraska	2,545	365,922.00	1,611	202,800.44	3,223	471,939.05	1,925	258,393.54	64,328	8,133,076.25	29,140	3,566,477.29
Nevada	41	6,064.61	27	3,394.48	31	4,580.08	29	3,953.84	837	117,546.74	218	28,743.28
New Mexico	324	73,852.50	225	38,601.55	580	86,706.77	266	37,166.27	1,379	229,407.79	580	88,850.84
Ohio			2	120.00	1	91.00	1	40.00	170	11,750.93	105	7,473.16
Oregon	866	122,094.46	386	50,316.85	1,059	153,532.46	481	63,638.26	11,710	1,544,526.43	4,017	551,284.02
Utah	398	54,442.57	289	37,927.32	400	54,745.43	435	59,640.68	5,689	750,252.60	2,018	271,065.12
Washington	1,583	227,902.56	352	43,082.73	1,581	231,132.66	405	52,647.78	12,668	1,675,162.92	3,360	436,246.96
Wisconsin	785	88,463.27	820	92,298.04	879	98,478.69	733	78,681.00	25,162	2,682,445.44	12,421	1,351,804.79
Wyoming	64	9,216.51	13	1,573.31	123	17,387.50	31	3,317.44	442	59,803.62	93	11,521.52
Grand total	36,999	5,028,100.69	15,077	1,928,004.76	45,331	6,348,045.05	17,174	2,219,454.10	552,112	67,043,189.79	194,488	23,412,705.92

Department of the Interior, General Land Office, *Washington, D. C.*

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CIRCULAR INSTRUCTIONS RELATIVE TO ENTRIES UNDER THE HOMESTEAD LAWS.

IN EFFECT DECEMBER 1, 1883.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 20, 1883.

TO REGISTERS AND RECEIVERS:

GENTLEMEN: You are instructed to deliver to applicants for land under the homestead acts, a copy of this circular, and to especially call the attention of the applicant to the requirements of the law under which the application is made.

RESIDENCE OF APPLICANT.

1. The applicant *must* in *every case* state in his application his place of *actual residence*, and the *post-office address* to which notices of contest or other proceedings relative to his entry shall be sent.

SECOND FILINGS AND ENTRIES.

2. A party making a legal filing or entry under any one of the foregoing acts exhausts his right under that act and cannot thereafter make another filing or entry under said act.

ALTERATIONS IN APPLICATIONS.

3. Applications to amend filings or entries should be filed with the register and receiver and be by them transmitted for the consideration of this office. Registers and receivers will not change an entry or filing so as to describe another tract or change a date after the same has been recorded.

RELINQUISHMENTS.

4. Entries and filings made for the purpose of holding the land for speculation and the sale of relinquishments are illegal and fraudulent, and every effort in the power of the Government will be exerted to prevent such frauds and to detect and punish the perpetrators.

5. The first section of the act of May 14, 1880, provides that when a pre-emption, homestead, or timber-culture claimant shall file a written relinquishment of his claim in the land office, the land covered by such claim shall be held as open to settlement and entry without further action on the part of the Commissioner of the General Land Office.

6. This act refers to *bona fide* relinquishments of *bona fide* entries. An entry fraudulent in its inception is not an entry capable of being relinquished. It is an entry to be canceled upon a proper showing of the facts and circumstances of the case, whereupon the land will become subject to proper entry by the first legal applicant.

7. Purchasers of relinquishments of fraudulent filings or entries should understand that they purchase at their own risk so far as the United States is concerned, and must seek their own remedies under local laws against those who, by imposing such relinquishments upon them, have obtained their money without valuable consideration.

SETTLERS ON UNSURVEYED LANDS.

8. Homestead and pre-emption settlers on unsurveyed lands are allowed three months after the filing of the township plat of survey within which to put their claims on record. Accordingly no party will be permitted to make *final proof* in any case until after the expiration of said three months.

THE HOMESTEAD LAWS.

9. Homestead entries can be made for not more than one quarter section, or 160 acres of land.

FEES PAYABLE WHEN APPLICATION IS MADE.

10. The land office fees and commissions, *payable when application is made*, are as follows:

In Alabama, Arkansas, Dakota, Florida, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, and Nebraska—

Land at $2.50 per acre.		*Land at $1.25 per acre.*	
For 160 acres	$18 00	For 160 acres	$14 00
For 80 acres	9 00	For 80 acres	7 00
For 40 acres	7 00	For 40 acres	6 00

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In Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming—

Land at $2.50 per acre.		*Land at $1.25 per acre.*	
For 160 acres	$22 00	For 160 acres	$16 00
For 80 acres	11 00	For 80 acres	8 00
For 40 acres	8 00	For 40 acres	6 50

11. When a person desires to enter a tract of land upon which he has *not established a residence and made improvements*, he must appear personally at the district land office and present his application, and must make the required affidavits before the register and receiver.

12. He must then establish his actual residence (in a house) upon the land within six months from date of entry, and must reside upon the land continuously for the period prescribed by law.

13. In the case of a single person, the actual residence must be established within the same time, and must be continuously and actually maintained for the same period.

14. The homestead affidavit can be made before the clerk of the county court only in cases where the family of the applicant, or some member thereof, is *actually residing* on the land which he desires to enter, and on which he has made *bona fide* improvement and settlement, and when he is prevented by reason of distance, bodily infirmity, or other good cause from personal attendance at the district land office.

15. In such cases the applicant must state in a supplemental affidavit the facts of such settlement, improvement, and residence: what acts of settlement have been performed and when made; the nature, extent, and value of the improvements; what member or members of his family are residing on the land, and the length of time such residence has been maintained, and the cause specifically why the applicant cannot appear at the local office.

16. A false oath taken before a clerk of a court is perjury, the same as if taken before the register or receiver.

17. The period of actual inhabitancy, improvement, and cultivation required under the homestead laws is five years.

18. In case of the death of a homestead party before making final proof, the widow succeeds to the homestead right.

19. In case of the death of both father and mother, the right and fee inure to the minor children, if any.

20. A homestead right cannot be devised away from the widow or minor children.

SOLDIERS' HOMESTEADS.

[See circulars of December 15, 1882, and February 13, 1883, pages 1020 and 1021 amendatory of this.]

21. A Union soldier or sailor of the late war is entitled to a deduction from the five years of the length of time (not exceeding four years) of his military service. But the soldier (or his widow, as the case may be), must actually reside on the land at least one year before final proof can be made.

22. In case of the death of the soldier, and the death or remarriage of the widow, the minor children of the soldier, by a duly-appointed guardian, are entitled to the privileges of the father.

23. Neither the guardian nor the minor children are required to reside upon the land, but the same must be cultivated and improved for the period of time during which the father would have been required to reside upon the tract.

24. The soldier may file a declaratory statement for a tract of land which he intends to enter under the homestead laws. The fee is $2, except in the Pacific States and Territories, where the fee is $3.

25. This statement may be filed either personally or by an agent, and the soldier is thereafter allowed six months within which to make his entry and commence his settlement and improvement.

26. The entry can be made only by the soldier in person at the local land office, and he must commence his settlement on the land within six months after his filing, and must continue to reside on the land and cultivate it for such period as, added to his military service, will make five years. But he must actually reside upon the land at least one year, whatever may have been the period of his military service.

27. *Entries* cannot be made for a soldier by an agent or attorney.

28. After a declaratory statement has once been filed, whether by an agent or otherwise, the soldier cannot file again. His rights are exhausted by the first filing, and if he does not, within six months, make his personal entry at the land office and commence his settlement as required by law, he obtains no right to the land.

29. A soldier's homestead declaratory statement for a tract of land does not prevent anybody else from making an entry of the same land, subject to such right as the soldier may acquire by virtue of actual residence on the land and full compliance with

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law. If the soldier does not establish his residence on the tract as required, the next comer may take the land.

30. Soldiers are not entitled to land, nor to bounty-land warrants, for their military service in the late war, nor can title to land be obtained for them by agents or attorneys. All representations to the contrary are false, and soldiers and sailors are warned against imposition by parties who offer to locate land for them, or to sell their rights.

FINAL PROOF.

31. A settler desiring to make final proof must file with the register of the proper land office a written notice, in the prescribed form, of his intention to do so, which notice will be published by the register in a newspaper, to be by him designated as nearest the land, once a week for six weeks, at the applicant's expense.

32. Applicants should commence to make their proofs in sufficient time, so that the same may be completed and filed in the local office within the statutory period of seven years from date of entry.

33. The final affidavits and proof should be made before the register or receiver, but may be made before the judge, or, in his absence, before the clerk, of a court of record in the county and State, district, or Territory in which the land is situated. If in an unorganized county, the proof may be made in a similar manner in any adjacent county in the same State or Territory.

34. When proof is made before the county officers mentioned, the same must be transmitted by the judge or clerk of the court to the register and receiver, together with the same fees and commissions that the land officers would have been entitled to receive if the proof had been made before them and the testimony reduced to writing by them.

FEES PAYABLE AT TIME OF MAKING FINAL PROOF.

35. The land office commissions, *payable at time of making final proof*, are as follows:

In Alabama, Arkansas, Dakota, Florida, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, and Nebraska—

Land at $2.50 per acre.		*Land at $1.25 per acre.*	
For 160 acres	$8 00	For 160 acres	$4 00
For 80 acres	4 00	For 80 acres	2 00
For 40 acres	2 00	For 40 acres	1 00

In Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming—

Land at $2.50 per acre.		*Land at $1.25 per acre.*	
For 160 acres	$12 00	For 160 acres	$6 00
For 80 acres	6 00	For 80 acres	3 00
For 40 acres	3 00	For 40 acres	1 50

36. The fees for reducing testimony to writing in making final proof are, in the former States, 15 cents, and in the latter States and Territories, 22½ cents, for each 100 words. No other land-office fees than those stated in this circular are payable or allowable in homestead cases.

COMMUTED HOMESTEADS.

37. Homestead entries can be commuted to cash only after actual inhabitancy of the land by the homestead party, and his improvement and cultivation of it for a period of not less than six months.

38. A person who commutes a homestead entry cannot move from the tract and settle upon other public land in the same State or Territory as a pre-emptor.

39. Proof of settlement and cultivation for the prescribed period is to be made in the same manner as in pre-emption cases.

40. A person commuting a homestead entry when he has not actually resided upon the land and improved and cultivated it as required by law, *forfeits all right to the land and to the purchase money paid*, and in addition thereto renders himself liable to criminal prosecution.

* * * * * * *

CAUTION TO APPLICANTS.

Persons making filings or entries under the homestead * * * acts are cautioned that the laws authorize entries to be made only for the use and benefit of the party making the same, and that entries or filings are not allowed by law to be made for the

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benefit of others nor for speculation, but all entries must be made in good faith and the requirements or law must be honestly and faithfully complied with.

Very respectfully,

N. C. McFARLAND,
Commissioner.

DEPARTMENT OF THE INTERIOR,
March 20, 1883.

Approved.

H. M. TELLER,
Secretary.

SOLDIERS' HOMESTEAD DECLARATORY STATEMENTS.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 15, 1882.

REGISTERS AND RECEIVERS, UNITED STATES LAND OFFICES:

GENTLEMEN: In view of extensive frauds in the matter of declaratory statements of homestead applicants under sections 2304 and 2309 of the Revised Statutes, the privilege conferred by the filing of such claims having been made the occasion of barter and sale, without attempt on the part of the soldier to comply with the statute by making formal entry at the district office, and commencement of settlement upon the lands within the prescribed period of six months, the following regulations are prescribed for the admission of such filings:

1. Proof of qualification as an honorably discharged soldier must be furnished in accordance with existing regulations in case of entry by soldiers who make direct homestead application without availing themselves of the preliminary filing. Oath of the soldier, setting forth his residence and post-office address, must accompany the filing, to the effect that the claim is made for his exclusive use and benefit, for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; and it must also be shown by such oath that he has not theretofore either made a homestead entry or filed a declaratory statement under the homestead law.

2. Where the declaratory statement is offered for filing by an agent under section 2309, the oath must further declare the name and authority of such agent, giving the date of the power of attorney or other instrument creating the agency, and also aver that the name was inserted therein before execution. It will be observed that with the filing of the declaratory statement the power of the agent, under the law, is at an end. He has thereafter no right or control with respect to the matter nor over the land selected, and has no authority to relinquish the claim or do any other act in the premises. The further declaration of the statute is expressed, that "such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law." Nevertheless, the oath of the soldier and the power of attorney should show that such is the understanding of the matter, and he should swear in terms that such agent has no right or interest direct or indirect in the filing of such declaratory statement.

3. In addition to the proper power of attorney in such cases, the agent must file his own oath to the effect that he has no interest either present or prospective, direct or indirect, in the claim; that the same is filed for the sole benefit of the soldier, and that no arrangement has been made whereby said agent has been empowered at any future time to sell or relinquish such claim either as agent or by filing an original relinquishment of the claimant.

4. As above implied by the requirement of the oath, a soldier will be held to have exhausted his homestead right by the filing of his declaratory statement; it being manifest that the right to file is a privilege granted to soldiers in addition to the ordinary privilege only in the matter of giving them power to hold their claims for six months after selection; but it is not a license to abandon such selection with the right thereafter to make a regular homestead entry independently of such filing. This is clear from the statutory language. Section 2304 provides that "the settler shall be allowed six months, after locating his homestead and filing his declaratory statement, within which to make his entry and commence his settlement and improvement"; and section 2309 requires him "in person" to "make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law." These must be done "on the same" land selected and "located" by the filing.

5. The foregoing ruling will not be so construed as to require the rejection of an application to enter the tract filed upon, after the lapse of six months, where climatic reasons are shown which will justify an allowance of one year under the act of March

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3, 1880 (21 Stat., 511); nor in cases where the failure results from sickness, misfortune, or any insurmountable cause, which shall be properly alleged and satisfactorily shown, and where no adverse right has intervened. Where such cause has prevented entry and an adverse right has been admitted, it will be held proper within the discretion of this office to allow an entry upon another tract: *Provided*, That it shall be shown to the full satisfaction of the Commissioner that the default was practically beyond the power of the claimant to avoid. This was formerly the rule, as prescribed by circular of May 17, 1873; but later practice and instruction have extended it far beyond its original scope, and allowed entry to be made upon simple default without showing of course for non-compliance with law.

6. Following the accepted practice in pre-emption cases, the filing of a declaratory statement will not be held to bar the admission of other filings and entries; but any person making entry or claim during the period allowed by law for entry of the soldier will do so subject to his right, and his application when offered within such time will be allowed as a matter of right and operate to exclude the intervening claim.

7. Where you have cause to believe that any "filing" offered for record is not presented in good faith, you will note such cause upon the same, and if it be sufficient to warrant rejection, such as a want of proper authentication or any palpable defect, you will reject the same, and allow an appeal from your ruling according to the regular practice. Where such cause is not sufficient to warrant an authoritative ruling, you will admit the filing subject to investigation, and immediately proceed to make proper inquiry into the matter, reporting your action at once to this office.

Forms of affidavit are hereto appended, and blanks will be furnished as soon as they can be prepared.

You will please give the date of the receipt of this circular.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Approved.

H. M. TELLER,
Secretary.

[See forms following].

REVISED REGULATIONS RELATIVE TO SOLDIERS' AND SAILORS' ADDITIONAL HOMESTEAD ENTRIES.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 13, 1883.

TO REGISTERS AND RECEIVERS, UNITED STATES LAND OFFICES:

GENTLEMEN: Section 2306 of the Revised Statutes of the United States provides that any person entitled to make a homestead entry under section 2304 (providing for the benefit of soldiers and sailors of the late war), who had, prior to June 22, 1874, made a homestead entry of less than 160 acres, may enter an additional quantity of land sufficient to make, with the previous entry, 160 acres.

The right granted by this section, and extended by section 2305 to the widow, if unmarried, or otherwise to the minor orphan children by proper guardian, is a *personal* one and is not transferable, nor subject to assignment or lien, nor can it be exercised by another. It can lawfully be exercised only by the soldier or sailor, or by the widow or guardian, as the case may be, in his or her own proper person.

The practice which has hitherto prevailed of certifying the additional right as information from the records of this office and permitting the entry to be made by an agent or attorney is hereby discontinued.

The following regulations will hereafter be strictly observed:

1. The party desiring to make an additional entry, and being entitled thereto, must present himself at the land office of the district in which the land he wishes to enter is situated, and make his application in the same manner as in case of an original entry. (Form No. 4—008.)

2. In addition to the usual homestead affidavit, the claimant must make a special affidavit showing—

First. His identity as the soldier he represents himself to be, reciting his military service, and stating his present residence and post-office address.

Second. The facts, in detail, respecting his right to make the additional entry, and that he has fully complied with the provisions of the homestead laws in the matter of residence upon and cultivation and improvement of his original entry, and whether or not he has proved up his claim and received a patent for the land.

Third. That he has not in any manner previously exercised his additional right either by entry or application, or by sale, transfer, or power of attorney, but that the same remains in him unimpaired.

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3. The foregoing affidavits must be sworn to *and subscribed* in the presence of the register or receiver. This rule must be strictly adhered to in order to avoid false personation; and applications and affidavits presented to the register and receiver with signatures attached *will not be received.* Department circulars of May 17, 1877, and September 1, 1879, are modified accordingly.

4. These rules will not be deemed to apply to cases where the additional right has heretofore been certified by this office, nor to cases now pending, or which may be filed in this office prior to March 16, 1883.

Very respectfully,

N. C. McFARLAND,
Commissioner.

DEPARTMENT OF THE INTERIOR,
February 14, 1883.

Approved.

H. M. TELLER,
Secretary.

[Revised Statutes of the United States.]

SEC. 2246. The register or receiver is authorized, and it shall be their duty to adminster any oath required by law or the instructions of the General Land Office, in connection with the entry or purchase of any tract of the public lands; but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment at hard labor not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed.

SEC. 5393. Every persons who procures another to commit any perjury is guilty of subornation of perjury, and punishable as in the preceding section prescribed.

SEC. 5440. If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be liable to a penalty of not less than one thousand dollars and not more than ten thousand dollars, and to imprisonment not more than two years.

SEC. 5479. If any person shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, guarantee, security, official bond, *public record, affidavit, or other writing* for the purpose of defrauding the United States, or shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited bond, bid, proposal, guarantee, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited, *or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, the office of any officer of the United States,* any such false, forged, altered, or counterfeited bond, bid, proposal, guarantee, security, official bond, public record, *affidavit, or other writing,* knowing the same to be false, forged, altered, or counterfeited for the purpose of defrauding the United States, shall be punished by a fine of not more than one thousand dollars, or by imprisonment at hard labor for not more than ten years, or by both such punishments.

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HOMESTEADS.

DECEMBER 1, 1883.

The several homestead laws recognize six classes of homestead entries.

A homesteader must be the head of a family, male or female, a widow or a single person, male or female, over the age of twenty-one years, who are citizens of the United States, or who have declared their intention to become citizens (such cannot, however, make a *final* entry of a homestead until fully naturalized); also, to Indians who have abandoned their tribal relations, and have adopted the habits and pursuits of civilized life.

THE SEVERAL CLASSES OF HOMESTEAD ENTRIES.

1. Under the original act of May 20, 1862, and amendments.
2. Adjoining farm homesteads, Sec. 229, R. S. U. S.
3. Additional homestead act of March 3, 1879.
4. Soldier's homestead act of June 8, 1872.
5. Additional homestead, under act of June 8, 1872.
6. Indian homestead act of March 3, 1875.

ENTRIES—HOW MADE.

Homestead entries are received, in the manner herein set out, at any United States district land office. Homestead settlements can be made upon any of the public lands not otherwise specially reserved, and which has been declared subject to entry and location by law of Congress. No public lands, however, are open to settlement or sale until after Congress directs their survey, creates land offices therein, and orders how, when, and by what system they shall be disposed of.

HOW PAID FOR.

Cash is received in payment of fees. In the case of a commuted homestead, the commutor can use cash, military bounty-land warrants, agricultural college or private scrip, under the act of January 28, 1879.

DECISIONS AS TO HOMESTEADS.

For decisions and rulings as to homestead and entries, see annual reports of the Commissioner of the General Land Office from 1862 to 1881; also, volume of "General and Permanent Land Laws." Public Land Commission, 1880, title, "Homesteads," Chapter VIII, sections 212, 255, pages 80-94, —; also, see "Decisions of the Department of the Interior and General Land Office in cases relating to lands and land claims from July 1881, to June 1883," title, "Homesteads."

HOMESTEAD ENTRIES.

GENERAL METHOD OF PROCEDURE IN DISTRICT LAND OFFICES AND DETAILS AS TO LAWS.

IN EFFECT DECEMBER 1, 1883.

THE HOMESTEAD PRIVILEGE.

The laws extending the homestead privilege, embraced in sections 2289 to 2312 of the Revised Statutes, give to every citizen, and to those who have declared their intention to become citizens, the right to a homestead on *surveyed* lands. This right was limited by section 2289 of the Revised Statutes, as the maximum quantity, to 160 acres of the class of ordinary public lands held by law at $1.25 per acre, when disposed of to cash purchasers, or 80 acres of the class of lands embraced in the alternate sections, along the lines of railroads or other works of internal improvement, reserved to the United States in acts of Congress making grants of land in aid of the construction of such works, and the price thereof increased to $2.50 per acre. By act of Congress of March 3, 1879, it was enacted that from and after its passage "the *even* sections within the limits of any grant of public lands to any railroad company, or to any military road company, or to any State in aid of any railroad or military road, shall be open to settlers under the homestead laws to the extent of one hundred and

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sixty acres to each settler," thus doing away in this class of entries with the distinction between ordinary minimum and double minimum lands, or lands held at $1.25 per acre and lands held at $2.50 per acre, which had existed under section 2289 of the Revised Statutes of the United States, so far as the double minimum lands may be found in *even* sections within the limits of land grants for railroads or military roads. These provisions did-not extend so as to embrace any double minimum lands in *odd*-numbered sections, or in the limits of grants for any other description of public works. By act of July 1, 1879, the same provisions were extended to the *odd* sections in the States of Missouri and Arkansas, where the *odd* sections were reserved to the United States, the price of the lands therein enhanced, and the *even* sections granted for the purposes of improvement. Both acts were inoperative in any case where the *even* sections were granted, the *odd* being reserved, and not within the States of Missouri and Arkansas, as in Alabama and Mississippi; but the double minimum lands in the two last-mentioned States having been brought into market at the enhanced price prior to the 1st January, 1861, are now reduced to $1.25 per acre under the third section of the act of June 15, 1880.

PROCEDURE IN DISTRICT LAND OFFICES.

[See forms, pages 1033 to 1036.]

To obtain a homestead the party must, in connection with his application (Form 4-007), make an affidavit (Form 4-063), before the register or receiver, that he is over the age of twenty-one or the head of a family; that he is a citizen of the United States, or has declared his intention to become such; and that the entry is made for his exclusive use and benefit, and for actual settlement and cultivation; and must pay the legal fee and that part of the commissions which is payable when the entry is made, as given in tables on page —.

WHEN PERSONAL APPEARANCE AT THE DISTRICT LAND OFFICE MAY BE DISPENSED WITH.

Where the applicant has made actual settlement on the land he desires to enter, but is prevented by reason of bodily infirmity, distance, or other good cause, from personal attendance at the district land office, the affidavit may be made before the clerk of the court for the county within which the land is situated, under section 2294 of the Revised Statutes.

On compliance by the party with the foregoing requirements, the receiver will issue his receipt for the fee and that part of the commissions paid (Form 4-137), a duplicate of which he will deliver to the party. The matter will then be entered on the records of the district office and reported to the General Land Office.

SETTLEMENT AND RESIDENCE.

[See Forms, pages 1036 to 1040.]

An inceptive right is vested in the settler by such proceedings, and upon faithful observance of the law in regard to settlement and cultivation for the continuous term of five years, and at the expiration of that time, or within two years thereafter, upon proper proof to the satisfaction of the land officers (Forms 4-070, 4-369, and 4-370), and payment to the receiver of that part of the commissions remaining to be paid, as given in tables on page 1019, the receiver issuing his receipt therefor, the register will issue his certificate (Forms 4-140 and 4-196), and make proper returns to this office as the basis of a patent or complete title for the homestead. In regard to the requirement of continuous residence and cultivation in such cases, reference is made to the exceptions provided for in the act of Congress of July 1, 1879, as given above, with respect to grasshopper ravages, and within certain sections of Kansas and Nebraska provided for by act of June 4, 1880, also given above, in cases of loss or failure of crops from unavoidable causes, these acts being applicable to homestead claims in like manner as to pre-emptions. And an inceptive right to a homestead may now be acquired, and the period of continuous residence and cultivation begin to run, prior to the date of formal entry at the district land office, by the party making actual settlement on the tract desired, provided the entry at the district office is made within the prescribed period thereafter as in pre-emptions. The third section of the act of May 14, 1880, places homestead settlers on public lands on the same footing with pre-emption settlers under existing laws. This section protects the claim of an actual settler upon unsurveyed land not yet open to entry at the district office, provided he shall make homestead entry of the land within three months from the filing of the township plat of survey in the district land office, the same as the pre-emptor is now protected by filing his declaratory statement within the same period; and if the homestead settler shall fully comply with the law as to continuous residence and cultivation, his settle-

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ment defeats all claims intervening between its date and the date of filing his homestead application. In making final proof, his five years of residence and cultivation will commence from date of actual settlement.

NOTE.—The law is specific in requiring final proof to be made within *two* years after the expiration of the five years from day of entry.

FINAL PROOF—HOW MADE.

[See Forms, pages 1037, 1038.]

Under the act of Congress of March 3, 1879, any settler desiring to make final proof must first file with the register of the proper land office a written notice of his intention to do so. Such notice must describe the land claimed, and the claimant must give the names and residences of the witnesses by whom the necessary facts as to settlement, residence, cultivation, &c., are to be established. (See Form 4-348.)

The filing of such notice must be accompanied by a deposit of sufficient money to pay the cost of publishing the notice to be given by the register.

Upon the filing of the notice by the applicant, the register shall publish a notice of such application once each week for a period of thirty days, in a newspaper which he shall designate, by an order written on said application, as published nearest the land described in the application, and he shall also post said notice in some conspicuous place in his office for the same period. A compliance with the law will require the notice to be published weekly five times, because four weekly publications would not cover a period of thirty days.

The notice to be given by the register must state that application to make final proof has been filed; the name of the applicant; the kind of entry, whether homestead or pre-emption; a description of the land, and the names and residences of the witnesses as stated in the application. (See Form 4-347.)

To save expense, the register may embrace two or more cases in one publication, when it can be done consistently with the legal requirements of publication, in a newspaper published nearest the land, as per attached Form 4-347½.

When proof is filed that notice has been given in the manner and for the time required by said act of Congress, the applicant will be entitled to make final proof, as provided by law.

The proof that requisite notice has been given will be the certificate of the register that the notice of the application (a copy of which should be annexed to the certificate) was posted by him in a conspicuous place in his office for a period of thirty days (Form 4-227), and the affidavit of the publisher or foreman of the newspaper that the notice (a copy of which notice must be annexed to the affidavit) was published in said newspaper once each week for five successive weeks.

The proof of the publication and posting of the notice must be filed and preserved by the register, to be forwarded to this office with the final papers when issued.

HOW PROOF MAY BE MADE OTHER THAN AT DISTRICT LAND OFFICE.

[See Forms, pages 1038 to 1040.]

In making final proof the homestead party may appear in person at the district land office with his witnesses, and there make the affidavit and proof required in support of his claim, or he may proceed under the act of March 3, 1877. This prescribes that the party desiring to avail himself thereof must appear with his witnesses before the judge of a court of record of the county and State, or district and Territory, in which the land is situated, and there make the final proof required by law, according to the forms prescribed, Nos. 4-070 and 4-369, which proof, duly authenticated by the court seal, is required to be transmitted by the judge or the clerk of the court to the register and receiver, together with the fee and charges allowed by law. See 3d, 10th, and 12th subdivisions of section 2238 of the Revised Statutes of the United States.

The judge being absent in any case, the proof may be made before the clerk of the proper court. The fact of the absence of the judge must be certified in the papers by the clerk acting in his place.

If the land in any case is situated in an unorganized county, the statute provides that the party may proceed to make the proof, in the manner indicated, in any adjacent county in the State or Territory. The fact that the county in which the land lies is unorganized, and that the county in which the proof is made is adjacent thereto, must be certified by the officer.

In any case where the final proof shall be transmitted to the register and receiver, as contemplated in this act, and the full amount of money due shall be paid, they will carefully examine the proof, and, if no objection appears, proceed to issue the receipt and certificate in the case, and make proper returns to this office as the basis of a patent or complete title for the homestead, pursuant to existing laws. If any objection appears they will promptly notify the party and advise him of his rights in the matter.

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ENTRIES OF DECEASED OR INSANE PERSONS—HOW COMPLETED.

Where a homestead settler dies before the consummation of his claim, the widow, or in case of her death the heirs, may continue settlement or cultivation, and obtain title upon requisite proof at the proper time. If the widow proves up, title passes to her; if she dies before proving up and the heirs make the proof, the title will vest in them.

Where both parents die, leaving infant children, the homestead may be sold for cash for the benefit of such children, and the purchaser will receive title from the United States, or the patent will issue to the infants on proof of settlement or cultivation for the prescribed period.

Under the act of Congress of June 8, 1880, parties whose homestead entries were regularly made according to law, and who afterwards became insane, may be represented for making final proof and perfecting their entries by any person whose authority to act for them during their disability shall be duly certified under seal of the proper probate court. This act will not be construed to cure failure to comply with the law where the failure occurred prior to the insanity of the claimant. Final proof will not be received until the expiration of the five years, but proof of residence and cultivation will be required to cover only the period prior to such insanity. If a claimant becomes insane *after* expiration of the period of residence, &c., the act will be construed to permit his guardian to act for him within the time in which he might have made final entry himself. The proof must show the regularity of the entry, and therefore that the claimant was either a citizen or had filed his declaration to become one according to the naturalization laws at date of entry, but further proof will not be required as to citizenship.

SALE OF HOMESTEAD NOT RECOGNIZED.

The sale of a homestead claim by the settler to another party before completion of title is not recognized by this office, and vests no title or equities in the purchaser. In making final proof, the settler is by law required to swear that no part of the land has been alienated, except as provided in section 2288 of the Revised Statutes, for church, cemetery, or school purposes, or the right of way of railroads. So far, however, as regards homestead entries made prior to the 15th June, 1880, for lands properly subject to such entry, the second section of the act of Congress of that date provides that the persons to whom the rights of those having so entered for homesteads may have been attempted to be transferred by *bona fide* instruments in writing may entitle themselves to said lands by paying the Government price therefor less the fee and commissions paid on the entries. Instructions relative to such cases will be found in place below.

ABANDONMENT OF HOMESTEAD.

As the law allows but one homestead privilege, a settler relinquishing or abandoning his claim cannot thereafter make a second entry; although where an entry is canceled as invalid for some reason other than abandonment, and not the willful act of the party, he is not thereby debarred from entering again, if in other respects entitled, and may have the fee and commissions paid on the canceled entry refunded on proper application under the act of June 16, 1880; or, if he so elect, he may, by special instructions from this office, be allowed credit for such fee and commissions on a new homestead entry.

RELINQUISHMENT OF HOMESTEADS.

DUTIES OF REGISTERS AND RECEIVERS ON RELINQUISHMENTS BEING FILED.

By the first section of the act of May 14, 1880, it is enacted "that when a pre-emption, homestead, or timber-culture claimant shall file a written relinquishment of his claim in the local land office, the land covered by such claim shall be held as open to settlement and entry, without further action on the part of the Commissioner of the General Land Office." The district land officers are instructed not to accept or act upon any relinquishment, unless made before them, which has not been duly subscribed by the claimant on the back of his duplicate receipt, and acknowledged, witnessed, and executed in the manner requisite under the laws of the State or Territory in which the land is situated for the valid transfer of real estate. In case of the loss of the duplicate receipt an affidavit of such loss must accompany the written relinquishment.

Immediately upon a relinquishment, duly executed as above, being received at their office, the register will note on the relinquishment, over his signature, the day and hour of its receipt, will write the words "Canceled by relinquishment" (giving date)

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opposite the record of the entry in the tract book, the register of entries, and the register of receipts, and draw a line over the number of the entry on the township plat.

On Monday of each week they are directed to transmit to this office all the relinquishments which have been accepted by them during the preceding week. When the relinquishment shall have been received and noted as above, they will hold the land embraced in the relinqished entry as subject to settlement or entry by the first legal claimant; the intent of said section, as understood by me, being only to prevent the delay formerly resulting from awaiting action on such relinquishments by this office.

ABANDONMENT OF HOMESTEAD—CONTESTS.

Where application is made to contest the validity of a homestead entry on the ground of abandonment, the party must file his affidavit with the district land officers, setting forth the allegations on which his application is founded describing the tract and giving the name of the settler. Upon this the officers will set apart a day for hearing, giving all the parties in interest due notice of the time and place of trial.

In cases of inability to make personal service of the notice, and when it becomes necessary to serve it by application, the act of Congress of June 3, 1878, directs that the same shall "be printed in some newspaper in the county where the land in contest lies; and if no newspaper be printed in such county, then in the newspaper printed in the county nearest to such land." After the trial, the land officers will transmit the testimony, with their joint report, for the action of this office, according to Rules of Practice approved December 20, 1880, given on pages 559 to 567.

The contestant must defray the expenses incident to such a contest. Under the second section of the act of Congress of May 14, 1880, before referred to, if he succeeds in the contest, and procures the cancellation of the entry, he will be notified thereof, and for a period of thirty days from such notice will be allowed a preference right to institute a claim to the land over any other person who may desire to do so.

PREFERENCE MUST BE GIVEN TO A BONA FIDE SETTLER.

According to the principles laid down in the decisions rendered by the United States Supreme Court in the case of Atherton *vs.* Fowler, 6 Otto, 513, and the case of Hosmer *vs.* Wallace, 7 Otto, 575, the preference right of a *bona fide* actual settler will be recognized as against any other party seeking title to the tract covered by his settlement, under the pre-emption, homestead, or timber-culture laws.

PRE-EMPTION FILING MAY BE CHANGED INTO A HOMESTEAD ENTRY.

[See Forms, page 1041.]

When an individual has made settlement on a tract and filed his pre-emption declaration therefor, he may change his filing into a homestead, if he continues in good faith to comply with the pre-emption laws until the change is effected; and by an act of Congress of May 27, 1878, the time during which the party has resided upon and claimed the land as a pre-emptor will be credited upon the period of residence and cultivation required under the homestead law. In so doing he is required in his first homestead affidavit to set forth the fact of a previous pre-emption filing, the time of actual residence thereunder, and the intention to claim the benefit of such time as provided for in the act. In making final proof on his homestead entry he is required, in addition to the usual affidavit and proof, to make the prescribed "pre-emption homestead affidavit." (Form 4-071.)

HOMESTEAD MAY BE COMMUTED AT END OF SIX MONTHS WITH CASH, SCRIP, OR LAND WARRANTS.

[See Forms, page 1036.]

If the homestead settler does not wish to remain five years on his tract, the law permits him to pay for it with cash or warrants or agricultural college scrip, upon making proof of settlement and cultivation for a period of not less than six months from the date of entry to the time of payment; or payment may now be made with private claim scrip under the act of January 28, 1879.

This proof of actual settlement and cultivation must be the affidavit of the party (Form 4-069) made before the district officers, in addition to the testimony usual in making final homestead proof (Form 4-369), or the party may, under the act of June 9, 1880, make the required affidavit before the clerk of any court of record of the county and State or district and Territory in which the land is situated; or if in any unorganized county, he may make such affidavit in a similar manner in any adjacent county in the State or Territory.

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ENTRY OF HOMESTEADS BY HOMESTEADERS OR BY TRANSFEREES UNDER ACT OF JUNE 15, 1880.

With respect to the class of homestead entries made prior to the 15th June, 1880, the act of Congress that day approved provides another method of acquiring title to the land by purchase. Under section 2, duly qualified persons who, prior to June 15, 1880, entered, under any of the homestead laws, lands properly subject to such entry, are permitted to obtain title by paying the Government price, less the fee and commissions paid thereon.

In allowing entries of this class, the district officers will require proof that the party was twenty-one years of age, or the head of a family, was a citizen or had declared his intention to become a citizen of the United States, and was in other respects entitled to make the entry.

When homestead entries, made prior to June 15, 1880, have been attempted to be transferred by *bona fide* instrument in writing, the persons to whom such transfers were made are likewise authorized to obtain title by like payments and with like deductions of fees and commissions.

In permitting entries by transferees, they will first ascertain whether the original homestead entry was a valid entry under the homestead laws. They will then require the instrument in writing by which it was sought to transfer such homestead right to be filed, together with the best evidence attainable of the *bona fide* character of the transfer, including the affidavit of the party who seeks to purchase. They will also require satisfactory proof that the attempted transfer was made prior to June 15, 1880. In cases of doubt as to the propriety of allowing the application to purchase, they should refer all the papers to this office, with a full statement of facts and their opinion.

No entry will be allowed under the second section when the original homestead entry was not a valid entry; nor when an entry under the homestead laws shall have been made on the same land subsequent to the original entry; nor if the land was embraced in a prior valid entry at the date of such original homestead entry; nor where adverse legal rights of any character exist at the date of the application to purchase.

Applications to purchase under said second section will be made on Form 4-001, as in case of ordinary cash entry, and must be accompanied by the receiver's duplicate homestead receipt, or, if that has been lost or destroyed, by an affidavit setting forth such fact, and giving the register's and receiver's number and date of the original homestead entry. It must also be stated in the application that the same is made under the second section of the act of June 15, 1880. Where the duplicate receipt has been lost or destroyed, and the application to purchase is made by the original homestead party, the applicant must make oath that he has not transferred nor attempted to transfer his homestead rights under said entry, nor assigned his right to receive the repayment of the fees, commissions, and excess payments paid thereon. The register will certify to the receiver the amount to be allowed as credit for fees and commissions already paid, the applicant first making oath that said fees and commissions have not been repaid, and that no application for such repayment has been made.

Entries under said second section will receive current register's and receiver's numbers in the regular cash series, and will be returned in the same manner as in other cases of cash entry, referring, however, in each instance, on the cash abstracts, certificates, and receipts, to the date of the act authorizing the entry, the register's and receiver's number of the original homestead application, and the amount allowed as credit for fees and commissions, as follows: "Act June 15, 1880. Original homestead entry No. —. Credit for fees and commissions, $———."

Final homestead proof not being required in these cases, no advertisement or notice of intention to make final proof is necessary, and no final homestead fees are to be paid or collected.

Warrants and scrip, made receivable by law for lands subject to sale at private entry, or in commutation of homestead or pre-emption rights, and certificates of deposit on account of surveys, will be deemed receivable for lands purchased under the act of June 15, 1880.

The existing rule must, however, be observed, that where the value of warrants or scrip exceeds that of the land entered therewith, no repayment is authorized, but the warrant or scrip applied must be fully surrendered. In such case there would be no claim for repayment on account of the fee and commissions paid on the original homestead entry.

ADJOINING FARM HOMESTEADS—HOW ENTERED.

[See Forms, page 1041.]

There is a class of homesteads designated as "adjoining farm homesteads." In these cases the law allows an applicant *owning* and *residing* on an *original* farm to

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enter other land lying contiguous thereto, which shall not, with such farm, exceed in the aggregate 160 acres. Thus, for example, a party owning or occupying 80 *acres* may enter 80 additional, without regard to price, whether held at $1.25 or $2.50 per acre; or, if owning 40 acres, he may enter 120 acres additional of land held at $1.25 per acre, or of land held at $2.50 per acre, where 160 acres is now the maximum quantity of double minimum land subject to homestead entry, but cannot exceed the maximum of 80 acres where the land proposed to be entered is held at $2.50 per acre, and where 80 acres is still the legal maximum in reference to that class of lands, under section 2289 of the Revised Statutes as modified by the acts of Congress of March 3, 1879, July 1, 1879, and June 15, 1880, before mentioned.

In applying for an entry of this class, the party must make affidavit (Form 4-066) describing the tract which he owns and upon which he resides as his original farm. In making final proof it is not required that he should prove actual residence on the separate tract entered; but if he does not, it must appear from the proof adduced (Forms 4-369 and 4-067, the two former to be modified to suit the circumstances of the case) that he has continued for the period required by law to reside upon and cultivate the original farm tract, making use of the entered tract as a part of the homestead.

ADDITIONAL HOMESTEAD ENTRY.

(See Forms, page 1042.)

The act of March 3, 1879, in addition to its provisions already referred to, provides, *first*, that "any person who has under existing laws taken a homestead on any even section within the limits of any railroad or military road land grant, and who by existing laws shall have been restricted to 80 acres, may enter under the homestead laws an additional 80 acres adjoining the land embraced in his original entry, if such additional land be subject to entry," without payment of fees and commissions, and that "the residence and cultivation of such person upon and of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional entry, and shall be deducted from the five years' residence required by law," with the proviso, however, that in no case shall patent issue "until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land" embraced in his additional entry "at least one year." The act of July 1, 1879, is similar in effect.

Upon any party proposing to enter an additional tract under these provisions, the register and receiver will require him to submit proof which shall set forth the particulars of his existing entry and of his compliance with the legal requirements regarding the same, according to the form provided for use in making final proof, 4-369, as also to swear that he did not serve in the Army or Navy of the United States during the late civil war for ninety days or more, as the class of persons who thus served were not restricted to eighty acres under previously existing laws, and, therefore, are not entitled to the benefits of the acts referred to, and to make homestead application and affidavit according to attached Forms 4-018 and 4-086. The required proof is found necessary to ascertain the *status* of the original entry at the date of application for the benefit of the said acts, and also the credit for residence and cultivation to which the party who made the same may be entitled, according to their provisions, in perfecting his title under the additional or new entry to be allowed, without waiting the arrival of the time when final proof on the latter is to be made. With reference, however, to cases in which final proof on the original entries has been made and the certificates issued, the requirement of proof as herein directed may be omitted, and in lieu thereof a reference made in reporting the case to the certificate issued, giving its number and date, so that it may be identified on the records of this office.

These requirements having been complied with, the register and receiver will then, if they find his original entry to be *intact* on their records, whether patented or not, and if no objection appears in any respect, allow the entry applied for, note the same on their records, giving it the proper number in the regular homestead series, and report it with their monthly homestead returns, indicating its character as an additional entry under said act on the margin of their monthly abstracts, with a reference to the original entry by its number, and the description of the land. The money columns in the abstracts will of course be left blank, since there will be no fees and commissions paid.

In this class of entries the party, if still resident on the original entry tract, will not be required to remove therefrom to the additional entry tract in order to make a new residence on the latter, as the two forming one body of land, residence on either will be regarded as satisfying the legal requirement; but in making final proof on the additional entry the party must show such residence, with occupancy and cultivation of the tract taken as additional under said act, for five years from the date of entry thereof, less the time to be deducted on account of residence and cultivation on the original entry, which shall not exceed four years in any case.

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Second. The acts further provide that should the person so elect he may, instead of making an additional entry, "surrender his existing entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made," with the same provisions, as regards fees and commissions not being required, and requiring settlement and cultivation, occupation, and residence, as have been already stated with regard to additional entries. In case of any party electing to surrender his entry under this act, the register and receiver will receive his relinquishment, which shall specify for what purpose made, and be accompanied by the duplicate receipt issued for the relinquished entry, or by a statement under oath showing a good reason for its absence, report the case in a special letter to this office, and await instructions before proceeding further in the matter. Relinquishments may be made in the same manner hereinbefore provided for.

SOLDIER'S HOMESTEAD.

[See Forms, page 1043. See amendatory circular, pages 1020 and 1021.]

Provisions for the benefit of soldiers and sailors of the late war, their widows and minor orphan children.—Sections 2304, 2305, 2306, 2307, 2308, and 2309 of the Revised Statutes, for the benefit of soldiers and sailors, their widows and minor orphan children, provide—

1st. In section 2304, that every soldier and officer in the Army, and every seaman, marine, and officer of the Navy, who served for not less than ninety days in the Army or Navy of the United States, "during the recent rebellion," and who was honorably discharged, and has remained loyal to the Government, may enter, under the provisions of the homestead law, 160 acres of the public land, to be taken, if desired, from the class of double minimum lands.

2d. In section 2305, that the time of his service, or the whole term of his enlistment if the party was discharged on account of wounds or disability incurred in the line of duty, shall be deducted from the period of five years, during which, as per section 2291, the claimant must, to perfect title, reside upon and cultivate the entered tract, but with the proviso that the party shall, in every case, reside upon, improve, and cultivate his homestead for a period of at least one year after he shall have commenced his improvements.

3d. That any person entitled to the benefits of section 2304, who had, prior to the 22d of June, 1874, made a homestead entry of less than 160 acres, may enter an additional quantity of land sufficient to make, with the previous entry, 160 acres.

4th. That the widow, if unmarried, or in case of her death or marriage, then the minor orphan children, of a person who would be entitled to the benefits of section 2304, may enter land under its provisions, with the additional privilege accorded, that if the person died during his term of enlistment, the widow or minor children shall have the benefit of the whole term of enlistment.

APPLICATIONS—HOW MADE.

5th. That any person entitled to the benefit of section 2304 may file his claim for a tract of land through an agent, and shall have six months thereafter within which to make his entry and commence his settlement and improvement upon the land; *but first entry cannot be made by an agent or attorney.*

The following is the course of proceedings for parties to avail themselves of the benefits of these sections of the Revised Statutes in making homestead entries (see *Amendatory Circular of December* 15, 1882, *and February* 13, 1883):

1st. On the party producing the proper proof of his right to do so, immediate entry of the tract desired may be made; but if the party so elect, he may file a declaration (Form A or B) to the effect that he claims a specified tract of land as his homestead, and that he takes it for actual settlement and cultivation. The register and receiver will number the declarations so filed in a separate series, according to the order of filing, enter them on their records, and with their monthly returns forward an abstract, to embrace all declarations of this class filed with them during the month. Thereafter, at any time within six months from the date of filing, the party may come forward, make his entry of the land (Forms of application and affidavits, 4-015 and 4-065), and commence his settlement and improvement. Should the party present his declaration through an agent as authorized by section 2309, said agent must produce a duly executed power of attorney from the principal desiring to make the entry, who will be bound by the selection his agent may make the same as though made by himself. Where the party has failed to make entry within six months from the date of filing, he is not thereby debarred from making entry of the tract filed for, unless some adverse right has intervened; and if so he may enter some tract that is still vacant.

2d. The claims of widows and minor orphan children may be initiated by declaration, as above. Minor orphan children can act only by their duly appointed guardians,

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who must file certified copies of the powers of guardianship, which must be transmitted to this office by the registers and receivers with their abstracts of declarations. The law does not require, as a condition to enjoying its benefits, that the party should first file a declaratory statement, and, as before stated, immediate entry may be made. (See *Amendatory Circular February* 13, 1833.)

SOLDIER'S ADDITIONAL HOMESTEAD ENTRY.

[See Forms, page 1045.]

3d. Where a party entitled desires to make an additional entry of a quantity which, with his original entry, shall not exceed one hundred and sixty acres, it is required that a full recital of military service be presented to the district land office in which the land is he wishes to enter, with due proof of the identity of the party making the claim, and with proper reference to his original homestead entry, giving the name of the district office, date and number of entry, and description of the land. In addition, a detailed statement, under oath, must be filed by the party in interest, setting forth the facts respecting his right to make the entry, and containing his declaration that he has not in any manner exercised his right, either by previous entry or application, or by sale, transfer, or power of attorney, but that the same remains in him unimpaired. He must also declare, under oath, all of these, in the presence of the register or receiver, that he has made full compliance with the homestead law in the matter of residence upon, cultivation and improvement of, his original homestead entry, and should further recite whether or not he has proved up his claim and received a patent of the land.

When these papers are filed and examined, they will, if found satisfactory, be returned with a certificate attached recognizing the right of the party to make additional entry under the law; and when presented with proper application at any district land office, either by the party entitled or his agent or attorney, they will be accepted by the register and receiver, and forwarded with the entry papers to this office in the usual manner.

The fee for examination and certificate, under the seal of the office, will be $1, which must in all cases accompany the papers presented for approval.

Where the party's first entry has been consummated, the register and receiver will require him to make application in the form prescribed (No. 4–008), and to pay the same fee and commissions as in cases of original entry; the receiver will issue his receipt for the money paid, and these papers will receive the current date and the proper numbers in their homestead series. Then, to complete the transaction—it being an object, for the convenience of business, that the additional entry papers and the final papers therefor in such cases shall be kept separate and distinct—the party will make payment of the usual final commissions on the entered tract, for which the receiver will issue his receipt; the register will thereupon issue his final certificate for the additional tract (Form 4–197), the receipt and certificate to bear their proper numbers in the final homestead series; likewise a reference to the original entry and to the final certificate thereon by their number, and also by their district where the party's first entry shall have been made in a different district.

In case the party has not made proof on his original homestead entry when he applies for additional land, he will be allowed to make the additional entry on proper application, as above stated, and paying the usual fee and commissions, for which the receiver will issue his receipt, the papers to receive their proper numbers in the homestead series, with a reference thereon to the original entry. Thereafter, when the party shall make final proof on the original entry, he will be required to pay the final commissions on both entries, when a final receipt will be issued for the money, and thereupon a final certificate issued to call both for the tract in the original entry and the additional tract. On these papers the register and receiver will make a reference to the original and the additional entry, and on them one patent will issue for both; yet where it happens that the original entry and the additional entry are made in different land districts, this rule must be departed from so far as regards the issuing of one final certificate and receipt for both.

The following proof will be required of parties applying for the benefits of sections 2304, 2305, and 2307, in addition to the prescribed affidavit of the applicant:

1st. Certified copy of certificate of discharge, showing when the party enlisted and when he was discharged; or the affidavit of two respectable, disinterested witnesses corroborative of the allegations contained in the prescribed affidavit (Form 4–065) on these points, or, if neither can be procured, the party's affidavit to that effect.

2d. In case of widows, the prescribed evidence of military service of the husband, as above, with affidavit of widowhood, giving date of the husband's death.

3d. In case of minor orphan children, in addition to the prescribed evidence of military service of the father, proof of death or marriage of the mother. Evidence of death may be the testimony of two witnesses, or certificate of a physician duly at-

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tested. Evidence of marriage may be certified copy of marriage certificate, or of the record of same, or testimony of two witnesses to the marriage ceremony.

The register and receiver will be allowed to charge one dollar each for receiving and filing the initiatory declaration of the parties in cases where such declarations are filed. This fee the receiver will account for in the usual manner, indicating the same in his account as fees for "homestead declarations," which will be charged against the maximum of $3,000 now allowed by law. In the States and Territories for which 50 per centum additional is allowed by the 12th subdivision of section 2238 of the Revised Statutes, the additional allowance will apply to the fee herein named, viz: California, Oregon, Washington, Nevada, Colorado, Idaho, New Mexico, Arizona, Utah, Wyoming and Montana.

INDIAN HOMESTEADS, HOW MADE.

[See Forms, pages 1046.]

Provisions for the benefit of Indians.—The fifteenth and sixteenth sections of the act of March 3, 1875 (copy attached, No. 9), extends the benefits of the homestead act of May 20, 1862, and the acts amendatory thereof (now embodied in sections 2290, 2291, 2292, and 2295 to 2302, inclusive, of the Revised Statutes) to any Indian, born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations, with the exception that the provisions of the eighth section of said act of 1862 (section 2301 of the Revised Statutes) shall not be held to apply to entries made thereunder, and with the proviso that the title to lands acquired by any Indian by virtue thereof shall not be subject to alienation or incumbrance, either by voluntary conveyance, or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor.

An Indian desiring to enter public land under this act must make application to the register and receiver of the proper district land office; also an affidavit setting forth the fact of his Indian character; that he was born in the United States; that he is the head of a family or has arrived at the age of twenty-one years; that he has abandoned his tribal relations and adopted the habits and pursuits of civilized life (Form 4-079), and this must be corroborated by the affidavits of two or more disinterested witnesses (Form 4-077).

If no objection appears, the register and receiver will then permit him to enter the tract desired according to existing regulations, so far as applicable, under the homestead law, the register writing across the face of the application (Form 4-007) the words "Indian homestead—act of March 3, 1875;" they will note the entry on their records and make returns thereof to this office, with which they will send the affidavits submitted. It will be observed that the provisions of the eighth section of the act of May 20, 1862 (section 2301 of the Revised Statutes), which admits of the commuting of homestead to cash entries, do not apply to this class of homesteads.

All lands obtained under the homestead laws are exempt from liability for debts contracted prior to the issuing of patent therefor.

FORMS USED IN HOMESTEAD ENTRIES.

JUNE 30, 1883.

IN UNITED STATES DISTRICT LAND OFFICE.

Blanks are furnished free.

Applicant must file, on application—

Application and register's certificate.

Affidavit of applicant.

Non-mineral affidavit.

Receiver's receipt, issued in duplicate.

Excess receipt for excess of area, if any there be.

FINAL ENTRY, OR PROVING UP.

Notice of intention to make final proof.

Notice for publication to make final proof, "register's." (Two or more entries may be embraced in this notice.)

Certificate as to posting notice.

Proof of publication of notice; affidavit of publisher or foreman of newspaper in which published.

Final affidavit required of claimant.

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Proof, testimony of claimant.
Proof, testimony of two witnesses taken separately.
Receiver's final receipt (in duplicate).
Register's certificate for patent (in duplicate).

SOLDIERS' AND SAILORS' HOMESTEADS.

Forms as above are used, except that soldier's declaratory statement, A, in person, or, B, by his agent, are used instead of the application in the first instance, and the affidavit differs. (See forms following.)

INDIAN HOMESTEADS.

Forms as in homestead entries, with the addition of affidavit [No. 4-079] by applicant, and corroborative affidavit of two persons [No. 4-077].

SPECIAL HOMESTEAD LAWS.

Commuted homesteads, or payment at end of six months, as in pre-emption; adjoining-farm homesteads; pre-emption homesteads, or where pre-emption filings are changed to homestead entries; additional homesteads, and soldiers' additional homesteads require special forms, which are given in the chapter following.

HOMESTEADS AND PRE-EMPTIONS IN DISTRICTS SUBJECT TO GRASSHOPPER INCURSIONS.

By the act of July 1, 1879, special provision was made for absence by settlers of such land during the period of such incursions. (See regulations following.)

HOMESTEAD, FORMS USED IN ENTRY OF.

IN EFFECT JUNE 30, 1883.

Homestead claims to the extent of 160 acres can be entered, by a duly qualified person, upon any of the public lands of the United States in any and all the public-land States and Territories where the lands are not mineral or purely timber lands, and where they are subject to entry by reason of enactment by Congress. Homestead titles can be initiated upon unsurveyed as well as surveyed lands.

Settlement prior to entry is not a condition.

FORMS USED ON (ORIGINAL) APPLICATION.

FORM No. [4-007.]

Homestead application.

If filed for surveyed lands and when applicant has not established a residence and made improvements, applicant must appear personally at the district land office and make affidavits; actual residence must be made within six months, and be continuous until final proof is made. If settlement is on unsurveyed lands, claimants must put their claims on record within three months after filing of the township plats in the district land office; must be paid for within seven years from date of filing application. (See note at bottom of receiver's receipt [4-138].)

HOMESTEAD.

LAND OFFICE AT ———,
APPLICATION No. —. (*Date*) ———, 18—.

I, ——— ———, of ———, do hereby apply to enter, under section 2289 of the Revised Statutes of the United States, the ——— of section ———, in township ———, of range ——, containing —— acres.

——— ———.

LAND OFFICE AT ———,
(*Date*) ———, 18—.

I, ——— ———, register of the land-office, do hereby certify that the above application is for surveyed lands of the class which the applicant is legally entitled to enter

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under section 2289 of the Revised Statutes of the United States, and that there is no prior valid adverse right to the same.

——— ———, *Register.*

AFFIDAVIT OF CLAIMANT.

(*Made before register or receiver or clerk of court.*)

[See note.]

[4-063.]

HOMESTEAD.

Affidavit.

LAND OFFICE AT ———

——— —, 188—.

I, ——— ———, of ——— having filed my application, No. —, for an entry under section No. 2289 Revised Statutes of the United States, do solemnly swear that ———; that said application, No. —, is made for the purpose of actual settlement and cultivation; that said entry is made for my own exclusive benefit, and not directly or indirectly for the benefit or use of any other person or persons whomsoever; and that I have not heretofore had the benefit of the homestead laws.

——— ———.

Sworn to and subscribed this —— day of ———, before

——— ———,

of the Land Office.

NOTE.—If this affidavit be acknowledged before the clerk of the court, as provided for by sec. 2294 U. S. Revised Statutes, the homestead party must expressly state herein that he or some member of his family is residing upon the land applied for, and that *bona fide* improvement and settlement have been made. He must also state why he is unable to appear at the land office.

☞ See note, which clerks of the courts and registers and receivers will read and explain thoroughly to persons making application for lands where the affidavit is made before either of them. (See directions to land officers on duplicate receipt.)

Timber land, embraced in a homestead or other entry not consummated, may be cleared in order to cultivate the land and improve the premises, *but for no other purpose.*

If, after clearing the land for cultivation, there remains more timber than is required for improvement, there is no objection to the settler disposing of the same. But the question whether the land is being cleared of its timber *for legitimate purposes* is a question *of fact* which is liable to be raised at any time. If the timber is cut and removed *for any other purpose* it will subject the entry to cancellation, and the person who cut it will be *liable to civil suit* for recovery of the value of said timber, *and also to criminal prosecution* under section 2461 of the Revised Statutes.

HOMESTEAD.

NON-MINERAL AFFIDAVIT.

(*Made by applicant.*)

COUNTY OF ———,

——— *of* ———, *ss:*

——— ———, being duly sworn according to law, deposes and says that he is the identical ——— who is an applicant for Government title to the ———; that he is well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that his knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to his knowledge, any placer, cement, gravel, or other valuable mineral deposit; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title to mineral land, but with the object of securing said land for agricultural purposes.

——— ———.

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Subscribed and sworn to before me this —— day of ——, A. D. 187–, and I hereby certify that the foregoing affidavit was read to the said —— —— previous to his name being subscribed thereto; and that deponent is a respectable person to whose affidavit full faith and credit should be given.

—— ——.

RECEIVER'S RECEIPT IN DUPLICATE.

(4–137.)

Receiver's receipt, No. —. Application, No. —.

HOMESTEAD.

(Given to the applicant.)

RECEIVER'S OFFICE, ——,
—— —, 188—.

Received of —— —— the sum of —— dollars —— cents; being the amount of fee and compensation of register and receiver for the entry of ——, of section — in township — of range —, under section No. 2290 Revised Statutes of the United States.

—— ——, *Receiver.*

$——.

NOTE.—It is required of the homestead settler that he shall reside upon and cultivate the land embraced in his homestead entry for a period of five years from the time of filing the affidavit, being also the date of entry. An abandonment of the land for more than six months works a forfeiture of the claim. Further, within two years from the expiration of the said five years he must file proof of his actual settlement and cultivation, failing to do which, his entry will be canceled. If the settler does not wish to remain five years on his tract, he can, at any time after six months, pay for it with cash or land warrants, upon making proof of settlement and cultivation from date of filing affidavit to the time of payment.

☞ See note in red ink, which registers and receivers will read and explain thoroughly to persons making application for lands where the affidavit is made before either of them.

Timber land embraced in a homestead, or other entry not consummated, may be cleared in order to cultivate the land and improve the premises, *but for no other purpose.*

If, after clearing the land for cultivation, there remains more timber than is required for improvement, there is no objection to the settler disposing of the same. But the question whether the land is being cleared of its timber *for legitimate purposes* is a question *of fact* which is liable to be raised at any time. If the timber is cut and removed *for any other purpose* it will subject the entry to cancellation, and the person who cut it will be *liable to civil suit* for recovery of the value of said timber, *and also to criminal prosecution* under section 2461 of the Revised Statutes.

[No. 4—138.]

RECEIVER'S RECEIPT.

(Duplicate for the files.)

Receiver's duplicate receipt No. —. Application No. —.

HOMESTEAD.

RECEIVER'S OFFICE, ——,
—— —, 18—.

Received of —— —— the sum of —— dollars —— cents; being the amount of fee and compensation of register and receiver for the entry of —— of section — in township — of range —, under section 2290 Revised Statutes of the United States.

—— ——, *Receiver.*

$——.

NOTE.—It is required of the homestead settler that he shall reside upon and cultivate the land embraced in his homestead entry for a period of five years from the time

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of filing the affidavit, being also the date of entry. An abandonment of the land for more than six months works a forfeiture of the claim. Further, within two years from the expiration of the said five years he must file proof of his actual settlement and cultivation, failing to do which, his entry will be canceled. If the settler does not wish to remain five years on his tract, he can, at any time after six months, pay for it with cash or land warrants, upon making proof of settlement and cultivation from date of filing affidavit to the time of payment.

HOMESTEAD.

EXCESS RECEIPT.

[Act of May 20, 1862. Revised Statutes of the United States, section 2357.]

Where there is more than the quantity allowed by law in legal subdivisions. Occurs in fractional sections or lots on north and west of townships.

Excess receiver's receipt, No. —.

RECEIVER'S OFFICE, ——,
—— —, 187—.

Received of —— —— the sum of —— dollars —— cents, being in full for —— acres and —— hundredths of ——, section No. —, in township No. — of range No. —, being excess in said tract over the area entered under the homestead act, per application and receipt No. —.

—— ——, *Receiver.*

$——.

PROCEEDINGS TO PERFECT TITLE BY MAKING FINAL PROOF—AFTER EXPIRATION OF LEGAL TIME.

Commutation or cash payment for homestead.

Should the settler desire at the expiration of six months he may pay for his homestead with cash, warrants, or scrip upon making proof of settlement and cultivation from date of filing application and affidavit to the time of payment. He or she will file the following affidavit:

[No. 4-069.]

To be used in cases of commuted homestead entries. For taking the testimony of claimant and his witnesses in making commutation proof, use the prescribed forms for "Homestead Proof." But all the steps necessary to complete pre-emption entry, as given on page 688, and following, must be complied with. The entry after this stage becomes virtually a pre-emption entry, still the proof is the same as in final homestead entry.

COMMUTED HOMESTEAD AFFIDAVIT.

[Section 2301 of the Revised Statutes of the United States.]

I, —— ——, claiming the right to commute, under section 2301 of the Revised Statutes of the United States, my homestead entry No. ——, made upon the —— section ——, township ——, range ——, do solemnly swear that I made settlement upon said land on the —— day of ——, 18—, and that since such date, to wit, on the —— day of ——, 18—, I have built a house on said land, and have continued to reside therein up to the present time; that I have broken and cultivated —— acres of said land, and that no part of said land has been alienated, except as provided in section 2288 of the Revised Statutes, but that I am the sole *bona fide* owner as an actual settler.

I further swear that I have not heretofore perfected or abandoned an entry made under the homestead laws of the United States.

—— ——.

LAND OFFICE, ——.

Subscribed and sworn to before me this —— day of ——.

—— ——, *Register.*

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COMPLETING A HOMESTEAD ENTRY UNDER FIVE YEARS' RESIDENCE.

At the expiration of the five years' settlement, cultivation, and improvement, the claimant at the district land office signs the following notice, which will be published by order of the register in a newspaper, to be by him designated as nearest the land, once a week for six weeks, at applicant's expense, a deposit being first made.

[No. 4-348.]

NOTICE OF INTENTION TO MAKE FINAL PROOF.

LAND OFFICE AT ——,
(*Date*) 188–.

I, —— ——, of ——, who made homestead application No. —— (or pre-emption declaratory statement No. ——), for the —— ——, do hereby give notice of my intention to make final proof to establish my claim to the land above described, and that I expect to prove my residence and cultivation before —— ——, at ——, on —— ——, 188–, by two of the following witnesses:

—— ——, of ——.
—— ——, of ——.
—— ——, of ——.
—— ——, of ——.

——— ———,
(*Signature of claimant.*)

LAND OFFICE AT ——,
(*Date*) ——, 188–.

Notice of the above application will be published in the ——, printed at ——, which I hereby designate as the newspaper published nearest the land described in said application.

—— ——, *Register.*

NOTICE TO CLAIMANT.—Give time and place of proving up, and name and title of the officer before whom proof is to be made; also, give names and post-office addresses of four neighbors, *two* of whom must appear as your witnesses.

The officer then issues the following:

[No. 4-347.]

NOTICE FOR PUBLICATION.

LAND OFFICE AT ——,
——, 188–.

Notice is hereby given that —— —— has filed notice of intention to make final proof before —— ——, at ——, on —— ——, 188–, on homestead application No. —— (or pre-emption declaratory statement No. ——), for the —— ——.
He names as witnesses —— ——, and —— ——, of ——.

—— ——, *Register.*

NOTE.—This notice must also be posted in a conspicuous place in the land office for a period of thirty days prior to date of final proof.

To save expense, when it can be done consistently, the register may embrace two or more cases in one notice for publication, as follows:

[No. 4-347½.]

CONSOLIDATED NOTICE FOR PUBLICATION.

LAND OFFICE AT ——,
——, 188–.

Notice is hereby given that the following named settlers have filed notice of intention to make final proof on their respective claims before —— ——, at ——, on —— ——, 188–, viz:

—— ——, on homestead application No. ——, for the —— ——.
Witnesses: —— ——, of ——, and —— ——, of ——.
—— ——, on pre-emption declaratory statement No. ——, for the —— ——.
Witnesses: —— ——, of ——, and —— ——, of ——.

—— ——, *Register.*

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[No. 29.]

CERTIFICATE AS TO THE POSTING OF NOTICE.

LAND OFFICE AT ———,
(*Date*) ———, 18–.

I, ——— ———, register, do hereby certify that a notice, a printed copy of which is hereto attached, was by me posted in a conspicuous place in my office for a period of thirty days, I having first posted said notice on the —— day of ——, 18—.

———, *Register.*

PROOF OF PUBLICATION OF NOTICE.

Affidavit of publication of the notice (with copies attached), made by the publisher or the foreman of the paper in which inserted, must be here filed and form part of the record.

FINAL ENTRY AFTER PUBLICATION.

The applicant after this appears at the district land office for final entry or proceeds under the act of March 3, 1877, under which he may make affidavit and proof with two witnesses before a judge or the clerk of a court of record. (See general proceedure herein, pages 1023 to 1032.)

(4—070.)

HOMESTEAD PROOF.

Final affidavit required of homestead claimants. The homesteader now surrenders the duplicate receiver's receipt received at the time of filing his application.

[Section 2291 of the Revised Statutes of the United States.]

I, ——— ———, having made a homestead entry of the ——— section No. —, in township No. —, of range No. —, subject to entry at ———, under section No. 2289 of the Revised Statutes of the United States, do now apply to perfect my claim thereto by virtue of section No. 2291 of the Revised Statutes of the United States; and for that purpose do solemnly ——— that I am a citizen of the United States; that I have made actual settlement upon and have cultivated said land, having resided thereon since the ——— day of ———, 18—, to the present time; that no part of said land has been alienated, except as hrovided in section 2288 of the Revised Statutes, but that I am the sole *bona fide* owner as an actual settler; that I will bear true allegiance to the Government of the United States; and further, that I have not heretofore perfected or abandoned an entry made under the homestead laws of the United States.

——— ———.

I, ——— ———, of the land office at ———, do hereby certify that the above affidavit was subscribed and sworn to before me this —— day of ———, 188–.

——— ———.

HOMESTEAD PROOF.

Testimony of claimant.

[No. 4–369.]

[This form will be used both in final homestead proof and commutation proof.]

The testimony of claimant and of the two witnesses are now taken on a blank form of four pages, No. 4–369.

——— ———, being called as a witness in —— own behalf in support of —— homestead entry for ———, testifies as follows:

Ques. 1. What is your name, written in full, and correctly spelled; your age, and post-office address?

Ans. ———.

Ques. 2. Are you a native of the United States, or have you been naturalized? (See note.)

Ans. ———.

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Ques. 3. When was your house built on the land, and when did you establish actual residence thereon? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)

Ans. ———.

Ques. 4. Of whom does your family consist, and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)

Ans. ———.

Ques. 5. For what period or periods have you been absent from the homestead since making settlement, and for what purpose; and, if temporarily absent, did your family reside upon and cultivate the land during such absence?

Ans. ———.

Ques. 6. How much of the land have you cultivated, and for how many seasons have you raised crops thereon?

Ans. ———.

Ques. 7. Are there any indications of coal, salines, or minerals of any kind on the land? (If so. describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. ———.

Ques. 8. Have you ever made any other homestead entry? (If so, describe the same.)

Ans. ———.

Ques. 9. Have you sold, conveyed, or mortgaged any portion of the land; and, if so, to whom, and for what purpose?

Ans. ———.

——— ———.

I hereby certify that the forgoing testimony was read to the claimant before being subscribed, and was sworn to before me this —— day of ———, 18—.

——— ———,

———.

HOMESTEAD PROOF.

[The testimony of two witnesses, in this form, taken separately, required in each case.]

Testimony of witness.

——— ———, being called as a witness in support of the homestead entry of ——— ——— for ——, testifies as follows:

Ques. 1. What is your occupation and where is your residence?

Ans. ———.

Ques. 2. Have you been well acquainted with ——— ———, the claimant in this case, ever since he made his homestead entry No. ——?

Ans. ———.

Ques. 3. Was claimant qualified to make said entry? (State whether the settler was a citizen of the United States, over the age of twenty-one years, or the head of a family, and whether he ever made a former homestead entry.)

Ans. ———.

Ques. 4. When did claimant settle upon the homestead, and at what date did he establish actual residence thereon? (Describe the dwelling and other improvements, giving total value thereof.)

Ans. ———.

Ques. 5. Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. ———.

Ques. 6. For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. ———.

Ques. 7. How much of the homestead has the settler cultivated, and for how many seasons did he raise crops thereon?

Ans. ———.

Ques. 8. Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. ———.

Ques. 9. Has the claimant mortgaged, sold, or contracted to sell any portion of said homestead?

Ans. ———.

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Ques. 10. Are you interested in this claim, and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. ———.

——— ———.

I hereby certify that the witness is a person of respectability; that the foregoing testimony was read to him before being subscribed, and was sworn to before me this —— day of ———, 18—.

——— ———,

———.

NOTE.—If naturalized, the claimant must file a certified copy of his certificate of naturalization. In a commuted homestead a foreign-born claimant must file a certified copy of his declaration of intention. In making proof the party must surrender his original duplicate receipt or file affidavit of its loss.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

TITLE LXX.—CRIMES.—CH. 4.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter, be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. [See sec. 1750.]

RECEIVER'S FINAL RECEIPT.

The receiver now issues a final receipt, in duplicate, one for claimant, one for the files.

[No. 4–140.]

Receiver's final receipt No. —. Application No. —.

HOMESTEAD.

RECEIVER'S OFFICE ———,
(*Date*) ———, 18—.

Received from ——— ———, of —— county, ——, the sum of —— dollars and —— cents, being the balance of payment required by law for the entry of the —— of section ——, in township ——, of range ——, containing —— acres, under section 2291 of the Revised Statutes of the United States.

——— ———, *Receiver*.

$——.

REGISTER'S FINAL CERTIFICATE.

The register now issues his final certificate, in duplicate, one for the files, one for the claimant. On this certificate patent issues.

[No. 4–196.]

Final certificate No. —. Application No. —.

HOMESTEAD.

LAND OFFICE AT ———,
(*Date*) ———, 18—.

It is hereby certified, pursuant to section 2291, Revised Statutes of the United States, that ——— ———, of —— county, ——, has made payment in full for —— of section No. ——, in township No. ——, of range No. ——, containing —— acres.

Now, therefore, be it known, that on presentation of this certificate to the Commissioner of the General Land Office, the said ——— ——— shall be entitled to a patent for the tract of land above described.

——— ———, *Register*.

The completed case, with all papers, is now transmitted to the General Land Office at Washington for approval and patent.

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PRE-EMPTION FILING CHANGED TO HOMESTEAD ENTRY.

[Under acts of March 3, 1877, and May 27, 1878.]

The claimant in his first homestead affidavit must show the fact of a prior pre-emption filing. He proceeds in other respects as in homestead entries. Time of his actual residence on the land under the pre-emption is credited on his homestead time.

[No. 4–071.]

[To be used in making final proof in cases where pre-emption filings have been changed to homestead entries.]

PRE-EMPTION HOMESTEAD AFFIDAVIT.

I, ——— ———, having changed my pre-emption declaratory statement No. ——, filed the —— day ——, 18—, alleging settlement the —— day of ——, 18—, for the —— section No. ——, in township No. ——, of range No. ——, to homestead entry original No. ——, district of lands subject to entry at ——, under the acts of Congress approved March 3, 1877, and May 27, 1878, do solemnly swear that I have never had the benefit of any right of pre-emption under section 2259 of the Revised Statutes of the United States; that I have not heretofore filed a pre-emption declaratory statement for another tract of land; that I was not the owner of three hundred and twenty acres of land in any State or Territory of the United States at any time during the above-mentioned period of settlement under the pre-emption statutes; that I did not remove from my own land within the State of —— to make the settlement above referred to; nor have I settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to my exclusive use or benefit; and that I did not, during the period of pre-emption settlement above-mentioned, directly or indirectly, make any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which I might acquire from the Government of the United States would inure, in whole or in part, to the benefit of any person except myself.

——— ———.

I, ——— ———, of the land office ——, do hereby certify that the above affidavit was subscribed and sworn to before me this —— day ——, 18—.

——— ———.

ADJOINING HOMESTEADS.

Where an applicant owns a farm containing less than 160 *acres, he may enter public lands sufficient to make his holding equal to* 160 *acres, taking it, of course, in legal subdivisions. No proof of residence on the tract to be purchased is requisite, otherwise the entry proceeds as in a homestead entry.*

[No. 4–066.]

ADJOINING FARM HOMESTEAD.

[See page —.]

Affidavit.

LAND OFFCE AT ———,
(*Date*) ———, 18—.

I, ——— ———, of ——, having filed my application No.——, for an entry under the provisions of the act of Congress approved May 20, 1862, entitled "An act to secure homesteads to actual settlers on the public domain," do solemnly swear that ——— ——— [*here state whether the applicant is the head of a family, or over twenty-one years of age; whether a citizen of the United States, or has filed his declaration of intention of becoming such; or, if under twenty-one years of age, that he has served not less than fourteen days in the Army or Navy of the United States during actual war*]; that said entry is made for my own exclusive benefit, and not directly or indirectly for the benefit or use of any other person or persons whomsoever; neither have I heretofore perfected or abandoned an entry made under this act; that the land embraced in said application No. —— is intended for an adjoining farm homestead; that I now own and reside upon an original farm containing —— acres, *and no more;* that the same comprises the —— of section ——, township ——, range ——, and is contiguous to the tract this day applied for.

——— ———.

Sworn to and subscribed this —— day of ——, before

——— ———,
——— *of the Land Office.*

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[No. 4-067.]

FINAL AFFIDAVIT REQUIRED OF ADJOINING FARM HOMESTEAD CLAIMANTS.

[Section 2291, Revised Statutes.]

I, ——— ———, having made a homestead entry of the —— section No. ——, in township No. ——, of range No. ——, subject to entry at ——, for the use of an adjoining farm owned and occupied by me on the —— of section No. ——, in township No. ——, of range No. ——, under section 2289 of the Revised Statutes, do now apply to perfect my claim thereto by virtue of section 2291 of the same, and for that purpose do solemnly —— that I am a citizen of the United States; that I have continued to own and occupy the land constituting my original farm, having resided thereon since the —— day of ——, 18—, to the present time, and have made use of the said entered tract as a part of my homestead, and have improved the same in the following manner, viz: ——. That no part of said land has been alienated, but that I am the sole *bona fide* owner as an actual settler; that I will bear true allegiance to the Government of the United States; and, further, that I have not heretofore perfected or abandoned an entry under the homestead laws.

——— ———.

I, ——— ———, of the land office at ——, do hereby certify that the above affidavit was taken and subscribed before me this —— day of ——, 18—.

——— ———.

ADDITIONAL HOMESTEADS.

The act of March 3, 1879, provides for an additional allowance of 80 acres adjoining original 80-acre location of a homestead within the limits of any railroad or military road land grant. For procedure, see page 1029, herein.

[No. 4-018.]

ADDITIONAL HOMESTEAD.

[Act of March 3, 1879.]

Application No. —.

LAND OFFICE AT ———,
(*Date*) ———, 18—.

I, ——— ———, of ———, do hereby apply to enter, under the act of March 3, 1879, the —— of section ——, in township ——, of range ——, containing —— acres, as additional to my entry No. ——, for the —— of ——, section ——, in township ——, of range ——.

LAND OFFICE AT ———,
(*Date*) ———, 18—.

I, ——— ———, register of the land office, do hereby certify that the above application is for surveyed lands of the class which the applicant is legally entitled to enter under the act of March 3, 1879, and that there is no prior valid adverse right to the same.

——— ———, *Register.*

[No. 4-086.]

ADDITIONAL HOMESTEAD.

[Act of March 3, 1879.]

Affidavit.

LAND OFFICE AT ———,
(*Date*) ———, 18—.

I, ——— ———, of ——, having filed my *application* No. ——, for an entry under the act of March 3, 1879, do solemnly swear that [*here state whether the applicant is the head of a family, or over twenty-one years of age; whether a citizen of the United States, or has filed his declaration of intention of becoming such; or, if under twenty-one years of age,*

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that he has served not less than fourteen days in the Army or Navy of the United States during actual war]; that said application No. —— is made for my exclusive benefit; and that said entry is made for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever, and that I have not heretofore had the benefit of said act.

——— ———.

Sworn to and subscribed this —— day of ——, before

———, ———,
Register [*or Receiver*].

SOLDIERS' AND SAILORS' HOMESTEADS.

[Under act of June 8, 1872.]

For procedure in full, see pages 1030, 1031, herein.

APPLICATION.

Where the applicant appears in person he files the following soldier's declaratory statement; when filed it is in effect a preference right to a tract of public land, 160 acres, for six months; at the end of six months the party comes forward and makes entry in due form, as hereinafter shown.

FORM A.

[Circular of December 15, 1882.]

SOLDIER'S DECLARATORY STATEMENT.

I, ——— ———, of ——— county and State or Territory of ———, do solemnly swear that I served for a period of ——— in the Army of the United States during the war of the rebellion, and was honorably discharged therefrom, as shown by a statement of such service herewith, and that I have remained loyal to the Government; that I have never made homestead entry or filed a declaratory statement under sections 2290 and 2304 of the Revised Statutes; that I have located as a homestead under said statute the [describe land], and hereby give notice of my intention to claim and enter said tract; that this location is made for my exclusive use and benefit, for the purpose of my actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person. My present post-office address is [give P. O.]

Sworn and subscribed before me this ——— day of ———, 188–.
[SEAL.]

NOTE.—This form may be used where the soldier files his own declaratory statement.

FORM B.

When he files his application by an attorney the following is used:

SOLDIER'S DECLARATORY STATEMENT.

I, ——— ———, of ——— County and State or Territory of ———, do solemnly swear that I served for a period of ——— in the Army of the United States during the war of the rebellion, and was honorably discharged therefrom, as shown by a statement of such service herewith, and that I have remained loyal to the Government; that I have never made homestead entry or filed a declaratory statement under sections 2290, 2304, or 2309 of the Revised Statutes; that I have appointed, by power of attorney, duly executed on the ——— day of ——— (or I do hereby appoint) ———, of ———, County and State of ———, my true and lawful agent, under section 2309 aforesaid, to select for me and in my name, and file my declaratory statement for a homestead right under the aforesaid sections; and I hereby give notice of my intention to claim and enter said tract under said statute; that the location herein authorized is made for my exclusive use and benefit, for the purpose of my actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; that my said attorney has no interest, present or prospective, in the premises,

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and that I have made no arrangement or agreement with him or any other person for any sale or attempted sale or relinquishment of my claim in any manner or for any consideration whatever, and that I have not signed this declaration in blank.

Sworn and subscribed before me this ——— day of ———, 188–, and I certify that the foregoing declaration was fully filled out before being subscribed or attested.

[SEAL.]

By virtue of the foregoing, and of a certain power of attorney therein named, duly executed on the ——— day of ———, and filed herewith, I hereby select the ——— as the homestead claim of ———, the aforesaid, and do solemnly swear that the same is filed in good faith for the purposes therein specified, and that I have no interest or authority in the matter, present or prospective, beyond the filing of the same as the true and lawful agent of the said ———, as provided by section 2309 of the Revised Statutes of the United States.

——— ———,
Agent.

Sworn and subscribed before me this ——— day of ———, 188–.

[SEAL.]

NOTE.—This form may be used where the declaratory statement is filed by an agent under section 2309, Revised Statutes.

NON-MINERAL AFFIDAVIT.

The claimant now files a non-mineral affidavit. (See page 1034 for form.)

APPLICATION.

The claimant here files his application.

Must be filed at end of six months under declaratory statement entry or is used in direct entry by claimant (see pages ——), as in other homestead entries.

[Soldiers' and sailors' homesteads under act June 8, 1872.]

HOMESTEAD APPLICATION.

Application No. —.

LAND OFFICE AT ———,
———, —, 187–.

I, ——— ———, of ———, do hereby apply to enter, under the provisions of section 2304, Revised Statutes United States, the ——— of section —, in township —, of range —, containing ——— acres, and for which I filed my declaration on the —— day of ———, 187–, through ——— ———, my duly-appointed agent.

——— ———.

LAND OFFICE AT ———,
———, —, 187–.

I, ——— ———, register of the land office, do hereby certify that ——— ——— filed the above application at this office on the —— day of ———, 187–, and that he has taken the oath and paid the fees and commissions prescribed by law.

——— ———,
Register.

AFFIDAVIT OF CLAIMANT.

Claimant files the following:

[No. 4–065.]

[Soldiers' and sailors' homesteads under act June 8, 1872.]

Affidavit.

No. —.] LAND OFFICE AT ———,
———, —, 187–.

I, ——— ———, of ———, do solemnly swear that I am a ——— of the age of twenty-one years and a citizen of the United States; that I served for ninety days in Company —, ——— Regiment United States Volunteers; that I was mustered into the

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United States military service the —— day of ———, 18—, and was honorably discharged therefrom on the —— day of ———, 18—; that I have since borne true allegiance to the Government; and that I have made my application No. — to enter a tract of land under the provisions of section 2304 of the Revised Statutes of the United States, giving homesteads to honorably discharged soldiers and sailors, their widows and orphan children; that I have made said application in good faith; and that I take said homestead for the purpose of actual settlement and cultivation, and for my own exclusive use and benefit, and for the use and benefit of no other person or persons whomsoever; and that I have not heretofore acquired a title to a tract of land under this or the original homestead law, approved May 20, 1862, or the amendments thereto, or voluntarily relinquished, or abandoned, an entry heretofore made under said acts: So help me God.

——— ———.

Sworn and subscribed to before me, ——— ———, register of the land office at ———, this —— day of ———, 187–.

——— ———,
Register.

———

RECEIVER'S RECEIPT AND EXCESS RECEIPT.

The receiver then issues the regular homestead receipt on page 1035, and excess receipt, if any there be, noting the character of the entry on their face.

FINAL ENTRY OF SOLDIERS' AND SAILORS' HOMESTEAD.

The procedure is the same as in homesteads, except as to time of settlement. The time of service of the party in the Army or Navy is deducted from the five years required, but the law requires an actual residence and cultivation of at least one year after improvements are commenced.

SOLDIERS' AND SAILORS' ADDITIONAL HOMESTEAD ENTRIES.

For procedure, see page 1030.

Where a soldier or sailor, or other person entitled, who prior to June 22, 1874, made a homestead entry containing less than 160 acres, under section 2306, Revised Statutes, such person may enter public land sufficient to make, with the prior entry, 160 acres.

The application *must be presented* at the *district land office by applicant in person.*

[No. 4–008.]

SOLDIERS' ADDITIONAL HOMESTEAD ENTRY.

[Under section 2306 of the Revised Statutes of the United States.]

APPLICATION.

No. ——.

Must be sworn and subscribed to before the register or receiver, or in their presence.

LAND OFFICE AT ———,
(*Date*) ———, 18—.

I, ——— ———, of ——— county, State of ——, being entitled to the benefits of section 2306 of the Revised Statutes of the United States, granting additional lands to soldiers and sailors who served in the war of the rebellion, do hereby apply to enter the —— of section ——, of township ——, of range ——, containing —— acres, as additional to my original homestead on the —— of section ——, of township ——, of range ——, containing —— acres, which I entered ——, 18—, per homestead No. ——.

——— ———.

LAND OFFICE AT ———,
(*Date*) ———, 18—.

I, ——— ———, register of the land office at ——, do hereby certify that ——— ——— filed the above application before me for the tract of land therein described, and that he has paid the fee and commissions prescribed by law.

——— ———, *Register.*

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RECEIVER'S RECEIPT.

[See forms (4-137 and No. 4-138) page 1035.]

The receiver here issues, in duplicate, his receipts for fees and commissions paid, the same as in original homestead entry, marking the character of the entry on the face of the papers.

SPECIAL AFFIDAVIT REQUIRED OF CLAIMANT.

See page 1021 for necessary showing to be made in a special affidavit in each case, to be made in the presence of the register or receiver.

RECEIVER'S FINAL RECEIPT.

The receiver here issues in duplicate a final receipt. See form [No. 4-140], page 1040, herein.

REGISTER'S CERTIFICATE.

Issued in duplicate.

[No. 4-197.]

SOLDIERS' ADDITIONAL HOMESTEAD ENTRY.

[Under section 2306 of the Revised Statutes of the United States.]

Final certificate No. —. Application No. —.

LAND OFFICE AT ——,
(*Date*) ——, 18—.

It is hereby certified that, pursuant to the provisions of section 2306 of the Revised Statutes of the United States, —— —— has paid the fee and commissions, and made entry of the —— of section——, of township ——, of range ——, containing —— acres, which, added to the quantity embraced in his original homestead No. ——, on which he made his final proof, as per certificate No. ——, does not exceed 160 acres.

Now, therefore, be it known that, on presentation of this certificate to the Commissioner of the General Land Office, the said —— —— shall be entitled to a patent for the tract of land above described.

—— ——, *Register.*

INDIAN HOMESTEADS.

[See page 1032.]

Cannot be commuted by cash payments for land as in other homesteads.

The procedure in this class of entries is the same, from inception until issue of certificate of patent, as in Homestead Entries, page —, with the addition of the two following forms, which are filed at the time of making application:

[No. 4-079.]

INDIAN HOMESTEAD.

[Under act of March 3, 1875.]

Affidavit.

I, —— ——, of ——, having filed my application No. —— for an entry under the provisions of the act of Congress of March 3, 1875, do solemnly swear that I am an Indian, formerly of the —— tribe; that I was born in the United States; that I

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have abandoned my relations with that tribe and adopted the habits and pursuits of civilized life [*here state whether the applicant is twenty-one years of age, or the head of a family*]; that I desire said land for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever; and that I have not heretofore had the benefit of said act.

——— ———.

Sworn and subscribed before me this —— day of ——, 18—.

———, ———,
Register [*or Receiver*].

[No. 4-077.]

INDIAN HOMESTEAD.

[Under act March 3, 1875.]

Corroborative affidavit.

——— ——— and ——— ——— do solemnly swear that we are well acquainted with ——— ———, and know that he is an Indian, formerly of the —— tribe; that he was born in the United States; that he has abandoned his relations with that tribe, and adopted the habits and pursuits of civilized life [*here state that he is twenty-one years of age, or, if not, that he is the head of a family*].

——— ———.
——— ———.

Sworn to and subscribed before me this —— day of ——, 18—.

——— ———.

In all cases the papers, when entry is completed, are transmitted to the General Land Office at Washington, D. C., for approval and patent.

TIMBER AND STONE ACT.

[See Chapter XXVIII, pages 357 to 359, and 1285.]

The law for sale of timber applies only to public lands in California, Oregon, Nevada, and Washington Territory.

TO JUNE 30, 1882.

From June 3, 1878, the date of the act, to June 30, 1882, 159,008,041 acres of timber and stone land have been sold.

PREVENTION OF DEPREDATIONS ON THE PUBLIC TIMBER.

The reports of the Commissioner of the General Land Office for the years 1881 and 1882 contain much important information as to the operation of this law and as to "depredations on the timber on the public domain." In his report for 1881 he says:

At the beginning of the past fiscal year [July 1, 1880] there were engaged in the work of suppressing depredations upon the public timber lands fifteen special timber agents, distributed in the various public-land States and Territories. At the close of said year there were in the employ of this office seventeen agents, of whom three were assigned to duty in Alabama, Florida, Louisiana, and Mississippi, one in Arkansas, one in California, one in Dakota, two in Michigan, two in Minnesota, one in Missouri, three in New Mexico and Arizona, one in Oregon and Washington Territory, one in Wisconsin, one in Wyoming, Utah, and Colorado. In Idaho, Montana, and Nevada the local land officers give some attention to the suppressing of timber depredations within their respective land districts.

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Here follows a detailed statement of the operations of the agents in the several land districts for the year 1881. The results of the year's work are shown by the following:

RECAPITULATION FOR 1881.

	Number.	Valuation on ground.
Trespass cases reported during fiscal year involving material, timber, unlawfully cut and removed from the public lands, as follows:	322	
Logs	21,536	$8,614 00
Sticks of square timber	2,485	24,850 00
Telegraph poles	14,080	3,520 00
Posts	17,770	1,777 00
Trees	6,719	2,687 00
Cords of wood	128,394	64,197 00
Railroad ties	142,058	4,261 00
Hop-poles	40,000	490 00
Cords of bark	100	500 00
Lumber manufactured—board measure—feet	79,936,637	79,935 00
Land on which trees were boxed for turpentine, acres, damages	22,845	17,186 00
Logs reported seized and held by United States	10,500	4,200 00
Telegraph poles reported seized and held by United States	1,900	475 00
Sticks of timber, square, reported seized and held by United States	1,287	12,870 00
Total value of timber cut, removed, or damaged		225,472 00
Propositions received for settlement in trespass cases during fiscal year	87	
Involving stumpage amounting to		27,946 00
Involving purchase of 27,848.32 acres land, amounting, at $1.25 per acre, to		34,810 00
Total valuation included in propositions		62,756 00

Amount paid into the United States Treasury on account of timber depredations during the past fiscal year, through the United States courts, on judgments and compromises	$31,584 69
Amount paid in to the receivers of public money on account of settlement of trespass cases, authorized by the Secretary of the Interior, where no suit was pending, including stumpage, amount received on land entered under act of June 15, 1880, and costs	10,095 28
Total paid in	41,679 97
Amount appropriated by Congress under act of June 16, 1880, "to meet expenses of protecting timber on public lands"	40,000 00
Balance in favor of the Government over appropriation	1,679 97

The Commissioner says:

The foregoing table, while showing amount paid in on account of fines and penalties for timber depredations for the fiscal year to be in excess of the appropriation made for the protection of the timber lands, does not present the actual excess. As above stated, there have been eighty-seven propositions for compromise accepted to the amount of $62,756, and authority given to settle. But the receivers of public money, owing to the late date at which they received this authority, have settled and reported only a few of the cases, amounting, as shown, to $10,095.28, leaving as a balance still due on compromise trespass cases for the year the sum of $52,661, which sum is properly a credit, and should be added to balance shown in table above, making the actual amount in favor of Government over amount appropriated, $54,340.97.

TIMBER DEPREDATIONS FOR 1882.

The General Land Office furnishes the following result of operations of its timber agents for the year ending June 30, 1882:

Recapitulation for 1882.

Number of cases investigated and reported during fiscal year ending June 30, 1882		817
Number of criminal suits instituted	137	
Number of civil suits instituted	152	
Number of propositions of settlement received and acted upon	110	
Number of cases now awaiting further investigation and final action	418	
Total		817

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Statement showing value involved in civil suits instituted, amount accepted on propositions of settlement, and amount involved in cases now under investigation, which presents in brief the amount and value of work performed by the special timber agents of this office during the fiscal year.

Estimated value on ground (stumpage) of timber, lumber, &c., involved in civil suits	$160,583 86
Value of timber, lumber, &c., involved in accepted propositions of settlement	51,668 84
Estimated value on ground (stumpage) of timber, lumber, &c., involved in cases reported and now under further investigation	298,816 78
Total	511,069 48

Statement showing amount involved and accepted on account of propositions of settlement of trespass cases, in which no suits have been instituted; also, presenting amount of money paid in through receivers of public moneys, and amount still due on accepted propositions of settlement.

Total amount involved in accepted propositions of settlement	$51,668 84
Total amount paid in to receivers of public moneys	14,511 67
Balance due	37,157 17

Statement showing amount involved in civil suits instituted, and amounts collected on same through the courts.

Total amount involved in civil suits instituted	$160,583 86
Total amount collected and paid into court on account of suits in trespass cases	24,071 60
Balance to be collected	136,512 26

Statement showing amount and kind of timber, lumber, and other material involved in the 817 *cases investigated and reported to this office during the fiscal year; also, showing the stumpage and market values of the same.*

Number of feet of timber	222,734,583
Number of railroad ties	2,434,525
Number of trees	9,685
Number of logs	176,799
Number of poles	12,475
Number of sticks of square timber	1,926
Number of cords of bark	650
Number of posts	11,050
Number of hop poles	20,000
Number of shingles	575,000
Number of cords of wood	79,139
Number of sugar pine shakes	1,100,000
Number of pickets	65,000
Number of acres of land trespassed upon (amount of timber not given)	60,960
The estimated market value of material described in above statement	$2,044,277 92
Estimated stumpage value of same	511,069 48

Statement showing total amount paid through the courts in civil cases on account of judgments rendered in trespass cases, amount received on account of propositions of settlement submitted and accepted, and amount paid in to receivers of public moneys on account of lands entered under the act of June 15, 1880; *also, showing amount still due on account of propositions of settlement accepted during the fiscal year.*

Amount paid through the courts in civil cases	$24,071 60
Amount paid in to receivers of public moneys on account of settlements made, no suits pending	14,511 67
Amount paid in to receivers of public moneys on account of lands entered under act of June 15, 1880	1,625 00
Amount still due on account of propositions of settlement submitted and accepted during the year	37,157 17
Total	77,365 44

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Statement showing amount of appropriation made for the fiscal year ending June 30, 1882, for the suppression of timber depredations.

Amount appropriated for fiscal year 1882	$40,000 00
Balance in favor of Government	37,365 44

The Commissioner says:

The foregoing tables present as nearly as possible the results attained by this office in its efforts to suppress depredations upon the public timber lands, showing amount and value of the material destroyed, and the amount collected on account of such trespasses.

I am, however, unable to give amount collected through the courts on account of fines and penalties in criminal cases, as the same are not returned to the Department of Justice under the head of "timber depredations," but are included in the general report of moneys collected as "fines and penalties."

TIMBER DEPREDATIONS—REMEDY FOR.

Mr. Commissioner McFarland states the necessity for protection of the public timber so forcibly, and makes such practical recommendations for the future in his reports for 1881 and 1882, that they are here given in detail.

RESULT OF THE AGENTS' WORK.

To properly extend the protection necessary in guarding the valuable timber lands of the United States from future devastation and wanton destruction would require more than double the number of agents now in the field. That the present force has been very effective, a careful investigation of the work performed by them during the past year will, I believe, be most convincing.

The results attained are satisfactory, both in a financial sense and in the salutary effect which the detection and punishment of well-known offenders has had upon the communities in which they reside, by warning others that the public property must be respected, and that its removal for private gain is a crime, and will be treated as such.

It has had the further effect of convincing persons engaged in legitimate and honest business enterprise that they would be protected against vicious and unlawful competition from those whose material heretofore has been unlawfully obtained.

CHANGE OF SENTIMENT AS TO DEPREDATIONS.

The special agents report that, in many localities which have heretofore been hostile to them in the performance of their duties, there at present seems to be a general feeling in favor of the suppression of further depredations; that it is now much easier to obtain information regarding trespassers and their unlawful acts than formerly, when the community seemed leagued together for mutual protection against the officers of the Government. They also report that the change is not brought about so much by fear of the law as by the fact that the genuine and bona-fide settlers and residents recognize the vast injury done their respective sections in the denuding the country of its valuable timber, and that the benefit derived from many of the present lumbering operations is but temporary and trifling in comparison with the future advantages that must accrue to them by a judicious system of protection to the timber lands, which, in many sections of the country, constitute the only natural wealth.

I may be permitted in this connection to express the opinion that much credit is due to the special agents, as a body, for the manner in which they have performed their duties, and that, while fully caring for the interests of the Government, they have avoided everything that could be construed as having the semblance of persecution.

EXTENT AND LOCATION OF DEPREDATIONS.

It will be seen by the foregoing report presented of depredations in each public-land State and Territory that, while a general system of depredating upon the public lands has been carried on throughout the country, the most extensive trespassing has been committed in the States of Florida, Alabama, Mississippi, Louisiana, Michigan, Wisconsin, and Colorado, and the Territories of New Mexico, Dakota, and Washington.

The Gulf States, with their vast forests of live-oak and pine, their convenient and accessible harbors for shipment, the numerous streams, lakes, and lagoons that offer so cheap and convenient a means of transportation to a market or mill, have for years

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been infested with a class of non-residents who have plundered the public lands in these States to an extent generally unknown. For years there have been shipped to various parts of the world immense quantities of the finest and most valuable ship timber. So extensive and bold have these depredations become that the naval reserve lands, though guarded by resident agents, were invaded and timber cut and carried away.

In addition to the mill-owner, timber contractor, and speculator, there is another class of depredators whose operations are even more extensive and destructive; they are the turpentine distillers. To obtain the crude material to supply their works, it is no uncommon thing for one of these operators to have the trees boxed on from one thousand to ten thousand acres. When it is known that the trees will only endure boxing for about five consecutive years before dying, it will be seen that a trespass of this character is most destructive.

The yet large areas of public lands in Michigan and Wisconsin have also been the field of perhaps the most extensive trespassing in the country. While many of the large lumber companies have manufactured a portion of their products from timber growing on purchased lands, it is a well-established fact that millions of feet of lumber, thousands of railroad ties, telegraph poles, cords of wood and bark have been taken from the public lands. In many places the land has been stripped of both trees and undergrowth. These States have furnished much of the building material that has supplied for years the great demand from the growing Western States. New Mexico and Colorado have but recently become the field of the timber depredators.

DEPREDATIONS BY RAILROADS.

Attention is also called to the fact that large quantities of timber, especially in New Mexico, are being cut from the public lands of the United States, and from unconfirmed private grants, for delivery under contract to railroads now being constructed in the Republic of Mexico; notably the Mexican Central. This company openly advertises in the press of New Mexico for railroad ties and telegraph poles to be delivered to its agents at El Paso, Mexico. It is also a well-known fact that much of this material is delivered on the line of the Atchison, Topeka and Santa Fé Railroad, to be transported by it to the said point of delivery, all of which is contrary to law.

INDIVIDUAL DEPREDATORS.

There is still another class of depredators who, under shadow of title, strip the timber from a certain section of country or tract of land by making what they claim to be a desert-land entry. They make the first payment as required by law; sink a well or two, in the mean time cutting and removing what timber or wood there is, and then they abandon the entry. Another great source of loss and destruction of timber, especially in Colorado, is the extensive fires that break out in the mountain ranges, sweeping away vast quantities of growing timber. While, perhaps, these cannot be entirely prevented, they might be measurably reduced, if, when the fire was wantonly set, the offender could be punished. The timber act of June 3, 1878, applying to Colorado, &c., makes no provision for this offense, and in the absence of any legal penalty therefor the offender, if detected, cannot be reached.

FLUME MEN AND MILL-OWNERS.

Washington and Dakota Territories are also the field of extensive depredations. Those committed in the first-named Territory have been mostly committed by mill-owners and flume companies. In and around Puget Sound, which is famous for its magnificent timber, large saw-mills have been erected for the manufacture of lumber, most of which is shipped out of the country for a market. The owners and managers of most of these mills reside in San Francisco, and have been engaged in the lumber business for many years. The greater proportion of all the lumber cut for these mills has come from the public lands, and many of these depredations amount to millions of feet.

The flumes are generally for the driving of logs and lumber, which in most instances have been taken from the public lands. Mills are also being erected at many points where the owners can depend upon the public timber for their supply of logs.

NECESSITY FOR NEW TIMBER LAWS.

In his report for 1882, the hononorable Commissioner continues:

While much has been accomplished in the direction of suppressing the unlawful cutting and removing of timber from the public lands, I am of the opinion that better results can be obtained in the future; particularly so if some general and comprehensive law could be passed clearly defining who may take timber from the public lands,

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the purposes for which it may be cut and removed, and prescribing the punishment for unlawfully cutting, removing, or in any way wantonly destroying or injuring any timber growing or being upon any of the public lands, or in any way causing or inciting such trespass. Such law should also establish the terms and conditions upon which any compromise or settlement should be authorized. A law of this nature would be more generally understood and comprehended than the several different enactments relating to this subject now in force, and could be more easily and evenly administered.*

THE RESULT OF THE TIMBER AND STONE ACT TO JUNE 30, 1882.

[See page 1288.]

Sales of timber and stone lands under act of June 3, 1878, *from the date of act to June* 30, 1882.

State or Territory.	1879.	1880.	1881.	1882.	Aggregate.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*
California	486.49	10,402.79	20,839.97	39,891.57	71,620.82
Oregon	277.02	2,568.52	5,544.55	3,811.51	12,201.60
Nevada	.....	2,249.46	168.10	.....	2,417.56
Washington	.....	4,798.49	16,436.00	51,533.94	72,768.43
	763.51	20,019.26	42,988.62	95,237.02	159,008.41

UNITED STATES SPECIAL TIMBER AGENTS.

Special agents of the General Land Office for prevention of timber depredations on the public lands, September 13, 1833.

[Thirty-eight in number, appointed by the Secretary of the Interior.]

Special agents for timber depredations.	Whence appointed.	Date of original appointment.	Date of present appointment.	Present legal residence.		Compensation.
				State.	Cong. Dist.	
†John M. Dunn	Del	July 29, 1880	April 5, 1883	Del	.....	$1,800
†Thomas F. Shoemaker	N. Y	May 4, 1882	May 4, 1882	N. Y	29th	1,400
John Truan	Colo	Sept. 23, 1882	Sept. 23, 1882	Colo	.....	1,400
William F. Prosser	Tenn	March 20, 1879	Dec. 1, 1882	Tenn	6th	1,400
Thomas Harlan	Iowa	May 10, 1881	Dec. 1, 1882	Iowa	1st	1,400
Lemuel Shields	Mo	May 13, 1881	Dec. 1, 1882	Mo	1st	1,400
Milton Peden	Ind	May 16, 1882	Dec. 1, 1882	Ind	6th	1,400
William Roy	La	June 10, 1882	Dec. 1, 1882	La	2d	1,400
William M. Clark	Colo	Dec. 13, 1882	April 18, 1883	Colo	.....	1,400
Isaac N. Wilcoxen	N. Y	May 9, 1883	May 9, 1883	N. Y	.....	1,400
John H. Welch	Mich	April 18, 1879	May 21, 1883	Mich	5th	1,400
Edward W. Wynkoop	Pa	March 23, 1882	May 21, 1883	Pa	14th	1,400
Luther S. Howlett	Ky	May 21, 1883	May 21, 1883	Ky	5th	1,400
W. Scott Smith	N. Y	Aug. 1, 1883	Aug. 1, 1883	N. Y	.....	1,400
Charles S. Martin	Kans	Aug. 10, 1883	Aug. 10, 1883	Kans	3d	1,400
Don A. Dodge	Mich	Dec. 15, 1880	Jan. 24, 1882	Mich	5th	1,200
James Tullis	Ind	Sept. 15, 1882	Sept. 15, 1882	Ind	9th	1,200
Prosper A. Smith	Nebr	Sept. 16, 1882	Sept. 16, 1882	Nebr	1st	1,200
Charles T. Menzel	Colo	Sept. 25, 1882	Sept. 25, 1882	Colo	.....	1,200
Darwin J. Chadwick	Colo	Oct. 4, 1882	Oct. 4, 1882	Colo	.....	1,200
William H. Green	Colo	Dec. 16, 1882	Dec. 16, 1882	Colo	.....	1,200
Hernando D. Wood	Ala	Aug. 10, 1882	Jan. 29, 1883	Ala	8th	1,200
Eli A. Warren	Tenn	Feb. 1, 1883	Feb. 1, 1883	Tenn	1st	1,200
James B. Thomas	Ariz	March 10, 1883	March 10, 1883	Ariz	.....	1,200
Thomas Burnside	Pa	March 16, 1883	March 16, 1883	Pa	20th	1,200
Edward Outhwaite	Wis	March 19, 1883	March 19, 1883	Wis	9th	1,200
L. W. Allum	Cal	April 23, 1883	April 23, 1883	Cal	2d	1,200
Webster Eaton	Nebr	May 21, 1883	May 21, 1883	Nebr	1st	1,200
William H. Goucher	Colo	May 29, 1883	May 29, 1883	Colo	.....	1,200
Frank Markle	Wis	May 31, 1883	May 31, 1883	Wis	2d	1,200
Charles L. Kelsey	Ark	June 1, 1883	June 1, 1883	Ark	3d	1,200
George W. Story	N. Y	June 1, 1883	June 1, 1883	N. Y	7th	1,200
Henderson Ritchie	Kans	June 2, 1883	June 2, 1883	Kans	3d	1,200
Henry C. De Ahna, sr	D. C	Oct. 26, 1882	June 6, 1883	D. C	.....	1,200
Edward W. Oyster	Pa	June 6, 1883	June 6, 1883	Pa	14th	1,200
Warren F. Travis	Tenn	March 14, 1881	June 13, 1883	Tenn	8th	1,200
John W. Hall	D. C	July 6, 1883	July 6, 1883	D. C	.....	1,200
A. M. Randall	D. C	.....	Sept. 1, 1883	D. C	.....	1,200

*Page 687. † Army or Navy.

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To accompany "Public Domain." *By Thomas Donaldson.*

Map, showing (approximately) the timber lands of the public domain now in charge of the General Land Office, and over which its special timber agents have jurisdiction. The color in depth indicating in a measure the density of the timber growth. No estimate of quantity can be given or the exact locality be indicated in many of the States or Territories of the remaining public timber lands, as, for instance, in Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Minnesota, Wisconsin or Michigan; an enormous area, however, in these divisions, is yet the property of the Nation.

Tennessee, Ohio, Indiana, Illinois and Iowa, are left blank, as almost all of the public lands have been disposed of therein, and no timber of moment being on any of the remaining lands.

Indian Territory is indicated, but its area is not public lands in the sense of sale or disposition. The special timber agents work here, however, and prevent trespass or depredation.

The area estimated as remaining June 30th, 1883, was about seventy-three millions of acres, a large area of this will, by comparison with the "Precious Metal" map, page 979, be found to be on the surface, and above most of the gold, silver, and cinnabar lands of the public domain. This estimate of timber area is exclusive of Alaska, whose timber area, of large extent, is still the property of the Nation, no public land laws having been as yet extended over it.

Base Map from Mitchells Series of Geographies published by E. H. Butler & Co. Philadelphia.

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AREA OF TIMBER LANDS REMAINING.

For extent and area of timber lands on the public domain, and over which the special timber agents have jurisdiction, subject to the General Land Office and the Department of the Interior, see map facing this page. Area estimated remaining June 30, 1883, 75,000,000 acres, and December 1, 1883, 73,000,000.

INSTRUCTIONS TO SPECIAL AGENTS OF THE GENERAL LAND OFFICE APPOINTED TO PREVENT TIMBER DEPREDATIONS UPON GOVERNMENT LANDS AND TO PROTECT THE PUBLIC TIMBER FROM WASTE AND DESTRUCTION.

IN EFFECT DECEMBER 1, 1883.

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DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 1, 1883.

The following instructions to special timber agents and the rules and regulations contained herein are hereby prescribed by this office, and all special timber agents of this office will hereafter be governed by and comply with the same.

All previous instructions and rules and regulations prescribed by this office in conflict herewith are rescinded.

N. C. McFARLAND,
Commissioner.

DEPARTMENT OF THE INTERIOR,
June 1, 1883.

Approved.

H. M. TELLER,
Secretary.

INSTRUCTIONS TO SPECIAL TIMBER AGENTS.

DESIGNATION OF SPECIAL AGENTS.

1. Special agents of the General Land Office, Interior Department, appointed to prevent depredations upon the public timber and to protect the same from waste and destruction will hereafter be designated as "special timber agents."

QUALIFICATIONS OF SPECIAL TIMBER AGENTS.

2. A special timber agent must, in order to render intelligent and effective service, have a thorough understanding as to the object sought to be accomplished in protecting the timber growing upon Government land; the classes of lands upon which the timber needs protecting, or upon which timber depredations are liable to be committed; what persons are authorized or permitted to fell or remove timber therefrom, to what extent and for what purpose; what constitutes a timber trespass upon Government land; what penalties are attached to such trespass, and what are the duties of a special timber agent in the premises.

To this end the following directions and instructions are issued. For ready reference they have been arranged under several headings, and the paragraphs under each heading numbered.

Special timber agents are expected to study these instructions closely and carefully until they have thoroughly familiarized themselves with the nature of the duties devolving upon them.

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OBJECT OF PROTECTING TIMBER UPON GOVERNMENT LAND.

3. The object of the Government in endeavoring to prevent the waste and destruction of public timber is, primarily, to preserve it for the wants of future generations—having, of course, due regard for the requirements of the present. The result of the destruction of forests in permitting a more rapid melting of the snows in spring than would occur in the same region if well sheltered, and in decreasing the capacity of the soil to retain moisture after rains—in both cases increasing the liability to sudden and devastating floods, not only in the denuded sections, but sometimes hundreds of miles distant—also the well-established climatic influence of such destruction in diminishing the annual rainfall, to the serious detriment of regions already subject to frequent droughts, are other reasons which render the preservation of the public timber a matter of vital importance not only to the agricultural but to many other extensive interests.

CLASSES OF GOVERNMENT LAND.

4. Government land embraces all land the title of which is in the Government; and for the present purpose may be divided into four classes:

1st. Vacant unoccupied public land;

2d. Land covered by homestead, pre-emption, or other entry, upon which the claimant has not so fulfilled his obligations under the law as to entitle him to patent;

3d. Mineral lands;

4th. Military, naval, Indian, and other Government reservations.

VACANT PUBLIC LAND.

5. All unoccupied lands of the United States to which no valid claim has attached, and which are subject to homestead, pre-emption, or other entry, or which can be sold or otherwise disposed of by the United States, are vacant public lands.

6. From such lands, if not mineral in character (see "Mineral lands" below), no person or persons can lawfully fell or remove any timber, except right of way railroad companies for certain purposes, and under certain conditions.

(See "Right of railroad companies to take timber from public land," page 1059.)

LANDS COVERED BY HOMESTEAD OR PRE-EMPTION ENTRY.

7. Lands covered by homestead or pre-emption claims are lands upon which citizens of the United States have made entry, and have filed certain papers in the proper district land office, obligating themselves to conform to the requirements of the law as to occupancy, cultivation, and improvement.

8. The claimant to any such land, provided he is living upon, cultivating, and improving the same in accordance with law and the rules and regulations prescribed by this Department, is permitted to cut and remove, or cause to be cut and removed, from the portion thereof to be cleared for cultivation, so much timber as is actually necessary for that purpose, or for buildings, fences, and other improvements on the land entered.

9. In clearing for cultivation, should there be a surplus of timber over what is needed for the purposes above specified, he may sell or dispose of such surplus; but it is not allowable for him to denude the land of its timber for the purpose of sale or speculation until he has made final proof and acquired title. (See Decisions 3, 4, and 5, appendix, page 1075.)

10. Where the facts justify the conclusion that the person has made his entry in good faith, and is cultivating and improving the land with the purpose of making it his home, the agent need not consider it his duty to report every deviation from the preceding rule. But where the person does not make the land his actual residence, and cultivate and improve the same, or where the value of the timber cut and removed is greatly in excess of the improvements, or where other facts afford a strong presumption that the entry was not made in good faith, but solely for the purpose of denuding the land of its timber, the case should be at once reported to this office.

11. No person other than the one making the entry has a right to cut timber from such land for any purpose whatever.

MINERAL LANDS.

12. Mineral lands are those which are more valuable for the mineral therein than for agricultural purposes or for the timber thereon.

13. The right to take timber from mineral lands for building, agricultural, mining, or other domestic purposes is specially provided for under act of Congress approved June 3, 1878, as follows:

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"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all citizens of the United States and other persons, *bona fide* residents of the State of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time *bona fide* residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, The provisions of this act shall not extend to railroad corporations.

"SEC. 2. That it shall be the duty of the register and the receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts.

"SEC. 3. Any person or persons who shall violate the provisions of this act, or any rules or regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months."

14. Rules and regulations under the preceding act have been prescribed by this Department under dates of August 16, 1878 (see page 1071), July 1, 1880, and July 1, 1882; but those of the two earlier dates are no longer in full force, the one having been revoked and the other modified by that of the last-named date, which is as follows:

"The rules and regulations heretofore prescribed by this Department under act of Congress approved June 3, 1878, entitled 'An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber from the public domain for mining and domestic purposes,' are hereby modified as follows:

"All citizens and *bona fide* residents of the States and Territories mentioned therein are authorized to fell and remove, or employ others to fell and remove, or to purchase from others who fell and remove, any timber growing or being upon the public mineral lands in said States or Territories: *Provided*,

"1. That the same is not for export from the State or Territory where cut.

"2. That no timber less than eight inches in diameter is cut or removed.

"3. That it is not wantonly wasted or destroyed.*

* * * * * * *

"As the rules and regulations in relation to the cutting and removing of timber from the public mineral lands are modified as hereinbefore stated, all agents and officers of this Department are hereby instructed that in reporting cases of alleged trespass they will be governed in their report upon the mineral or non-mineral character of the land by the following general rule:

"Where the lands are situated in districts of country that are mountainous, interspersed with gulches and narrow valleys, and minerals are known to exist at different points therein, such lands, in the absence of proof to the contrary, will be held to be mineral in character; but where there are extensive valleys, plains, or mountain ranges, and no known minerals exist, the land may be considered and treated as non-mineral.

"Said agents and officers are further instructed that hereafter, in forwarding reports in cases of timber trespass, a simple statement to the effect that the lands in question are mineral or non-mineral in character will not be regarded by this office as sufficient proof; evidence establishing that fact must in all cases accompany and form a part of said report.

"In investigating cases of timber trespass in *mineral* districts said agents and officers will be careful hereafter to report only those cases in which there has been a violation of the rules and regulations above specified.

"All rules and regulations heretofore prescribed by this Department in cases of timber trespass upon public lands *non*-mineral in character remain in force.

"All rules and regulations or instructions heretofore prescribed under said act of June 3, 1878, by this Department inconsistent with the provisions contained in this circular are hereby rescinded."

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* The portion of the circular here omitted related to the right of railroad companies to take timber and has been amended by office circular of March 3, 1883 (approved March 5, 1883). See "Right of railroad companies to take timber," page 1059.

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15. The following portion of the circular issued by this office under date of September 19, 1882 (approved September 21, 1882), applies also to the cutting and removal of timber from public mineral lands authorized by said act of June 3, 1878:

"One of the most dangerous elements to contend with in case of forest fires, and one of the principal auxiliaries to the spread of the same, is the dry tops of trees which parties leave upon the ground after having cut and removed the timber for saw logs and other purposes. When the tree tops can be profitably cut into wood, the person cutting such trees on public land—when such cutting is authorized by law—must cut the tops into wood, or at least cut up and pile the brush in such manner as to prevent the spread of fires.

"A failure on the part of woodsmen to utilize all of the tree that can profitably be used, and to take reasonable precaution to prevent the spread of fires, will be regarded by this office as wanton waste, and subject them to prosecution for wanton waste and destruction of public timber."

16. Non-residents of a mineral district are not authorized, under any circumstances, to fell or remove timber from public mineral lands in said district, except for use in such purposes.

17. Railroad companies are prohibited from the privileges granted in said act; that is, they cannot take timber from public mineral lands for buildings, fuel, &c.; but are not prohibited from taking timber from such lands for construction purposes, as authorized under act of March 3, 1875.

18. Special attention is called to the fact that the authority granted in said act of June 3, 1878, applies exclusively to lands which are strictly mineral in character and subject to mineral entry only. The evidence must be positive that such lands are more valuable for the mineral thereon than for any other purpose, and that they are not suitable for agricultural purposes or cultivation, or valuable solely for the timber thereon.

19. Every report of an alleged depredation upon public land in a mineral district must be accompanied by affidavits from two entirely disinterested and responsible persons as to the mineral or non-mineral character of the land. (See Forms No. 11 and 12, page 1081.)

20. The object of the Department in providing that such timber shall not be exported is, to protect the settlers in sparsely timbered districts from being deprived of the timber necessary for their domestic uses. It is not, however, the intent of the Department to strictly enforce a technical prohibition in cases where the interests of the settlers in the districts from which timber is cut and removed are not injuriously affected thereby.

21. The removing of timber or lumber from one State or Territory across the line into an adjoining State or Territory, but not out of the same general district or section of country, is not such exportation as it is intended to prohibit.

22. In investigating cases of alleged export, special timber agents must examine carefully into all the facts, and report in full, especially as to the manner in which the settlers and residents of the district from which the timber is cut and removed are affected thereby.

23. The object of the Department in prohibiting the cutting or removing of trees less than eight inches in diameter is the preservation of the young timber and undergrowth, so as to provide a supply for the future, when such trees shall have matured. But it is not the intention to prohibit the cutting or removal of any full-grown tree belonging to a species which, *when mature*, does not exceed eight inches in diameter, or of any mature tree; nor of trees of any description, even if less than eight inches of diameter, if it can be shown that there were no other trees in that vicinity. Therefore in investigating cases of alleged trespass where the trees cut or removed are of less than the prescribed size, the agent must ascertain and report the species of tree so cut or removed, the average size which trees of that species attain in that section of country, and whether the trees cut and removed were growing trees, or trees of mature growth, whether the trees in that vicinity generally are less than eight inches in diameter, and all other facts necessary to be known to enable this office to determine whether the cutting was that of *mature* trees of less than the required size, or of the largest trees obtainable in that locality even if less than eight inches in diameter, or whether it was a case of wanton and wasteful destruction of the public timber.

24. Locators of mining claims, so long as they comply with the law governing their possessions, are invested by Congress with the exclusive right of possession and enjoyment of all the surface included within the lines of their locations. If a locator neglects to protect himself and his possessions, the law does not assume that the United States is injured by the cutting and use of the timber on such claim. It is the duty of the possessor to care for his own if trespass be attempted by a stranger; he alone is concerned for its protection, and may undoubtedly maintain suit to that end. (Secretary's decision, September 30, 1882.)

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MILITARY, NAVAL, INDIAN, AND OTHER GOVERNMENT RESERVATIONS.

25. The timber upon military, naval, Indian, and other Government reservations is the property of the United States, and no person has the right to fell or remove the same unless employed by the Government for that purpose. Therefore, any timber trespass discovered upon such reservations must be reported to this office (in the same manner as trespass upon vacant public land) for reference to the proper Department.

RIGHT OF RAILROAD COMPANIES TO TAKE TIMBER FROM VACANT PUBLIC LANDS.

26. All *land-grant* railroads are authorized, in the granting act, to take timber from the public land adjacent thereto, for construction purposes. This authority, however, is confined strictly to timber for construction purposes *only*, in every grant except that to the Denver and Rio Grande Railroad, which authorizes said road to take timber for repairs also.

27. All *right-of-way* railroads are authorized to take timber from the public lands adjacent to the line thereof, for construction purposes *only*, under act of March 3, 1875 (Supplement to the Revised Statutes, chapter 152), as follows:

AN ACT granting to railroads the right of way through the public lands of the United States.

Be it enacted, &c. * * *

SECTION 1. That the right of way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation; and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road; also the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad.

* * * * * * *

SEC. 4. That any railroad company desiring to secure the benefits of this act shall, within twelve months after the location of any section of twenty miles of its road, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a profile of its road; and upon approval thereof by the Secretary of the Interior, the same shall be noted upon the plats in said office; and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way: *Provided*, That if any section of said road shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any such uncompleted section of said road.

SEC. 5. That this act shall not apply to any lands within the limits of any military park, or Indian reservation, or other lands especially reserved from sale, unless such right of way shall be provided for by treaty stipulation or by act of Congress heretofore passed.

SEC. 6. That Congress hereby reserves the right at any time to alter, amend, or repeal this act, or any part thereof.

CIRCULARS OF DEPARTMENT WHICH ARE NOW IN EFFECT.

28. Circulars of instructions relative to the construction to be placed upon the preceding act have been issued by this office under dates of July 15, 1881 (approved July 19, 1881), June 30, 1882 (approved July 1, 1882), July 22, 1882, and March 3, 1883 (approved March 5, 1883). None of said circulars are now in force except the last, which is as follows:

"The first section of the act of Congress, approved March 3, 1875 (18 Stat., p. 482), granting to railroads the right of way through the public lands of the United States, provides that any railroad company organized as therein described shall have 'the right to take from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said roailroad.'

"In determining the rights of railroad companies under the foregoing provision you will be governed by the following instructions:

"1. Said provision refers exclusively to contemplated or unconstructed roads. Companies have no right to take timber or other material under this act for *repairs*, fuel, or for the further improvement of roads *already constructed*.

"2. The right granted to any railroad company under this act to take timber or other material from the public lands 'adjacent to the line of said road' for construction purposes is construed to mean that, in procuring timber or other material for the purposes indicated in the act, the same must be obtained from the public lands in the neighborhood of the line of road being constructed, and within the terminal points of such

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road, if possible. If, however, it should be found that the material required in the construction of such road cannot be procured from the public lands in the neighborhood of, and within the terminal limits of, such road, then it is permitted that such company may obtain the material required outside the terminal limits of the road under construction; such material, however, to be taken from such points as are most accessible and nearest to the terminal limits thereof.

"3. All duly organized railroad companies under this act, upon the filing and acceptance of properly authenticated copy of their articles of incorporation and organization, and map of definite line of location, are entitled (as provided in paragaaph numbered 2 of this circular) to take timber from any of the public lands not otherwise reserved or previously occupied according to law, whether the same be mineral or nonmineral in character.

"4. In the procurement of timber or other material for construction purposes, such company must, before causing the cutting or removal thereof, appoint in writing one or more persons as their duly authorized agent or agents for that purpose. Copies of all such appointments must be filed in this office for its information, in order that such company may be held responsible for any violation of the rules and regulations as herein prescribed in relation to the cutting or removal of timber or other material from the public lands by such agent or those employed by or under him.

"5. All such duly appointed agents have authority to employ others to procure from such public lands and deliver to them, for the use of such company, all material required for the purposes specified in the act. It is immaterial whether such persons are employed by the day or by the piece; but no authority can be given by such railroad company to the general public to cut timber from the public lands.

"No railroad company organized according to the provisions of this act is entitled to procure, or cause to be procured, either by itself or through any of its agents, any timber or other material from the public lands for sale or other disposal either to other companies or to the general public.

"7. The right to take timber from the public lands by such railroad company, or its agents, is confined to such timber or other material as is actually necessary in original construction of same, and ceases when such road is open to the public for general use.

"8. In the procurement of such timber from the public lands, none less than eight inches in diameter is permitted to be cut or removed; no waste or destruction of timber is allowable, and the tops and laps of all trees must be cut and piled in order that the spread of forest fires may be checked thereby.

"All rules and regulations or instructions heretofore prescribed under said act of March 3, 1875, by this Department, inconsistent with the provisions contained in this circular, are hereby rescinded."

29. There is no law authorizing individuals to cut timber from the public lands and *sell* the same to railroads at a certain price per tie, or per thousand feet, or under contract, even though it may be used for construction purposes. The right is conferred only upon the railroads themselves; therefore the person cutting such timber must be in the actual employ of the road or its agent.

30. The terms "lands adjacent to the line of the road" are indefinite, and cannot be confined to any prescribed limits. On this point the special timber agent must use his best judgment. As a rule such lands are deemed to be the nearest, most accessible, and available public lands within the terminal points of the road from which the road can procure suitable material; but Congress never intended to grant to any railroad superior rights to those of the settler; therefore, where a railroad passes through a sparsely timbered section of country, and the taking of timber from such lands would prevent or discourage settlement along the line of said road, or be a hardship to those who may have already settled in that locality, by depriving them of the necessary material for buildings, fences, fuel, &c., the railroad should be encouraged to take timber from other convenient. heavily timbered, and thinly settled sections of country adjacent to the line of said road.

31. By the granting acts, and by the act of March 3, 1875, the right to take timber is limited to *construction* purposes exclusively (except in case of the Denver and Rio Grande Railroad); therefore when a road is once completed the privilege ceases, and after that any cutting of timber by the railroad is a trespass.

32. The portion of office circular of September 19, 1882 (approved September 21, 1882), directing that the tops and brush of trees be cut up and piled in order to prevent the spread of fires (see page 1075), applies also to the cutting and removal of timber from the public lands for the construction of railroads.

WHAT CONSTITUTES A TIMBER TRESPASS.

33. Any person who fells or removes timber, or who hires others to fell or remove timber, or who incites or induces others to fell or remove timber from Government land, for his personal benefit or advantage, or for the purpose of speculation and gain,

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(except he has the right or permission so to do as specified under heads of "Lands covered by homestead or pre-emption entry," "Right of railroad companies," and "Mineral lands"), is a timber trespasser upon Government land.

34. Any person who is authorized by law, or permitted, to fell and remove timber from Government land, who fails to utilize all of the trees cut that can possibly be used, or to remove the brush and take every reasonable precaution to prevent the spread of forest fires; or who in any other particular wastes and destroys the public timber, is guilty of timber trespass upon Government land.

35. Any person who commits timber trespass upon Government land is liable to both criminal prosecution and civil suit; criminal prosecution for the act of trespass, and civil suit for the value of the material taken and the damages sustained, together with costs of court, and also the cost of survey and scalement when the same shall be necessary to accurately determine the extent of trespass and the amount of damages. (See circular of March 1, 1883, page 1077.)

36. The person or persons who contract for, purchase, or receive said timber are also liable to civil suit for the value thereof and the damages sustained, together with costs as above. (See circular of March 1, 1883, page 1077.)

37. Timber unlawfully cut from Government land is the property of the United States, and is subject to seizure as such, wherever or in whatever condition it may be found, and from any party having possession of it, or who in any way lays claim to it.

38. Cut timber is not a part of the realty and does not go with the land; it is personal property and the value of the same can be sued for after the land has been parted with by the Government.

39. The value of such timber in a civil suit is the value of the timber, or lumber, at the place where and in the condition when found. (See decision No. 5, Appendix, page 1075; also circular of March 1, 1883, page 1077.)

40. Criminal actions are barred by the statute of limitation after the lapse of three years; but there is no limitation as to time when the Government may bring civil action for the value of the property and damages.

DUTIES OF A SPECIAL TIMBER AGENT.

41. Special timber agents are assigned to duty in certain States or districts, wherein they will have a general supervision and charge over all timber upon Government land.

42. It is their duty to keep themselves thoroughly informed as to the condition of the timber upon the Government land in their respective districts, and to protect and preserve said timber from waste and destruction from any and all sources. (See office circular of September 19, 1882, approved September 21, 1882, relative to forest fires, &c., page 1075.)

43. In enforcing a compliance with the several laws relative to the protection and preservation of the public timber, and the rules and regulations prescribed thereunder by this Department, much must necessarily be left to the discretion and judgment of special timber agents; as the evidence of violations of said laws, or of the rules and regulations, is in nearly every instance a question of fact which can only be ascertained by personal examination and investigation.

44. Special timber agents should remember that it is not the purpose of the law, nor of the regulations of this Department, to prohibit the use of so much of the public timber as may be actually needed by *bona fide* settlers for agricultural and domestic purposes, but to prevent its being made an article of speculation for the pecuniary gain of a few individuals to the detriment of the many, or from being wantonly wasted or destroyed. When an agent understands this, and convinces the people in the district to which he is assigned that such is the case, he will find no difficulty in securing their active support and co-operation.

45. Whenever you have information that any timber has been unlawfully felled or removed from Government land, you should visit the ground and investigate said alleged trespass in person, in order to be able to report the case from personal knowledge and observation.

46. You should ascertain the character of the land from which the timber has been felled or removed, whether it is vacant, unoccupied publicland, or covered by homestead, preemption, or other entry; whether it is within the limits of the grant to any railroad, or of any Government reservation; and whether it is mineral or non-mineral.

47. The purpose of the Government is to prevent the unlawful taking of timber from all Government lands until the title to such lands has actually passed from the United States.

48. Many claims and entries are made upon Government land which from one cause or another are never consummated, and the land finally reverts to the Government. It is therefore fully as important to preserve the timber upon such land from unlawful spoliation as it is on vacant public lands upon which there never has been any claim.

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49. Having ascertained the character of the land, and that it is such as should be protected from timber trespass, you should next ascertain who committed the trespass.

50. It is not the object of the Government to persecute poor wood-choppers, or cutters who are employed or induced to fell or remove the timber for others who are to reap the profits therefrom; but to punish the principals therein, or the parties to be directly benefited in the case, they being the more guilty parties.

51. Care should be taken to ascertain whether the alleged trespasser has any right or authority to take such timber, as specified under heads of "Homestead or pre-emption entry," "Right of railroad companies, &c.," and "Mineral lands."

52. Having ascertained the above facts and become satisfied that the person is *unlawfully* felling or removing timber from the Government land, you should next find good and reliable witnesses to establish all the facts necessary to a successful prosecution of the person committing the trespass.

53. Having all the facts in your possession you should, *at once*, fill out a form of report (in duplicate) and transmit the same to this office, being particular to state the facts in full under each head, and in accordance with instructions given under the head of "Manner of making reports of timber trespass."

54. It is imperative that all names shall be given in full, written plainly, and *spelled correctly*. An important suit might be lost through neglect of the agent in this particular.

MANNER OF MAKING REPORT OF TRESPASS.

55. It is impossible to prescribe a form of report which will call for only the information needed in each particular case; therefore the form prescribed calls for *all* the information that it is thought can be needed in *any* case.

56. It is the duty of the special timber agent to follow the form of report closely in every case, and to give *all* the information called for under each head, where practicable; and where not practicable, to state the reason therefor.

(1.) State name of trespasser *in full*, with post office address and residence; where the trespass is committed by a firm, state firm name and post office address; also name in full, post office address, and residence of each member of the firm. Where by an organized company or corporation, state name of company and location of home office; also name in full, post office address, and residence of each officer, and of the manager or local superintendent.

(2.) Describe the land trespassed upon.

If surveyed, state subdivision of section, section, township, and range.

If unsurveyed, define the locality by streams and other natural objects, distance, and direction from nearest surveyed lands, cities, towns, &c.

(3.) Describe the character of the land, whether vacant public land or covered by homestead, pre-emption, or other entry; whether mineral or non-mineral land; whether within railroad limits or Government reservation.

If the land is vacant public land, no further description as to character is necessary.

If the land is covered by homestead, pre-emption, or other entry, state the kind of entry, and, under the diagram on second page of report, give the following information in the order named: 1. Name of person making entry. 2. Date of entry. 3. Whether the party permanently resides on the place. 4. Whether he has any family. 5. Nature of improvements (if any) and whether permanent or temporary. 6. Estimated value of improvements. 7. If any of the ground is cleared or cultivated, state how much and to what extent. 8. Any other information which will tend to show whether the person made entry in good faith or for the purpose of cutting the timber therefrom and abandoning same.

If the land trespassed upon is within a mineral district, the report must be accompanied by affidavits as to the mineral or non-mineral character of the land (see Forms 11 and 12, page 1081). Affidavits from two responsible persons are required in each case; and if the trespass was on mineral lands the following information must be stated under the diagram on second page of report, viz: Whether the trespass consisted in cutting trees less than 8 inches in diameter, in wanton waste and destruction of the public timber, or whether any of the timber or lumber was exported or cut for export from the State or Territory where the cutting was done. (See "Mineral lands" pages 1056.)

If the timber was cut or removed from *indisputably* mineral lands, and none of the provisions relative to the cutting thereon have been violated (see "Mineral lands," pages 1059), no report whatever in the case is necessary.

If the land trespassed upon is within railroad limits, state, under diagram on second page of report, the name of the railroad; and the distance of the land from the line of the road.

(4.) Give the date or dates upon which the timber was cut, and the date or dates upon which it was removed.

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(5.) State whether the trespass consisted in only cutting the timber, or in cutting and removing the same; or in removing the same after it had been cut by other (unknown) parties.

(6.) State kind of timber; whether pine, oak, or other wood. (See circular relative to mesquite, approved October 12, 1882, p. 1076.)

(7.) State number of each kind of trees cut or removed.

(8.) State number of feet, board measure, or number of railroad ties, cords of wood, poles, posts, or other material into which the timber may have been manufactured.

(9.) Describe log mark or marks, and state the name of the person who uses such mark to represent his property, giving post-office address and residence.

(10.) State where the timber is; whether on the ground where cut, or hauled to any stream or shipping point, giving the name of same; whether in boom, or at mill, or removed and disposed of; and if removed or disposed of, state the use made of the same.

(11.) State value of the timber or lumber in each of the conditions specified in form of report, as nearly as practicable.

(12.) Give the name, post-office address, and residence of the claimant of said timber or lumber, or the person having possession of the same.

(13.) If the cutting was done under contract, state contract price, and where the timber was to be delivered; whether any money has been paid or advanced on same; and give names in full, post-office address, and residence of contracting parties.

(14.) If the timber has been sold, give name, post-office address, and residence of party to whom sold; state price given or agreed upon; amount paid; where and in what condition the timber is to be delivered; number of logs or amount of timber delivered, if any; whether the purchaser had knowledge that the timber was unlawfully cut, or to be cut, from public lands, or took reasonable precaution to ascertain that fact and was an innocent purchaser through misrepresentation on the part of others of generally good reputation.

(15.) Give names in full of at least two reputable witnesses, giving post-office address and residence of each, or where he may be found. State in brief what each witness will be able to testify to in court, being particular to state the date or dates upon which he saw the cutting or removing. (The cutters and haulers or other employés of the trespasser should be used as witnesses whenever available.)

(16.) Give a brief statement of what facts you can testify to from your own knowledge and observation, being particular to state date or dates when you visited the ground and made personal examination.

(17.) State whether the trespass was willful, and whether there are any extenuating or mitigating circumstances; and, if so, the nature and evidence thereof.

(18.) State whether any legal proceedings have been instituted against the parties for the trespass in question.

(19.) State whether the parties are financially responsible; and, if so, to what amount.

(20.) State what action in the premises, in your judgment, will be for the best interest of the Government.

(21.) State any other facts which you may deem necessary for a clear comprehension of the case in all its details.

(22.) Fill up the diagram on second page of form of report; showing streams, roads, location of cutting, and buildings upon the land trespassed upon.

PROPOSITIONS OF SETTLEMENT.

57. After you have ascertained all the facts in the case and prepared your report for transmission to this office, should the party to the trespass (either the actual trespasser or the purchaser of the timber, or both) express a desire to avoid litigation and to compromise by paying the Government a certain price in settlement for said trespass or timber, if the evidence indicates that the trespass was not willful, but accidental or unintentional, or if there are other extenuating circumstances, you may inform the trespasser that, if he will make a sworn statement and proposition of settlement, in accordance with the terms of the circular of March 1, 1883, and in the form prescribed by this office (see Form 10, page 1081), you will transmit the same with your report to this office for consideration and action.

58. The party who cut the timber, or caused it to be cut, may make proposition of compromise (if the circumstances in the case warrant it, as set forth above in paragraph 57) for the purpose of relieving himself from criminal prosecution, but the acceptance of such proposition will not relieve the purchaser of the timber from civil proceedings unless the amount offered not only covers the damage to the land but also the value of the timber.

59. The purchaser of the timber may make a proposition of settlement (if the circumstances in the case will warrant it, as above set forth in paragraph 57) for the purpose of avoiding civil proceedings, but the acceptance of such proposition will not

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relieve the party who cut the timber, or caused it to be cut, from criminal prosecution.

60. Where there is positive proof that the person who cut the timber, or caused it to be cut, is a willful and malicious or persistent trespasser upon the public timber, a proposition for the purpose of avoiding criminal prosecution should not be entertained.

61. Where the purchaser of the timber had a knowledge at the time of purchase that the timber was unlawfully cut from public land, proposition of settlement should not be entertained for the purpose of relieving the parties from civil proceedings, unless the amount offered in said proposition is for the full value of the material in the condition where and position where found, or, if sold, for the amount for which it was sold; and for at least as much as there is a reasonable prospect of being able to recover through legal proceedings, with costs.

62. The acceptance of propositions at a lower rate than the owners of private lands in the same vicinity would charge for similar timber, or for the privilege of cutting the same, would be an actual inducement to parties to commit timber depredations upon the public lands; therefore, such propositions should never be entertained, except when there is indisputable and positive proof that the person who cut the timber, or who purchased the same, was absolutely innocent of any guilty intent or knowledge that the same was cut from Government land; in which case propositions may be made to pay "stumpage" for the damage sustained—that is, the value of the timber when standing.

63. No fixed and uniform rate of stumpage can be prescribed by the Department. The actual value of the standing timber at the place where and the time when it was cut, together with the other facts and circumstances ascertained by the agent, must govern in each case as to such rate.

64. In all cases where an offer of compromise or settlement is made, if there has been any expense to the Government for surveying, or scaling, or watching and caring for the property, the amount must be included in and made part of the proposition.

65. Sworn statements and propositions of settlement must be made out in accordance with the form prescribed by this office (see Form 10, page 1081). The person who subscribes and swears to the statement and proposition in stating the extenuating circumstances must state his case in his own way and not from dictation by the special timber agent.

66. Special timber agents are not authorized or permitted under any circumstances to decide upon any proposed compromise, or to accept any offer of settlement, or to receive any money or other valuable consideration as a deposit pending its consideration by this office, or to receive the money after a proposition has been accepted by this office.

67. All payments in settlement of propositions for timber trespass must be made to the receiver of public moneys for the land district in which the trespass was committed.

68. Where cases are in suit, propositions must be made through the proper United States district attorney to the Department of Justice.

VOLUNTARY RELEASE OF TIMBER OR LUMBER.

69. Should an innocent trespasser, purchaser, or party having possession of any timber or lumber cut from Government land, voluntarily offer to deliver the same to the Government, you may receive a sworn statement and release from said party, in accordance with the form prescribed by this office (see Form No. 9, page 1080), take possession of the property, and transmit said release, together with a full report in the case to this office according to form of trespass report (see Form 8, page 1080), upon receipt of which you will be instructed as to what disposition to make of the property.

70. If you are satisfied that the party offering to release the timber or lumber became possessed of the same with a full knowledge that it was unlawfully cut from Government land, and that his offer to release the same is made solely to avoid the legal punishment and penalties for his unlawful acts, or if the timber is in such a position that no disposition can be made of it by the Government except to dispose of it to the guilty party upon his own terms, you will refuse to accept a release for said timber, but will at once report the case in full, in order that legal proceedings may be instituted. Any other course would be an encouragement to continued depredations.

SEIZURE OF TIMBER OR LUMBER.

71. No seizure of timber or lumber can be made except by due process of law. The appointment of a special timber agent does not confer upon him any power or authority to seize timber or lumber by virtue of his office. However, should you at any time find any timber that has been cut upon Government land, and abandoned by the party who cut the same, you will take possession of said timber, and at once notify this office, when you will be instructed as to what disposition to make of it.

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CASES OF EMERGENCY.

72. In case of emergency, where the offender is about to leave the country, or the property is being removed or concealed and the evidence of the trespass destroyed, so that immediate action is absolutely necessary to protect the interests of the Government, the special timber agent may apply to the United States attorney for the district in which the trespass was committed to institute the proper legal proceedings.

73. In such cases, however, the responsibility will rest with the special timber agent to produce clear and indisputable evidence to establish the trespass, and show the necessity for his action.

74. In all other cases the trespass must first be reported in full to this office for instructions.

PREVENTION OF TRESPASS.

75. It is as much a part of your duty to prevent parties from committing timber trespass upon Government land as to detect and secure the punishment of such trespass after it has been committed. Therefore, should you receive information that any person or persons premeditate such trespass, you must acquaint them with the law upon the subject, and warn them against such unlawful acts.

RECORD OF CASES INVESTIGATED.

76. You must keep a record of *every* case investigated by you and reported to this office (a blank record book for which purpose will be furnished you), showing every action taken in each case until it is finally disposed of and settled; and, within thirty days after the 1st day of January and July, in each year, you must transmit to this office a transcript from said record book showing the exact status of each and every case recorded therein.

This is a most important part of your duty and must be strictly adhered to, in order that every case may be promptly disposed of, and that none may go by default on account of neglect on the part of this office or its agents; and also that you may be able to report at once to this office the exact status of any case when called upon.

WEEKLY REPORTS.

77. You are required to furnish this office, each week, with a report giving a brief statement of your official acts each day of the week. (See Form 2, Appendix, page 1079.)

78. Such weekly reports are necessary to the prompt adjustment of your accounts, and no allowance will be made in any instance for time not so reported upon.

79. In making out such reports state each day, in the proper column the day of the month, the day of the week, and the name of the place at which you are stopping or which you visit.

80. Under the head of nature of business, state the time of departure from and arrival at each place visited, the object of the visit, and a brief statement as to the *nature* of the business transacted.

81. After every statement of a journey made in which a transportation order is used put the initials T. O., give the number of the order used, and the initials of the route over which you traveled.

82. Such terms as "attending to official business"; "engaged in office work"; "writing official communications," &c., are not sufficiently specific, and will not be accepted by this office. You must state the nature of the official business or office work or the names of parties written to, and when investigating cases of trespass give the names of the alleged trespassers or parties interviewed or description of land examined.

83. You must make a special and full report in each case investigated, at an early day thereafter.

84. Information which is to be a matter of record in any pending trespass case must not be furnished in weekly reports, but must be made the subject of a separate report.

85. A failure to comply with any of the above instructions will necessitate the return of your weekly reports for correction and subject your monthly account to suspension.

EXPENSES OF SPECIAL TIMBER AGENTS.

86. In addition to your salary you will be allowed the actual and necessary expenses incurred by you while attending to your official duties.

87. Office circular of June 20, 1882 (copy herewith), will furnish you with full information as to what constitutes your actual and necessary expenses, and how to make out and transmit your monthly accounts for settlement.

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88. Letters transmitting monthly accounts must relate solely to said accounts.

89. You are specially instructed not to incur any indebtedness in surveying land and scaling timber, or for any other purpose, beyond your salary and personal expenses, without special instructions from this office in each case.

TRANSPORTATION ORDERS.

90. You will be furnished, for your official use, with a supply of railroad transportation orders, with stubs attached.

91. In traveling, *in every case* use a transportation order where the railroad company will accept the same and furnish transportation in accordance therewith, using the orders in their numerical order.

92. In cases where the officials of any railroad company refuse to accept said orders or furnish transportation thereupon you will purchase a ticket, taking a stamped receipt therefor from the ticket agent, and transmit said receipt to this office with your monthly account; and in your letter of transmittal state the reasons assigned by the officers of the railroad company for refusing to accept of the transportation order. (Subsidized roads named in circular of June 20, 1882, are compelled by law to accept such transportation orders, and no charge by a special timber agent for fare on any of said roads will be allowed by this office.)

93. With each monthly account forward the stubs of all transportation orders used during the time covered by said account.

94. Never allow your supply of transportation orders to become exhausted; a failure to apply for a renewal of the same in time will not be excused, except in cases of an unavoidable contingency where reasons can be assigned satisfactory to this office.

95. In applying for a new supply of transportation orders, in every instance state the number of orders you have on hand at the date of making such application.

96. Paragraph 27 of office circular of June 20, 1882 (copy herewith), relative to use of transportation orders is hereby rescinded.

SPECIAL INSTRUCTIONS.

97. It is a waste of time for special timber agents to write long letters to this office stating that a number of persons are committing depredations upon Government timber, neglecting to furnish particulars. No intelligent action can be taken in any case, by this office, unless all the information called for in the form of report is furnished.

98. Your services will not be valued by the length or number of your communications, but by their utility.

99. Every case of trespass must be made the subject of a report separate and distinct in itself.

100. Important facts in any case which has been previously reported must be made the subject of a separate communication.

101. All reports of trespass, sworn statements, and propositions of settlement, all releases and affidavits, and all papers requiring official action by this office (except monthly accounts and weekly reports), must be transmitted in duplicate. You should also keep a copy of each paper for your own information.

102. Should you at any time need legal advice relative to the laws concerning timber depredations, you will consult with the United States attorney for the State or Territory assigned you.

103. Should you require diagrams of township plats to enable you to locate a trespass, you will apply to the register and receiver of the land district in which the land is situated, who will furnish them to you without charge.

104. These diagrams should show the tracts which are vacant public lands, and those upon which there are homestead, pre-emption, or other entries.

105. When you are assigned to duty, some certain city or town in the district over which you are put in charge, centrally located, will be designated as your headquarters, for the purpose of having some specified place as your post-office address, where communications from this office may be mailed you.

106. When you expect to be absent from the vicinity of your headquarters for any length of time, you will leave directions with the postmaster where to forward your mail.

107. It is not expected that you will permanently reside at the place designated as your headquarters, or that you will remain there continuously; you cannot in that way become an efficient or valuable special timber agent.

108. To familiarize yourself with the timber business of your district, and at the same time to ascertain what action can be taken to prevent the waste and destruction of public timber and to preserve it for legitimate uses, it is necessary for you to visit the timber lands of your district and acquire such knowledge by personal observation.

109. A special timber agent who feels an interest in the good of the public service

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and the special duties devolved upon him will, during the greater portion of the time, be in the field.

110. You will be furnished by this office, for your official use, with a supply of stationery and the following blank forms, viz: oath of office; weekly reports; vouchers for board and lodging, special transportation, and miscellaneous expenditures; railroad transportation orders; physician's certificate; report of timber trespass; release of timber or lumber; propositions for settlement; affidavits as to mineral character of land and affidavits as to non-mineral character of land. (See Forms 1 to 12, Appendix, pages 1078 to 1082.)

APPENDIX.

LAWS RELATIVE TO THE PRESERVATION OF GOVERNMENT TIMBER.

LIVE-OAK AND RED CEDAR TIMBER.

[Revised Statutes of the United States.]

SEC. 2460. The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States, in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

SEC. 2461. If any person shall cut, or cause or procure to be cut, or aid, assist, or be employed in cutting, or shall wantonly destroy, or cause or procure to be wantonly destroyed, or aid, assist, or be employed in wantonly destroying any live-oak or red cedar trees or other timber standing, growing, or being on any lands of the United States which in pursuance of any law passed, or hereafter to be passed, have been reserved or purchased for the use of the United States, for supplying or furnishing therefrom timber for the Navy of the United States; or if any person shall remove, or cause, or procure to be removed, or aid, or assist, or be employed in removing from any such lands which have been reserved or purchased, any live-oak or red cedar trees, or other timber, unless duly authorized so to do, by order, in writing, of a competent officer, and for the use of the Navy of the United States, or if any person shall cut, or cause or procure to be cut, or aid, or assist, or be employed in cutting any live-oak or red cedar trees, or other timber on, or shall remove, or cause or procure to be removed, or aid or assist, or be employed in removing any live oak or red cedar trees or other timber, from any other lands of the United States, acquired, or hereafter to be acquired, with intent to export, dispose of, use, or employ the same in any manner whatsoever, other than for the use of the Navy of the United States, every such person shall pay a fine not less than triple the value of the trees or timber so cut, destroyed, or removed, and shall be imprisoned not exceeding twelve months. (See 4751.)

SEC. 2462. If the master, owner, or consignee of any vessel shall knowingly take on board any timber cut on lands which have been reserved or purchased as in the preceding section prescribed, without proper authority, and for the use of the Navy of the United States; or shall take on board any live-oak or red cedar timber cut on any other lands of the United States, with intent to transport the same to any port or place within the United States; or to export the same to any foreign country, the vessel on board of which the same shall be taken, transported or seized, shall, with her tackle, apparel, and furniture, be wholly forfeited to the United States, and the captain or master of such vessel wherein the same was exported to any foreign country against the provisions of this section shall forfeit and pay to the United States a sum not exceeding one thousand dollars. (See 4751.)

SEC. 2463. It shall be the duty of all collectors of the customs within the States of Alabama, Mississippi, Louisiana, and Florida, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, to ascertain satisfactorily that such timber was cut from private lands, or, if from public ones, by consent of the Navy Department. And it is also made the duty of all officers of the customs, and of the land officers within those States to cause prosecutions to be seasonably instituted against all persons known to be guilty of depredations on, or injuries to, the live-oak growing on public lands. (See 4205, 4751.)

SEC. 4205. Collectors of the collection districts within the States of Florida, Alabama, Mississippi, and Louisiana, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, shall ascertain satisfactorily that such timber was cut from private lands, or, if from public lands, by consent of the Department of the Navy. (See 2463.)

SEC. 4751. All penalties and forfeitures incurred under the provisions of sections twenty-four hundred and sixty-three, Title "The Public Lands," shall be sued for,

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recovered, distributed, and accounted for, under the directions of the Secretary of the Navy, and shall be paid over, one-half to the informers, if any, or captors, where seized, and the other half to the Secretary of the Navy for the use of the Navy pension fund; and the Secretary is authorized to mitigate, in whole or in part, on such terms and conditions as he deems proper, by an order in writing, any fine, penalty, or forfeiture so incurred.

DEPREDATIONS ON TIMBER LANDS.

SEC. 5388. Every person who unlawfully cuts or aids or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon lands of the United States which in pursuance of law may be reserved or purchased for military or other purposes, shall pay a fine of not more than five hundred dollars and be imprisoned not more than twelve months. (See 2460-2463.)

PROTECTION OF ORNAMENTAL AND OTHER TREES ON GOVERNMENT RESERVATIONS.

[Chapter 151, Supplement to the Revised Statutes.]

Be it enacted, &c. * * *

SECTION 1. That if any person or persons shall knowingly and unlawfully cut, or shall knowingly aid, assist or be employed in unlawfully cutting, or shall wantonly destroy or injure, or procure to be wantonly destroyed or injured, any timber-tree or any shade or ornamental tree, or any other kind of tree, standing, growing, or being upon any lands of the United States, which, in pursuance of law, have been reserved, or which have been purchased by the United States for any public use, every such person or persons so offending, on conviction thereof before any circuit or district court of the United States, shall, for every such offense, pay a fine not exceeding five hundred dollars, or shall be imprisoned not exceeding twelve months.

SEC. 2. That if any person or persons shall knowingly and unlawfully break, open, or destroy any gate, fence, hedge, or wall inclosing any lands of the United States, which have, in pursuance of any law, been reserved or purchased by the United States for any public use, every such person so offending, on conviction, shall, for every such offense, pay a fine not exceeding two hundred dollars, or be imprisoned not exceeding six months.

SEC. 3. That if any person or persons shall knowingly and unlawfully break, open, or destroy any gate, fence, hedge, or wall inclosing any lands of the United States, reserved or purchased as aforesaid, and shall drive any cattle, horses, or hogs upon the lands aforesaid for the purpose of destroying the grass or trees on the said grounds, or where they may destroy the said grass or trees, or if any such person or persons shall knowingly permit his or their cattle, horses or hogs to enter through any of said inclosures upon the lands of the United States aforesaid where the said cattle, horses or hogs may or can destroy the grass or trees or other property of the United States on the said land, every such person or persons so offending, on conviction, shall pay a fine not exceeding five hundred dollars, or be imprisoned not exceeding twelve months: *Provided*, That nothing in this act shall be construed to apply to unsurveyed public lands, and to public lands subject to pre-emption and homestead laws; or to public lands subject to an act to promote the development of the mining resources of the United States, approved May tenth, eighteen hundred and seventy-two. (March 3, 1875.)

TIMBER LANDS IN THE STATES OF CALIFORNIA, OREGON, NEVADA, AND IN WASHINGTON TERRITORY.

[Chapter 151; approved June 3, 1878 (20 Stat., 89).]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That surveyed public lands of the United States within the States of California, Oregon, and Nevada, and in Washington Territory, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of two dollars and fifty cents per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands: *Provided*, That nothing herein contained shall defeat or impair any *bona fide* claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any *bona fide* settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes: *And provided further*, That none of the rights conferred by

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the act approved July twenty-sixth, eighteen hundred and sixty-six, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," shall be abrogated by this act; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under this act.

SEC. 2. That any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, where any such do exist, save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whomsoever, by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself; which statement must be verified by the oath of the applicant before the register or the receiver of the land office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of *bona fide* purchasers, shall be null and void.

SEC. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land office shall post a notice of such application, embracing a description of the land by legal subdivisions, in his office, for a period of sixty days, and shall furnish the applicant a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper or coal; and upon payment to the proper officer of the purchase-money of said land, together with the fees of the register and the receiver, as provided for in case of mining claims in the twelfth section of the act approved May tenth, eighteen hundred and seventy-two, the applicant may be permitted to enter said tract, and, on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon: *Provided*, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him, stating the nature of his claim thereto; and evidence shall be taken, and the merits of said objection shall be determined by the officers of the land office, subject to appeal, as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.

SEC. 4. That after the passage of this act it shall be unlawful to cut, or cause or procure to be cut, or wantonly destroy, any timber growing on any lands of the United States, in said States and Territory, or remove, or cause to be removed, any timber from said public lands, with intent to export or dispose of the same; and no owner, master, or consignee of any vessel, or owner, director, or agent of any railroad, shall knowingly transport the same, or any lumber manufactured therefrom; and any person violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined for every such offense a sum not less than one hundred nor more than one thousand dollars: *Provided*, That nothing herein contained shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or preparing his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States; and the penalties herein provided shall not take effect until ninety days after the passage of this act.

SEC. 5. That any person prosecuted in said States and Territory for violating section two thousand four hundred and sixty-one of the Revised Statutes of the United States who is not prosecuted for cutting timber for export from the United States, may be relieved from further prosecution and liability therefor upon payment, into the court

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wherein said action is pending, of the sum of two dollars and fifty cents per acre for all lands on which he shall have cut or caused to be cut timber, or removed or caused to be removed the same: *Provided*, That nothing contained in this section shall be construed as granting to the person hereby relieved the title to said lands for said payment; but he shall have the right to purchase the same upon the same terms and conditions as other persons, as provided hereinbefore in this act: *And further provided*, That all moneys collected under this act shall be covered into the Treasury of the United States. And section four thousand seven hundred and fifty-one of the Revised Statutes is hereby repealed, so far as it relates to the States and Territory herein named.

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The following circular of instructions relative to the preceding act has been issued by this office:

TIMBER ACT OF JUNE 3, 1878, APPLYING TO "CALIFORNIA, OREGON, NEVADA, AND WASHINGTON TERRITORY." ALSO, TIMBER ACT OF SAME DATE APPLYING TO "COLORADO, NEVADA, AND THE TERRITORIES."

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., August 15, 1878.

TO REGISTERS AND RECEIVERS OF UNITED STATES LAND OFFICES:

GENTLEMEN: The following is a review of the provisions of the act entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory," approved June 3, 1878, and of the act approved same date, entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," so far as they relate to the privilege of cutting and removing timber from the public lands of the United States, the punishment therefor, or to the protection of "timber and of the undergrowth" growing upon the public lands. Copies of these acts are annexed.

The fourth section of the first mentioned act provides that "it shall be unlawful to cut, or cause or procure to be cut, or wantonly destroy, any timber growing on any lands of the United States, in said States and Territory, or remove, or cause to be removed, any timber from said public lands, with intent to export or dispose of the same; and no owner, master or consignee of any vessel, or owner, director, or agent of any railroad, shall knowingly transport the same, or any lumber manufactured therefrom. Any person violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined for every such offence a sum not less than one hundred nor more than one thousand dollars." Provision is also embraced in said section that "the penalties herein provided shall not take effect until ninety days after the passage of this act." This section also contains a proviso, as follows: "And nothing herein contained shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or preparing his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States." The penalty provided for in this section takes effect after the 1st day of September, 1878, and applies to cutting for any purpose other than that mentioned in this proviso, such as the wanton destruction of timber, or its removal for export or disposal.

In the States and Territory mentioned the effort of the Executive will in the future be directed to the proper punishment of parties who may cut for purposes not authorized by the statute under consideration, and to the prevention, so far as practicable, of further trespass against the general law.

The fifth section of the act provides "that any person prosecuted in said States and Territory for violating section 2461 of the Revised Statutes of the United States, who is not prosecuted for cutting timber for export from the United States, may be relieved from further prosecution and liability therefor upon payment, into the court wherein said action is pending, of the sum of two dollars and fifty cents ($2.50) per acre for all lands on which he shall have cut or caused to be cut timber, or removed or caused to be removed the same: *Provided*, That nothing contained in this section shall be construed as granting to the person hereby relieved the title to said lands for said payment; but he shall have the right to purchase the same upon the same terms and conditions as other persons, as provided hereinbefore in this act." This provision is applicable alike to cases pending at the time of the passage of the act, and to such cases as have been since or may hereafter be commenced.

Section 5 also contains provision that all moneys collected under this act shall be covered into the Treasury of the United States, and section 4751 of the Revised Statutes of the United States, which authorizes the penalties and forfeitures incurred under sections 2461 and 2462 of the Revised Statutes to be sued for recovered and

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accounted for, under the direction of the Secretary of the Navy, is repealed, so far as it relates to these States and Territory.

By the provisions of the last-mentioned act "all citizens of the United States and other persons *bona fide* residents of the States of Colorado, Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, and Montana, and all other mineral districts of the United States, are authorized and permitted to fell and remove for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being upon the public lands, said lands being mineral and not subject to entry under the existing laws of the United States, except for mineral entry in either of said States, Territories, or districts of which such citizens may be at the time *bona fide* residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for protection of the timber, and of the undergrowth growing upon such lands, and for other purposes." (*See page* 1057 *for this act.*)

The first section contains a provision that this act shall not extend to railroad corporations. A copy of the rules and regulations prescribed by the Secretary of the Interior, for the protection of the timber and of the undergrowth growing upon the mineral lands of the United States, in compliance with this provision, is printed herewith. The second section of this act makes it the duty of the register and receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any of the mineral lands, except for the purposes authorized by this act, within their respective land districts; and if so, they are required to notify the Commissioner of the General Land Office of that fact.

These reports will be made by the registers and receivers separately from those relating to any other subject, and will give the details of any violation of the provisions of this act.

The registers and receivers are allowed all necessary expenses incurred in making such proper examinations in regard to violations of the provisions of this act, which will be paid and allowed them in making up their next quarterly accounts.

The third section provides that "any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months."

When violations of the provisions of this act are brought to the attention of this Office, either by report from the registers and receivers, or by other persons who, as good citizens, may feel an interest in the protection of the public timber, if the facts are deemed sufficient to warrant prosecutions, they will be brought to the attention of the Department of Justice, that instructions may be given to the proper district attorney to institute legal proceedings.

RULES AND REGULATIONS PRESCRIBED BY THE SECRETARY OF THE INTERIOR FOR THE PROTECTION OF TIMBER, ETC.

Rules and regulations prescribed by the Secretary of the Interior for the protection of the timber and of the undergrowth growing upon mineral lands of the United States, not subject to entry under existing laws of the United States, except for mineral entry in the States of Colorado and Nevada, or in the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and in all other mineral districts of the United States, in compliance with the provisions of an act approved June 3, 1878, entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes."

With the view to and the intention of preserving the young timber and undergrowth upon the mineral lands of the United States, and to the end that the mountain sides may not be left denuded and barren of the timber and undergrowth necessary to prevent the precipitation of the rainfall and melting snows in floods upon the fertile arable lands in the valleys below, thus destroying the agricultural and pasturage interests of the mineral and mountainous portions of the country, I do hereby make and cause to be promulgated, by virtue of the power vested in me by the act entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories (excepting Washington Territory) to fell and remove timber on the public domain for mining and domestic purposes," the following rules and regulations:

1. Section 2461, Revised Statutes, is still in force in all of the States and Territories named in the bill, and its provisions may be enforced, as heretofore, against persons trespassing upon any other than lands which are in fact mineral, or have been withdrawn as such; and in all cases where trespasses are committed upon the timber upon public lands which are not mineral, the trespassers will be prosecuted under said section.

2. It shall be unlawful for any person to cut or remove, or cause to be cut or removed,

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from any of the mineral lands of the United States any timber or undergrowth of any kind whatsoever less than 8 inches in diameter, and any person so offending shall be liable to be fined, in compliance with the provisions of the third section of said act, in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months.

* * * * * * *

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

DEPARTMENT OF THE INTERIOR, *August* 16, 1878.

The foregoing is hereby approved.

C. SCHURZ,
Secretary.

Rules 3 and 4 have been revoked.

In so far as the above circular relates to the act of June 3, 1878, entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," the provisions contained therein have been modified and rescinded by circular of June 30, 1882, approved July 1, 1882. (See "Mineral lands," paragraph 14, page 1057.)

SETTLEMENT OF TRESPASS BY PURCHASE OF THE LAND TRESPASSED UPON.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when any lands of the United States shall have been entered and the Government price paid therefor in full no criminal suit or proceeding by or in the name of the United States shall thereafter be had or further maintained for any trespasses upon or for or on account of any material taken from said lands, and no civil suit or proceeding shall be had or further maintained for or on account of any trespasses upon or material taken from the said lands of the United States in the ordinary clearing of land, in working a mining claim, or for agricultural or domestic purposes, or for maintaining improvements upon the land of any *bona fide* settler, or for or on account of any timber or material taken or used by any person without fault or knowledge of the trespass or for or on account of any timber taken or used without fraud or collusion by any person who in good faith paid the officers or agents of the United States for the same or for or on account of any alleged conspiracy in relation thereto: *Provided,* That the provisions of this section shall apply only to trespasses and acts done or committed and conspiracies entered into prior to March first, eighteen hundred and seventy-nine: *And provided further,* That defendants in such suits or proceedings shall exhibit to the proper courts or officer the evidence of such entry and payment and shall pay all costs accrued up to the time of such entry.

SEC. 2. That persons who have heretofore under any of the homestead laws entered lands properly subject to such entry, or persons to whom the right of those having so entered for homesteads may have been attempted to be transferred by *bona fide* instrument in writing, may entitle themselves to said lands by paying the Government price therefor, and in no case less than one dollar and twenty-five cents per acre, and the amount heretofore paid the Government upon said lands shall be taken as part payment of said price: *Provided,* This shall in no wise interfere with the rights or claims of others who may have subsequently entered such lands under the homestead laws.

SEC. 3. That the price of lands now subject to entry which were raised to two dollars and fifty cents per acre, and put in market prior to January, eighteen hundred and sixty-one, by reason of the grant of alternate sections for railroad purposes, is hereby reduced to one dollar and twenty-five cents per acre.

SEC. 4. This act shall not apply to any of the mineral lands of the United States; and no person who shall be prosecuted for or proceeded against on account of any trespass committed or material taken from any of the public lands after March first, eighteen hundred and seventy-nine, shall be entitled to the benefit thereof.

Approved June 15, 1880.

The following circular of instructions has been issued under the above act:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., October 9, 1880.

REGISTERS AND RECEIVERS UNITED STATES LAND OFFICES:

GENTLEMEN: In carrying out the provisions of the act of Congress of June 15, 1880, entitled "An act relating to the public lands of the United States," you will be governed by the following instructions supplemental to, and in lieu of, the circular of this office of July 17, 1880, which is hereby rescinded.

1. The first section of said act provides that when any lands of the United States

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shall have been entered, and the Government price paid therefor, no suits or proceedings on account of trespasses committed thereon prior to March 1, 1879, shall be had or maintained.

2. This section extends to such trespassers the privilege of paying for the land upon which the trespass was committed at the legal price per acre at date of entry.

3. The privilege of purchase under said section is not confined to lands subject to ordinary private entry, but extends to any lands, not mineral, subject to disposal under existing general laws.

4. No entry can be allowed under this section if the valid subsisting claim of another person shall have attached prior to the application to purchase.

5. Where lands are plainly subject to ordinary private entry, no special application to purchase, other than the usual application in cases of private entry, is required in order to enable the purchaser to avail himself of the benefits of the act.

6. When lands are not plainly subject to ordinary private entry, and application to purchase the same shall be made with a view to securing the immunity contemplated by said section, you will require the application to be presented under oath of the applicant, giving a full and detailed statement of all the facts upon which he bases his claim to purchase. Such sworn statement should be corroborated by the affidavits of credible witnesses, and you will thereupon forward all the papers in a special letter to this office, allowing no entry until so directed.

7. Under the second section, duly qualified persons who, prior to June 15, 1880, entered, under any of the homestead laws, lands properly subject to such entry are permitted to obtain title by paying the Government price, less the fee and commissions paid at date of original entry.

8. In allowing entries of this class, you will require proof that the party was twenty-one years of age, was a citizen, or had declared his intention to become a citizen of the United States, and was in other respects entitled to make the entry.

9. When homestead entries, made prior to June 15, 1880, have been attempted to be transferred by *bona fide* instrument in writing, the persons to whom such transfers were made are authorized to obtain title by like payments, and with like deduction of fees and commissions, as in the case of original homestead parties.

10. In permitting purchases by transferees of homestead rights, you will first ascertain whether the original homestead entry was a valid entry under the homestead laws. You will then require the instrument in writing by which it was sought to transfer such homestead right, to be filed, together with the best evidence attainable of the *bona fide* character of the transfer, including the affidavit of the party who seeks to purchase. You will also require satisfactory proof that the attempted transfer was made prior to June 15, 1880.

11. You will exercise all possible care in allowing purchases of the above character, as it is not improbable that fraudulent entries will be attempted, and the proper execution of the law will largely depend upon your vigilance and discretion. In cases wherein you entertain a doubt of the propriety of allowing the application to purchase, you should refer all the papers to this office, with a full statement of facts and your opinion.

12. No entry will be allowed under the second section when the original homestead entry was not a valid entry; nor when an entry under the homestead laws shall have been made on the same land subsequent to the original entry; nor if the land was embraced in a prior valid entry at the date of such original homestead entry; nor where adverse legal rights of any character exist at the date of the application to purchase.

13. Applications to purchase under the second section will be made on Form No. 18, as in case of ordinary cash entry, and must be accompanied by the receiver's duplicate homestead receipt; or, if that has been lost or destroyed, by an affidavit setting forth such fact, and giving the register's and receiver's number, and the date of the original homestead entry. It must also be stated in the application that the same is made under the second section of the act of June 15, 1880.

14. Where the duplicate receipt has been lost or destroyed, and the application to purchase is made by the original homestead party, the applicant must make oath that he has not transferred nor attempted to transfer his homestead rights under said entry, nor assigned his right to receive the repayment of the fees, commissions, and excess payments paid thereon.

15. In each case of an entry under the second section the register will certify to the receiver the amount to be allowed as credit for fees, commissions, and excesses already paid; the applicant first making oath that said fees, commissions, and excess payments have not been repaid, and that no application for such repayment has been made.

16. Entries under the second section will receive current register's and receiver's numbers in the regular cash series, and will be returned in the same manner as in other cases of cash entry, referring, however, in each instance, on your cash abstracts, certificates, and receipts, to the date of the act authorizing the entry, the register's and receiver's number of the original homestead application, and the amount allowed as

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credit for fees and commissions, as follows: "Act June 15, 1880. Original homestead entry No. ——. Credit for fees and commissions, $——."

17. The *areas* of said homestead entries, having been heretofore reported, will be deducted from the footings of your cash abstracts, and the aggregate of such entries will be stated in red ink in your recapitulations.

18. The amount received under said second section will be accounted for by the receiver, as in case of other cash sales, except that in his quarterly detailed account he will note the date of the act opposite each entry of this class, and will state the areas in red ink, and will not include the same in his footings. In his recapitulation and in his condensed quarterly accounts-current, he will make a separate entry, as follows: "Sales under the second section, act of June 15, 1880, $——."

19. Final homestead proof not being required in these cases, no advertisement or notice of intention to make final proof is necessary, and no final homestead fees are to be paid or collected.

20. Warrants and scrip made receivable by law for lands subject to sale at private entry, or in commutation of homestead or pre-emption rights, and certificates of deposit on account of surveys, will be deemed receivable for lands purchased under the second section of act of June 15, 1880.

21. The existing rule must, however, be observed, that where the value of warrants or scrip exceeds that of the land entered therewith no repayment is authorized, but the warrant or scrip applied must be fully surrendered. In such case there would be no claim for repayment on account of the fees and commissions paid on the original homestead entry.

22. The third section reduces to one dollar and twenty-five cents per acre the price of any lands which were subject to ordinary private entry at two dollars and fifty cents per acre at the date of the approval of the act, having been doubled in price by reason of the grant of alternate sections for railroad purposes, and which were put in market at that price prior to the 1st of January, 1861. Lands which have not been put in market for sale at ordinary private entry at two dollars and fifty cents per acre, or which were so put in market subsequent to the 1st of January, 1861, are not changed in price by this section. You will carefully observe the rule, as to price, thus introduced. By reference to your official records it will be in your power to ascertain the facts with regard to any lands from which to decide as to the applicability of the rule to such lands. In case of doubt you may correct your records to exhibit the facts by correspondence with this office.

23. You will further observe that, under section 4, none of the provisions of this act apply to mineral lands, and that no person is entitled to the benefit of *any provision of the entire* act who falls within the inhibition named in this section.

Very respectfully,

C. W. HOLCOMB,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
October 15, 1880.

Approved.

C. SCHURZ,
Secretary.

COMPROMISE.

[Section 3469, Revised Statutes.]

Upon a report by a district attorney, or any special attorney having charge of any claim in favor of the United States, showing in detail the condition of such claim, and the terms upon which the same may be compromised, and recommending that it be compromised upon the terms so offered, and upon the recommendation of the Solicitor of the Treasury, the Secretary of the Treasury is authorized to compromise such claim accordingly. But the provisions of this section shall not apply to any claim arising under the postal laws.

EXTRACTS FROM OPINIONS AND DECISIONS.

The following opinions and decisions are published for your information:

1st. Attorney-General Wirt, in an opinion of the 27th May, 1821, holds as follows: "Independent of positive legislative provisions, I apprehend that, in relation to all property, real or personal, which the United States are authorized by the Constitution to hold, they have all the civil remedies, whether for the prevention or redress of injuries, which individuals possess. (See 3 Wheaton, 181.) So the United States, being authorized to accept and to hold these lands for the common good, must have all the legal means of protecting the property thus confided to them that individuals enjoy in like cases. * * * They are, therefore, in my opinion, entitled to the injunction

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of waste by way of prevention, and to the action of trespass by way of punishment, in like manner as individuals, similarly situated, are entitled to them."

2d. Attorney-General Taney, [as] Chief-Justice of the United States, in an opinion of 22d August, 1833, cites this opinion of Mr. Wirt, and concurs in it.

3d. Attorney-General Mason, in a communication of 16th July, 1845, refers to the opinion of Attorney-General Nelson, of the 11th August, 1843, and, in concurring in it, states that "when the right of pre-emption exists, the settler who has complied with the provisions of the act of 4th September, 1841, has a right of occupancy for twelve months, within which he may perfect his title by paying the minimum price of the land. Like the settlers under the armed occupation act, his right is inchoate only; and he has only those rights of property which are necessary to the perfecting of his title. He may clear the land, build on it, and inclose it with a view to cultivation. For these purposes he may use or destroy any trees which may be necessary, but within these restrictions, and necessary fire-wood, he is confined."

The penal act of 2d March, 1831, provides "for the punishment of offenses committed in cutting, destroying, or removing live-oaks and other timber or trees preserved for naval purposes."

This act of 2d March, 1831, you will find fully considered in the case of the United States *vs.* Ephraim Briggs (9 Howard, p. 351), in which the Supreme Court decided that the said act authorized the prosecution and punishment of all trespassers on public lands by cutting timber, whether such timber was fit for naval purposes or not.

4th. Judge Nelson in the case of the United States *vs.* McEntee, in the United States district court, Minnesota, October term, 1877, held as follows, McEntee being a settler under the homestead law:

"The lands can be cleared and timber sold if cut down for the purpose of cultivation; but if the sale and traffic is the only reason for severing the timber, and it is not done with a view of improving the land, the intentions of the lawgiver are subverted."

5th. In the case of the United States *vs.* James A. Smith at the April term, 1882, of the United States district court for the eastern district of Arkansas, where it was charged that said Smith unlawfully cut and removed certain timber from lands belonging to the United States in the State of Arkansas and converted the same into cordwood and railroad ties, and where evidence was produced to show that he purchased said timber from parties who claimed to own the land upon which it stood, Judge Caldwell held as follows:

"Persons cutting and removing timber from lands are bound to know that they who assumed to sell them the timber had the right to do so, and if they did not, the purchaser is liable to the lawful owner of the timber for its value, and if the trees are worked up into cordwood or railroad ties, such cordwood and ties are the property of the owner of the land as much as the trees were, and the owner of the land is entitled to recover the value of the timber in its new form, in other words, the value of the cordwood and railroad ties."

CIRCULARS OF A GENERAL CHARACTER,

RELATIVE TO PROTECTING TIMBER ON PUBLIC LAND FROM FOREST FIRES AND FROM WANTON WASTE AND DESTRUCTION.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 19, 1882.

Mr. ——— ———,
Special Timber Agent:

SIR: The fact having been brought to the notice of this Department that extensive forest fires from time to time, in different sections of the country, are destroying vast amounts of timber upon the public lands, and no means have heretofore been provided by the Government for the purpose of checking or preventing the same and preserving the public timber from such destruction, you are hereby informed that it will hereafter be a part of the duty of the special timber agents of the General Land Office to protect and preserve the public timber from this kind of waste and destruction, as well from destruction by the woodsman, or from any other source.

You are, therefore, hereby instructed to keep yourself fully informed as to the condition of the timber upon the public land in your district, and to use your best endeavors to protect it from waste and destruction from any and all sources; and to this end—where there are State or Territorial laws for the preservation of timber—you are authorized and directed to coöperate with the State or Territorial authorities and to aid and assist them in enforcing said laws.

Should you at any time receive information of any forest fire being in progress in your district, you will at once proceed to the locality of the same and use all possible means to check its progress and to extinguish it.

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Should it be necessary to employ assistance in such a case, and the emergency be such that it would be impossible to inform this office of that fact and to receive special instructions, you are hereby authorized to expend a reasonable sum for such purpose, but you will at once inform this office, by telegraph, of the number of persons so employed and the total probable expense.

One of the most dangerous elements to contend with in case of forest fires, and one of the principal auxiliaries to the spread of the same, is the dry tops of trees which parties leave upon the ground after having cut and removed the timber for saw logs and other purposes. When the tree tops can be profitably cut into wood, the person cutting such trees on public land—when such cutting is authorized by law—must cut the tops into wood, or at least cut up and pile the brush in such manner as to prevent the spread of fires.

A failure on the part of woodsmen to utilize all of the tree that can profitably be used, and to take reasonable precaution to prevent the spread of fires, will be regarded by this office as wanton waste, and subject them to prosecution for wanton waste and destruction of public timber.

Very respectfully,

N. C. McFARLAND,
Commissioner.

DEPARTMENT OF THE INTERIOR, *September* 21, 1882.

Approved.

H. M. TELLER,
Secretary.

FOREST FIRES.

The following public notice relative to forest fires is furnished to special timber agents, printed on cloth, for posting in conspicuous places in their districts:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 8, 1883.

The attention of the public is called to the fact that large quantities of the public timber are annually destroyed by forest fires which, in many cases, originate through the carelessness of hunting, prospecting, and other camping parties, while in some instances they occur through design.

I take this method of warning all persons that hereafter the cause and origin all fires will be closely investigated, and where the fire is ascertained to have originated through either carelessness or design the parties implicated will be prosecuted to the full extent of the law.

Special timber agents are hereby directed to proceed against all offenders under the local laws of the State or Territory relating to the unlawful setting out of fires in which the same may occur.

The public generally are requested to aid the officers of the Government in its efforts to check the evil referred to and in the punishment of all offenders.

N. C. McFARLAND,
Commissioner.

CLASSIFICATION OF MESQUITE AS TIMBER.

[Circular.]

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., October 12, 1882.

TO REGISTERS AND RECEIVERS OF UNITED STATES LAND OFFICES, AND TO SPECIAL TIMBER AGENTS OF THE GENERAL LAND OFFICE.

GENTLEMEN: The rules and regulations heretofore prescribed in relation to the cutting and removing of mesquite growing and being upon any of the public lands of the United States—mineral in character—are hereby modified as follows:

The cutting and removing of mesquite is restricted and confined to actual settlers and *bona fide* residents of the State or Territory who are citizens of the United States.

The cutting and removing of mesquite from the public lands of the United States—said lands being mineral—is permitted for all building, agricultural, mining, and domestic purposes needed in the development and improvement of the homes or mining interests of such actual settlers, residents, or miners.

It is further permitted that mesquite may be cut and removed from the public mineral lands for the purpose of selling the same to any actual settler or resident of the State or Territory, but only for the uses and purposes hereinbefore described.

The cutting and removing of mesquite from any of the public mineral lands of the United States for export from the State or Territory, or by, or for sale to, any railroad company as an article of fuel or repair is strictly prohibited; the person or persons so

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offending being liable to civil and criminal prosecution as provided by section 3 of the act approved June 3, 1878, entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes."

The cutting and removing of mesquite from any of the public lands of the United States—non-mineral in character—is strictly prohibited for any purpose, except the same is to be used in building, fencing, or otherwise improving and cultivating the land or claim from which the same is cut or removed.

Any person cutting or removing mesquite from non-mineral public lands of the United States except for the purposes and uses above stated, is liable to punishment therefor under section 2461 Revised Statutes, both civilly and criminally.

Very respectfully,

N. C. McFARLAND,
Commissioner.

DEPARTMENT OF THE INTERIOR,
October 12, 1882.

The foregoing is hereby approved.

H. M. TELLER,
Secretary.

MEASURE OF DAMAGES TO WHICH THE GOVERNMENT IS ENTITLED FOR TIMBER TRESPASS.

The following circular relative to the manner of ascertaining the damages to which the Government is entitled under the several cases set forth, is based upon the decision of the United States Supreme Court, at its October term, 1882, in the case of Woodenware Company *vs.* The United States (106 U. S., 432):

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 1, 1883.

SPECIAL TIMBER AGENTS, GENERAL LAND OFFICE, ———:

GENTLEMEN: Respecting the measure of damages to which the Government is entitled in settlement for timber trespass upon the public domain, the United States Supreme Court has recently decided that—

1. Where the trespasser is a knowing and willful one, the full value of the property at the time and place of demand, with no deduction for labor and expense of the defendant, is the proper rule of damages.

2. Where the trespasser is an unintentional or mistaken one or an innocent purchaser from such a trespasser, the value of the timber at the time when first taken by the trespasser, or if it has been converted into other material, its then value, less what the labor and expense of the trespasser and his vender have added to its value, is the proper rule of damages.

3. Where a person or corporation is a purchaser without notice of wrong from a willful trespasser, the value at the time of purchase should be the measure of damages.

You will, therefore, in cases where settlement is contemplated, state the facts and circumstances attending the cutting and the purchase of the timber, in such clear and definite manner that the Supreme Court decision, above referred to, can be readily applied.

In cases where settlement with an innocent purchaser of timber cut unintentionally, through inadvertence or mistake, is contemplated, you are instructed to report as nearly as possible the damage to the Government as measured by the value of the timber before cutting.

Very respectfully,

N. C. McFARLAND,
Commissioner.

DEPARTMENT OF THE INTERIOR,
March 1, 1883.

Approved.

H. M. TELLER,
Secretary.

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DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 5, 1883.

TO REGISTERS AND RECEIVERS UNITED STATES LAND OFFICES, AND SPECIAL AGENTS:

GENTLEMEN: You are instructed to circulate the following notice in your district:

NOTICE RELATIVE TO UNLAWFUL INCLOSURES OF PUBLIC LANDS.

In view of the numerous complaints of the unlawful inclosures of public lands for stock range purposes, and consequent impediment to settlements, all persons are hereby notified as follows:

The public lands are open to settlement and occupation only under the public land laws of the United States, and any unauthorized appropriation of the same is trespass.

Such trespass is equally offensive to law and morals as if upon private property.

The fencing of large bodies of public land beyond that allowed by law is illegal, and against the right of others who desire to settle or graze their cattle on the inclosed tracts.

Until settlement is made, there is no objection to grazing cattle or cutting hay on Government land, provided the lands are left open to all alike.

Graziers will not be allowed, on any pretext whatever, to fence the public lands and thus practically withdraw them from the operation of the settlement laws.

This Department will interpose no objections to the destruction of these fences by persons who desire to make *bona fide* settlement on the inclosed tracts, but are prevented by the fences, or by threats or violence, from doing so.

The Government will take proper proceedings against persons unlawfully inclosing tracts of public land whenever, after this notice, it shall appear that by such inclosures they prevent settlements on such lands by others who are entitled to make settlement under the public land laws of the United States.

Very respectfully,

N. C. McFARLAND,
Commissioner.

DEPARTMENT OF THE INTERIOR,
April 5, 1883.

Approved.

H. M. TELLER,
Secretary.

FORMS PRESCRIBED BY THIS OFFICE FOR THE OFFICIAL USE OF SPECIAL TIMBER AGENTS.

1.

OATH OF OFFICE.

I, ——— ———, do solemnly ——— that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of, any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further ——— that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me GOD.

——— ———.

Sworn to and subscribed before me this ——— day of ———, A. D. 188–.

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2.

WEEKLY REPORT.

Report of ——— ———, *special agent G. L. O., for week commencing the* —— *day of* ———, 188–, *and ending the* —— *day of* ———, 188–.

Date.	Day of week.	Name of place visited.	Nature of business. NOTE.—When the nature of business requires a more extended explanation than the space allotted to each day permits, state same in an accompanying letter.
	Monday		
	Tuesday		
	Wednesday ..		
	Thursday ...		
	Friday		
	Saturday		

..... 188 ,
.....
.....

I, ——— ———, a special agent of the General Land Office, do hereby certify that I have performed the services stated, and that the above report is correct.

——— ———,
Special Agent.

(NOTE.—Date, place, and State above.)

3.

VOUCHER FOR BOARD AND LODGING.

(4—158.)

No. —.]
Received, ——— —, 188–, from ——— ———, special agent General Land Office, ——— dollars for board and lodging from ——— to ———, 188–, inclusive, ——— days, at $—— per day.
$———.

Name: ———.
Post Office: ——— ———.

4.

VOUCHER FOR SPECIAL TRANSPORTATION.

(4—159.)

No. —.]
Received, ——— —, 188–, from ——— ———, special agent General Land Office, ——— dollars for hire of —— horse— and —— wagon, with —— driver, —cluding expenses, from ——— to ———, distance ——— miles; from ——— to ———, 188–, inclusive, ——— days, at $ —— per day.
$———.

Name: ——— ———.
Post Office: ——— ———.

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5.

VOUCHER FOR MISCELLANEOUS (AUTHORIZED) EXPENDITURES.

(4—160.)

No. —.] Authorized ——— —, 188–.

Received, ——— —, 188–, from ——— ———, special agent General Land Office, ——— dollars for ——— from ——— to ———, 188–, inclusive, ——— days, at $——— per day.

$———.

Name: ——— ———.
Post Office: ——— ———.

6.

RAILROAD TRANSPORTATION ORDER.

It is not deemed necessary to give the form of transportation order here, as such an order, to be valid, must first be signed by the honorable Commissioner of the General Land Office, and the occasion can never arise where it will be necessary or proper for a special agent to draft such an order, should his supply be exhausted.

7.

PHYSICIAN'S CERTIFICATE, IN CASE OF SICKNESS FOR A PERIOD EXCEEDING TWO CONSECUTIVE DAYS.

(Give post-office address and date:) ———, ———,
——— —, 188–.

I hereby certify that I am a regularly practicing physician, and as such rendered continuous service to ——— ——— from ——— to ———, 188–, inclusive; and that it is my professional opinion that he was, in consequence of sickness, unable to attend to ordinary business from ——— to ———, 188–, inclusive.

——— ———, M. D.

I do certify on oath to the above facts.

——— ———,
Special Agent.

Sworn to and subscribed before me this ——— day of ———, 188–.

——— ———,
Notary Public.

8.

REPORT OF TIMBER TRESPASS.

It is not deemed necessary to print the form of report here, as all the requirements are embodied under the head of "Manner of making report of timber trespass," pages — to —.

9.

RELEASE OF TIMBER OR LUMBER.

I, ——— ———, a member of the firm of ——— ———, do hereby certify that ——— engaged in the business of ———; that ——— place of business is at ———, county ——— of ———; that during the months of ——— and ———, 18—, ———purchased or became possessed of ———, which is now lying at ———; that at the time ——— said ——— had no knowledge or information that the same was cut from Government land, but had taken reasonable precautions to satisfy ——— to the contrary, having ——— now informed, and have satisfied ——— that said ——— was unlawfully cut from ——— during the years 18— and 18—, and being desirous of restoring said property to its rightful owner, and of avoiding any legal proceedings in the premises, ——— do hereby voluntarily relinquish and release to the United States all ——— right, title, and interest in and to said ——— ; and in consideration of said release and the circumstances above set forth ——— ask that ——— be relieved from all further liability in the premises.

——— ———,
for ——— ———.

Subscribed and sworn to before me this ——— day of ———, 188–.
[SEAL.]

——— ———.

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10.

PROPOSITION OF SETTLEMEET.

——— ———,
———, 188–.

Honorable COMMISSIONER OF THE GENERAL LAND OFFICE,
Washington, D. C., ——— —, ——:

SIR: I, ——— ———, a member of the firm of ——— ———, engaged in the business of ———, at ———, county of ———, in the ——— of ———, do hereby represent and certify that, during the months of ——— and ———, 188–, ——— certain timber consisting of ——— ———, said timber now lying ———; and that said timber was cut from the following described Government lands, and was ——— by ——— under the following circumstances: ———

—— further certify that the value of said timber in the position and condition it was in when ——— first informed or became aware that the same was cut from Government land was $—— per ——; that at the time it was cut, the value of the same standing in the tree was $—— per ———; that the value when felled and cut up into logs was $—— per ———, and the market value of the same at the boom or mill yard was $—— per ———, now informed by ——— ———, a special timber agent of your office, that ——— liable to ——— and ——— prosecution for the value of said timber and the damages sustained by the Government, the same having beenunlawfully cut from Government land.

As an acknowledgment of the rights of the Government in the premises, and for the purpose of avoiding litigation, ——— hereby offer to pay unto the United States in settlement for said ——— the sum of ———, being at the rate of $—— per ——— for said timber, said payment to be made to the receiver of public moneys at ———, or in such other manner as you may direct, within —— days from the date of notification of acceptance of this proposition, and in consideration of such payment, and the circumstances hereinbefore set forth, I respectfully ask that I be relieved from ——— or from any further liability in the premises.

——— ———,
for ——— ———.

Subscribed and sworn to before me, ——— ———, at ———, this —— day of ———, 188–.

[SEAL.] ——— ———.

11.

AFFIDAVIT WHERE LAND IS MINERAL.

I, ——— ———, a resident of ———, county of ———, in the ——— of ———, do hereby certify that I am well acquainted with the character of the land described as ———, situated in the —— of ———, upon which it is alleged that ——— ———, a resident of ———, county of ———, in the ——— of ———, has cut and removed or caused others to cut and remove timber to the extent of ———; that my personal knowledge of said land is such as to enable me to testify understandingly with regard thereto; that there is to my certain knowledge within the limits thereof certain veins or lodes of quartz or other rock in place bearing ——— or other valuable mineral deposit; that the said lands are indisputably mineral in character and not subject to entry under existing laws of the United States except for mineral entry, that said lands are not solely valuable for the timber thereon, and are unfit for agricultural purposes or for cultivation.

——— ———.

Subscribed and sworn to before me,——— ———, at ———, this —— day of ———, 188–.

[SEAL.] ——— ———.

12.

AFFIDAVIT WHERE LAND IS NON-MINERAL.

I, ——— ———, a resident of ———, county of ———, in the ——— of ———, do hereby certify that I am well acquainted with the character of the land described as ———, situated in the ——— of ———, upon which it is alleged that ——— ———, a resident of ——— county of ———, in the ——— of ———, has cut or removed or caused others to cut and remove timber to the extent of ———; that my personal knowledge of said land is such as to enable me to testify understandingly with regard thereto; that there is not, to my certain knowledge, within the limits thereof, any

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vein or lode of quartz or other rock in place bearing gold, silver, copper or other valuable mineral deposit; that said land is indisputably non-mineral in character valuable for ——— and subject to entry under existing laws of the United States for ———.

——— ———.

Subscribed and sworn to before me, ——— ———, at ———, this ——— day of ———, 188–.

[SEAL.]

——— ———.

DECISIONS AND OPINIONS.

For decisions and opinions under the stone and timber and timber acts of June 3, 1878, and generally as to timber on the public lands, see United States Land Laws, general and permanent, to December 1, 1880. "Public Land Commission, chapter 9, pages 95–106;" also annual Report Commissioner General Land Office, 1880–'81, and also see "Decisions of the Department of the Interior and General Land Office on cases relating to lands and land claims, from July, 1881, to June, 1883," pages 600–640, and especially circular of General Land Office of June 30, 1882, and modifying circular of March 3, 1883, approved March 5, as to construction of act of June 3, 1878, and as to the act of March 3, 1875 (18 Stat., p. 482), granting the right to right of way railroads of taking from the public lands material, earth, stone, and timber necessary for the construction of said railroads.

TIMBER LANDS ON THE PUBLIC DOMAIN.

TO DECEMBER 1, 1883.

The public domain States and Territories containing timber lands the property of the Nation, are Florida, Alabama, Mississippi, Louisiana, Arkansas, Michigan, Wisconsin, Missouri, Minnesota, California, Oregon, and Nevada, and the Territories of Dakota, Montana, Washington, Idaho, Arizona, New Mexico, Utah, and Wyoming. The estimated area remaining December 1, 1883, was about 73,000,000 of acres, exclusive of Alaska. Much of this area is, however, over mineral lands, and eight-tenths of it lying west of the Mississippi River.

See map of (approximate) area and location of public timber lands facing this page.

RECOMMENDATION OF THE PUBLIC LAND COMMISSION.

The Public Land Commission, in its preliminary report of February 25, 1880, in suggesting legislation for the timber lands of the United States, said:

SALE OF TIMBER.

By the proposed classification of public lands "all lands, excepting mineral, which are chiefly valuable for timber of commercial value for sawed or hewed timber, shall be classified as timber lands."

By this classification all timber-bearing lands which are mineral or agricultural, and all lands bearing timber which does not possess value for sawed or hewed timber, are excluded from the classification as timber lands.

Timber lands, as thus defined, comprise a comparatively small area. In Arkansas, Louisiana, Mississippi, Alabama, and Florida, but little, if any, lands will fall under the classification.

There may be small areas in Michigan, Wisconsin, and Minnesota, which should come under the classification, but the existence of such tracts is a matter of doubt, and consequently the classification will probably only include lands in the Territories and Pacific States.

In presenting a proposed law for the sale of timber and the retention of the soil, it becomes necessary to give, as briefly as may be consistent with the importance of the subject, the reasons for the departure from the custom of selling the soil.

The most valuable timber in the Territories, and in the States on the Pacific coast, grows upon lands possessing very little, if any, value for agricultural purposes.

Large areas of the land in the Territories and Pacific States are either known or supposed to be more valuable for minerals than for any other purpose. Where the mineral character of the land is known, it is, of course, sold as mineral, with no regard to the value of timber.

The rate of consumption and the destruction of timber by fires in the United States have been so great during the past twenty-five years as to cause alarm, not only on

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the part of thoughtful men at home, but in all countries not producing timber supplies equal to their wants.

The area of timber land, according to the classification, is small, and its retention by the Government neither withdraws nor withholds agricultural lands from settlement.

The commission is of the opinion that the provision for the sale of the timber upon alternate sections only, and reserving all which is less than eight inches in diameter, as well as the fee in the soil, will result in the maintenance and reproduction of the forest. The experiment is at least well worth trying.

Referring to the necessity for the legislation recommended, or some other, it is proper to say that much difficulty is encountered in trying to suppress depredations upon the timber on the public lands. The difficulties arise from a variety of causes, chief among which has been and still is the impossibility of purchasing, in a straightforward, honest way from the Government either timber or timber-bearing lands.

Until a very recent date, no public lands in the States of Arkansas, Louisiana, Mississippi, Alabama, or Florida could be procured in any other manner than by a compliance with the homestead law. This condition of the law was the primary cause of thousands of fraudulent homestead entries. It was no uncommon thing for one person or one firm engaged in the timber or turpentine trade to procure to be made large numbers of homestead entries with apparently no intention of complying with the law. So far as relates to the States mentioned this condition no longer exists, as the lands have all been brought into market under the act of June 22, 1876, and rendered subject to sale at $1.25 per acre at private entry, and consequently depredations on the timber in those States have, to a very great extent, ceased.

Until the passage of the act of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory," there was no manner by which timber or timber lands in either of the States or the Territory mentioned could be obtained excepting by settlement under the homestead and pre-emption laws, and by the location of certain kinds of script and additional homestead rights, which cost several dollars per acre.

Settlements upon timber-bearing lands in the States and Territory mentioned in the act, under the homestead and pre-emption laws, are usually a mere pretense for getting the timber. Compliance with those laws in good faith where settlements are made on lands bearing timber of commercial value is wellnigh impossible, as the lands in most cases possess no agricultural value, and hence a compliance with the law requiring cultivation is impracticable.

The commission visited the red-wood producing portion of the State of California, and saw little huts or kennels built of "shakes" that were totally unfit for human habitation, and always had been, which were the sole improvements made under the homestead and pre-emption laws, and by means of which large areas of redwood forests, possessing great value, had been taken under pretenses of settlement and cultivation which were the purest fictions, never having any real existence in fact, but of which "due proof" had been made under the laws.

In some sections of timber-bearing country where there should be, according to the "proofs" made, large settlements of industrious agriculturists engaged in tilling the soil, a primeval stillness reigns supreme, and solitude heightened and intensified by the grandeur of high mountain peaks, where farms should be according to proofs made, the mythical agriculturist having departed after making his "final proof" by perjury, which is an unfavorable commentary upon the operation of purely beneficent laws.

The law of June 3, 1878, is onerous, and ameliorates the condition existing before its passage but very little, if any; something further is necessary.

Another act was approved on the 3d of June, 1878, entitled "An act authorizing the citizens of Colorado and the Territories to fell and remove timber on the public domain for mining and domestic purposes," by the provisions of which settlers and other persons may take timber for mining and agricultural purposes from mineral lands.

The provisions of this law, when understood, mean but very little. *Timber may be taken from mineral lands.* Perhaps not one acre in five thousand in the State and Territories named is mineral, and perhaps not one acre in five thousand of what may be mineral is known to be such. The benefit of this law to the settlers is better understood when these facts are known.

The whole subject-matter of existing laws in relation to the sale or disposal of timber-bearing lands may be briefly stated, as follows:

Timber lands in the States of Arkansas, Louisiana, Mississippi, Alabama, and Florida may be bought for cash by any persons in any quantities, or may be taken under the homestead and pre-emption laws. (*In effect June* 30, 1883.)

In such parts of the States of Michigan, Wisconsin, Minnesota, and Missouri as contain public lands, which are at the same time agricultural and timber lands, the title may be obtained only under the homestead and pre-emption laws.

There is no way provided by law for disposing of lands which are chiefly valuable

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for timber of commercial value in those States, as it must be conceded by all that the homestead and pre-emption laws apply only to lands valuable for agriculture.

In the States of California, Oregon, and Nevada, and in Washington Territory, timber lands can be bought by certain persons, under certain onerous conditions, in quantities not exceeding one hundred and sixty acres.

In the States of Nevada (both the laws approved June 3, 1878, are applicable to this State) and Colorado, and in all the Territories except Washington, any person may cut and remove all the timber he may need for mining and domestic purposes from *mineral land*. This law, strictly observed, would not confer any benefit upon one in one thousand of the inhabitants. There is no other law by or under which timber or timber lands can be procured in the States and Territories last above named.

The population of two States and seven Territories should not longer be compelled by the laws of the country to be trespassers and criminals on account of taking the timber necessary to enable them to exist, as is the condition to-day, and as it has been, according to law, ever since settlements were commenced, or since the policy of selling lands for cash has been abandoned by the Government.

If the bill proposed by the commission should become a law, timber upon agricultural lands may be taken with the land, under the homestead law; timber or pasturage land may be taken under the law for sale or pasturage land, and also under pasturage homesteads; and timber may be taken from any land not classified as timber or agricultural land by all citizens and others requiring its use. Under the chapter of the act referring specifically to the sale of timber, the timber upon alternate sections of the timber lands may be bought without the soil. These provisions, together with the law as it now stands in reference to the States of Arkansas, Louisiana, Mississippi, Alabama, and Florida, will place all the public timber land of the United States under laws for disposal to persons requiring it, excepting the timber upon alternate sections of the lands embraced under the classification of timber lands, and thus make it possible for all persons, in every part of the country, to get timber or timber land, and at the same time making some provision for the retention of the timber on a part of the land and the reproduction of it upon another small portion.

For a thorough discussion of the question, and much valuable information relating thereto, see the testimony attached to and with the Preliminary Report of the Public Land Commission, 668 pages, Ex. Doc. 46, Forty-sixth Congress, second session.

STONE AND TIMBER LANDS.

* * * * * * *

ACT OF JUNE 3, 1878.

INDIVIDUAL ENTRY.

IN EFFECT DECEMBER 1, 1883.

[From Regulations of General Land Office, October 1, 1880.]

The first, second, and third sections of the act of Congress of June 3, 1878, provide for the sale of surveyed lands in California, Oregon, Nevada, and in Washington Territory not yet proclaimed and offered at public sale, valuable chiefly for timber and stone, unfit for cultivation, and consequently for disposal under the pre-emption and homestead laws. When a party applies to purchase a tract thereunder, the register and receiver will require him to make affidavit that he is a citizen of the United States by birth or naturalization, or that he has declared his intention to become a citizen under the naturalization laws. If native born, parol evidence of that fact will be received. If not native born, record evidence of the prescribed qualification must be furnished. In connection therewith, he will be required to make the sworn statement in duplicate, according to the attached form, No. 4-537, as provided for in the second section of the act. One of the duplicate statements filed in each is by the act required to be transmitted to this office, and the registers and receivers will accordingly send up with their monthly returns the duplicate statements to be transmitted for the month.

The evidence in regard to the publication of notice required to be furnished, in the third section of the act, must consist of the affidavit of the publisher or other person having charge of the newspaper in which the notice is published, with a copy of the notice attached thereto, setting forth the nature of his connection with the paper, and that the notice was duly published for the prescribed period. The evidence required in the same section with regard to the non-mineral character of the land, and its unoccupied and unimproved condition, must consist of the testimony of at least two disinterested witnesses, to the effect that they know the facts to which they testify from personal inspection of the land and of each of its smallest legal subdivisions, as per form attached, No. 4-371. This testimony may be taken before the register or

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receiver, or any officer using an official seal and authorized to administer oaths in the land district in which the land lies. Upon such proof being produced, if no adverse claim shall have been filed, the entry applied for may be allowed in pursuance of the provisions of the act. The receiver will issue his receipt for the purchase money, and the register his certificate of purchase, numbering the entry in the regular cash series. (Forms of application, receipt, and certificate are attached, Nos. 4-001, 4-131, and 4-189.) The register and receiver will enter the sale on their books, and make the usual returns therefor to this office, noting on the monthly abstracts, opposite the entry, and on the entry papers, a reference to the act of Congress under which allowed. They will forward all the papers in the case with their returns to this office, except the retained duplicate statement filed under the second section of the act, to which the register will give the same number with the other papers for the entry, and retain it on the appropriate file with the formal application in his office.

The register and receiver will be entitled to a fee of five dollars each for allowing an entry under said act, and jointly at the rate of twenty-two cents and a half per hundred words for testimony reduced by them to writing for claimants, which will be accounted for as other fees.

If, at the expiration of the sixty days' notice provided for in the third section of the act, an adverse claim should be found to exist calling for an investigation, the register and receiver will allow the parties a hearing according to the rules of practice.

ENTRY BY AN ASSOCIATION OF PERSONS.

In case of an association of persons making application for such an entry, each of the persons must prove the requisite qualifications, and their names must appear in and be subscribed to the sworn statement, as in case of an individual person. They must also unite in the regular application for entry, which will be made in their joint names as in other cases of joint cash entry. The forms prescribed for cases of applications by individual persons may be adapted for use in applications of this class.

* * * * * * *

FORMS USED IN AND METHOD OF ENTRY OF LANDS UNDER STONE AND TIMBER ACT OF JUNE 3, 1878.

IN EFFECT DECEMBER 1, 1883.

Sworn statement of applicant.
Notice of application. Evidence of posting and publishing.
Testimony of two witnesses, taken separately.
Cash application by applicant.
Receiver's cash (final) receipt. In duplicate.
Register's cash (final) certificate. In duplicate.

AREA AND QUALITY THAT CAN BE ENTERED.

Act only applies to California, Oregon, Nevada, and Washington Territory.

Lands must be valuable chiefly for timber or stone. Citizens, or those who have declared their intention to become such, can buy 160 acres, or less, at $2.50 per acre.

FORMS USED IN DISTRICT LAND OFFICE.

[Furnished free.]

ENTRY—HOW MADE.

Application to purchase.

[Made at District Land Office, and in duplicate.]

[No. 4-537.]

TIMBER AND STONE LANDS—ACT OF JUNE 3, 1878.

Sworn statement.

LAND OFFICE AT ——,
(*Date*) ——, 18—.

I, —— ——, of —— county, ——, desiring to avail myself of the provisions of the act of Congress of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory," for the purchase of the —— of section ——, township ——, of range ——, do solemnly —— that I* ——;

* In case the party has been naturalized, or has declared his intention to become a citizen, a certified copy of his certificate of naturalization or declaration of intention, as the case may be, must be furnished.

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that the said land is unfit for cultivation, and valuable chiefly for its ——; that it is uninhabited; that it contains no mining or other improvements ——; nor, as I verily believe, any valuable deposit of gold, silver, cinnabar, copper, or coal; that I have made no other application under said act; that I do not apply to purchase the land above described on speculation, but in good faith to appropriate it to my own exclusive use and benefit; and that I have not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whomsoever, by which the title which I may acquire from the Government of the United States may inure in whole or in part to the benefit of any person except myself.

——— ———.

Sworn to and subscribed before me this —— day of ——, 18—.

——— ———,

———.

NOTICE OF APPLICATION.

Posting and publishing.

Register posts a notice of the land applied for, giving description, in his office for sixty days. Applicant receives a copy for publication in a newspaper nearest the location of the lands. Must be published for sixty days, and then proof of publication be filed, viz: Affidavit of publisher or foreman of paper in which published, with copy of notice as published attached. Claimant then produces two witnesses, whose testimony is taken as to the character of the land, as follows:

[No. 4-371.]

(The testimony of two witnesses, in this form, taken separately, required in each case.)

(*May be taken before register and receiver, or before officer with a seal in land district in which the land is situated.*)

TIMBER AND STONE LANDS—ACT OF JUNE 3, 1878.

Testimony of witness.

——— ———, being called as a witness in support of the application of ——— ——— to purchase the —— of section ——, township ——, of range ——, testifies as follows:

Ques. 1. What is your post-office address, and where do you reside?

Ans. ———.

Ques. 2. What is your occupation?

Ans. ———.

Ques. 3. Are you acquainted with the land above described by personal inspection of each of its smallest legal subdivisions?

Ans. ———.

Ques. 4. When and in what manner was such inspection made?

Ans. ———.

Ques. 5. Is it occupied; or are there any improvements on it not made for ditch or canal purposes, or which were not made by, or do not belong to, the said applicant?

Ans. ———.

Ques. 6. Is it fit for cultivation?

Ans. ———.

Ques. 7. What causes render it unfit for cultivation?

Ans. ———.

Ques. 8. Are there any salines, or indications of deposits of gold, silver, cinnabar, copper, or coal on this land? If so, state what they are, and whether the springs or mineral deposits are valuable.

Ans. ———.

Ques. 9. Is the land more valuable for mineral or any other purposes than for the timber or stone thereon, or is it chiefly valuable for timber or stone?

Ans. ———.

Ques. 10. From what facts do you conclude that the land is chiefly valuable for timber or stone?

Ans. ———.

Ques. 11. Do you know whether the applicant has directly or indirectly made any agreement or contract, in any way or manner, with any person whomsoever, by which the title which he may acquire from the Government of the United States may inure, in whole or in part, to the benefit of any person except himself?

Ans. ———.

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Ques. 12. Are you in any way interested in this application, or in the lands above described, or the timber or stone, salines, mines, or improvements of any description whatever thereon?

Ans. ——.

—— ——.

I hereby certify that witness is a person of respectability; that each question and answer of the foregoing testimony was read to —— before —— signed —— name thereto, and that the same was subscribed and sworn to before me this —— day of ——, 18—.

—— ——,

——.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

"TITLE LXX.—CRIMES.—CH. 4.

"SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states and subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed." [See sec. 1750.]

CASH ENTRY NOW ALLOWED.

No adverse claim having been filed, cash entry is now allowed. Reference to the act of Congress under which made will be made on office books and abstracts, and also across the face of the papers.

[No. 4-001.]

CASH APPLICATION.

No. ——. LAND OFFICE AT ——,
(*Date*) ——, 18—.

I, —— ——, of —— county, ——, do hereby apply to purchase the —— of section ——, in township ——, of range ——, containing —— acres, according to the returns of the surveyor-general, for which I have agreed with the register to give at the rate of —— per acre.

—— ——.

I, —— ——, register of the land office at ——, do hereby certify that the lot above described contains —— acres, as mentioned above, and that the price agreed upon is —— per acre.

—— ——, *Register.*

[No. 4-131.]

RECEIVER'S CASH RECEIPT.

(*Issued in duplicate, one for applicant and one for the files.*)

No. ——. RECEIVER'S OFFICE AT ——,
(*Date*) ——, 18—.

Received from —— ——, of —— county, ——, the sum of —— dollars and —— cents; being in full for the —— quarter of section No. ——, in township No. ——, of range No. ——, containing —— acres and —— hundredths, at $—— per acre.

—— ——, *Receiver.*

$——.

[No. 4-189.]

REGISTER'S FINAL OR CASH CERTIFICATE.

(*Issued in duplicate, one for purchaser and one for the files.*)

No. ——. LAND OFFICE AT ——,
(*Date*) ——, 18—.

It is hereby certified that, in pursuance of law, —— ——, of —— county, State of ——, on this day purchased of the register of this office the lot or —— of section

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No. ——, in township No. ——, of range No. ——, containing —— acres, at the rate of —— dollars and —— cents per acre, amounting to —— dollars and —— cents, for which the said ——— ——— ha— made payment in full as required by law.

Now, therefore, be it known that on presentation of this certificate to the Commissioner of the General Land Office, the said ——— ——— shall be entitled to receive a patent for the lot above described.

——— ———, *Register.*

The papers are now [at end of month] transmitted to the General Land Office for approval and patent.

TIMBER CULTURE.

[See Chapter XXIV, pages 360–362, 1289.]

TO JUNE 30, 1882.

Under the several timber-culture acts from March 3, 1873, to June 30, 1882, there have been 90,757 original entries made, containing 13,657,146.47 acres; 165 final entries, containing 23,371.12 acres, have been made.

Mr. Commissioner McFarland, in his annual report for 1882, speaking of the timber-culture acts, says:

The utility of the timber-culture law as an inducement to the cultivation of trees that would not otherwise be planted has sometimes been questioned, since settlers under the homestead law in treeless regions find it one of the necessities of the situation to set out and cultivate trees, and their interest to do this is a usual guaranty that it will be done. At the same time, I am not inclined to recommend the repeal of a law of so beneficent an intention as the timber-culture act. But I deem it incumbent upon me to refer to the abuses to which it is subject.

This act does not operate in the five Southern public-land States, except a few entries in Arkansas.

AUTHORITIES AND REFERENCES.

See page 683 for Mr. Commissioner McFarland's recommendations as to this law, of date February 11, 1883, also showing abuses of it; also see page 681; see also "Timber-Culture" Decisions of the Department of the Interior and General Land Office from July, 1881, to June, 1883;" see also title "Timber or Timber-Culture," page 95: "General and Permanent Land Laws, 1880," and Annual Reports of Commissioner of the General Land Office for the years 1873, '74, '75, '76, '77, '78, '79, '80, and '81.

AREA ENTERED UNDER TIMBER-CULTURE LAW.

From 1873 to June 30, 1882, 90,757 individual entries were made under this law, containing 13,657,146.47 acres, an area about equal to the total surface of the States of New Hampshire, Massachusetts, Rhode Island, and Delaware. During this time but 165 entries have been consummated, containing 23.571.12 acres.

This act has been denounced by officers charged with its execution, and by special examiners, as one generally used for the benefit of fraudulent enterers and grabbers. Its practical utility is questionable, and thus far it has been used mostly by speculators intent on acquiring large tracts of public lands. This law, in practice, is not for the real benefit of the actual settler or the nation.

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Statement showing the number of timber-culture entries, with areas, made in each State and Territory under the timber-culture act of March 3, 1873, and June 14, 1878, to June 30, 1882, inclusive.

[See page 1290.]

States and Territories.	1873.		1874.		1875.		1876.		1877.		1878.	
	No. of entries.	Acres.	No. of entries.	Acres.	No. of entries.	Acres.	No. of entries.	Acres.	No. of entries.	Acres.	No. of entries.	Acres.
Arizona			2	196.51	2	320.10	10	1,197.15	21	2,440.00	11	1,600.00
Arkansas							3	231.92				
California	2	329.75	59	8,878.06	195	29,065.53	136	20,524.33	75	10,586.05	60	8,029.42
Colorado			17	2,272.24	27	3,453.82	45	6,514.22	28	3,343.33	125	17,436.73
Dakota	24	3,560.00	865	124,997.29	451	61,969.75	842	119,835.23	476	68,266.92	3,769	579,804.04
Idaho			2	180.83	21	2,583.25	17	1,973.89	52	7,035.91	158	22,169.53
Iowa	1	145.90	33	3,816.05	92	9,127.52	99	8,563.42	59	4,791.56	89	7,535.47
Kansas	60	9,642.17	1,954	282,479.07	1,265	168,269.06	1,354	185,596.43	1,666	238,020.44	4,031	593,295.17
Minnesota	95	14,710.15	804	113,131.63	499	63,673.73	1,070	140,126.30	561	76,021.53	2,693	377,017.78
Montana									3	398.59	9	960.00
Nebraska	137	21,858.07	2,164	312,712.09	1,061	130,894.26	834	106,499.74	706	90,812.90	1,408	195,306.68
Nevada									2	240.00	5	600.00
New Mexico							7	1,128.00			2	320.00
Oregon					7	882.68	13	1,793.18	19	2,509.37	130	18,446.21
Utah							3	399.88	3	338.50	9	1,280.00
Washington			22	2,482.22	31	3,324.14	54	5,374.28	148	19,746.75	562	78,237.00
Wyoming			1	80.00	1	130.47	1	160.00				
Total	319	50,246.04	5,923	851,225.99	3,652	473,694.31	4,488	599,917.97	3,819	524,551.85	13,061	1,902,038.03

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Statement showing the number of timber-culture entries, with areas, made in each State and Territory, &c.—Continued.

States and Territories.	1879.		1880.		1881.		1882.		Final entries.		RECAPITULATION.			
											Original entries.		Final entries.	
	No. of entries.	Acres.	No. of entries.	Acres.	No. of entries.	Acres.	No. of entries.	Acres.	No. of entries.	Acres.	No. of entries.	Acres.	No. of entries.	Acres.
Arizona	21	3,280.00	6	719.65							73	9,753.41		
Arkansas					6	760.00	9	1,352.77			18	2,344.69		
California	112	14,458.81	99	12,120.31	201	24,538.28	306	39,882.99			1,245	168,413.53		
Colorado	121	16,142.03	214	30,302.14	195	26,473.31	329	47,436.05	1	160.00	1,001	153,373.87	1	160.00
Dakota	4,675	728,687.83	5,575	868,748.39	5,133	868,400.36	9,368	1,446,532.34	4	521.68	31,178	4,870,802.15	4	521.68
Idaho	162	22,013.93	181	23,300.04	224	28,680.26	272	33,965.61			1,089	141,903.25		
Iowa	73	6,577.67	57	4,714.05	55	3,644.25	82	6,235.62			640	55,151.51		
Kansas	7,776	1,167,582.77	289	408,261.74	1,924	268,575.09	1,933	273,053.55	71	9,915.52	22,252	3,594,775.49	71	9,915.52
Louisiana	1	80.43	1	40.00	19	2,293.40	7	1,004.02			28	3,417.85		
Minnesota	1,847	257,642.50	309	123,735.36	1,168	167,582.16	1,220	176,741.42	21	2,998.50	10,266	1,510,382.56	21	2,998.50
Montana	27	3,134.20	61	6,835.32	131	16,535.20	266	35,409.94			497	63,273.25		
Nebraska	3,183	465,968.94	3,202	475,275.87	1,682	240,306.94	2,806	298,520.11	68	9,975.42	17,183	2,338,155.60	68	9,975.42
Nevada	1	160.00	5	560.00	7	1,040.00	10	1,520.00			30	4,120.00		
New Mexico	14	1,891.93	24	2,887.95	16	2,039.26	24	3,351.99			87	11,619.13		
Oregon	117	17,046.59	482	73,061.66	212	31,176.40	590	88,038.77			1,570	232,951.86		
Utah	20	2,328.93	35	4,044.05	35	3,921.52	32	3,831.71			137	16,144.59		
Washington	479	68,506.10	893	134,637.65	540	77,008.62	603	87,524.76			3,332	476,841.52		
Wisconsin					1	40.00					1	40.00		
Wyoming			2	240.00	5	784.30	20	2,284.44			30	3,679.21		
Total	18,629	2,775,502.66	11,435	2,169,484.18	11,554	1,763,799.35	17,877	2,546,686.09	165	23,571.12	90,757	13,657,146.47	165	23,571.12

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, *Washington, D. C.*

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TIMBER CULTURE ENTRIES—HOW MADE, AND FORMS.

FORMS USED IN TIMBER-CULTURE ENTRIES.

[Furnished free at district land offices.]

IN EFFECT DECEMBER 1, 1883.

IN FIRST INSTANCE, OR ORIGINAL ENTRY.

Application of person, with register's certificate.
Affidavit of applicant.
Non-mineral affidavit of applicant.
Receiver's receipt in duplicate.

FINAL ENTRY.

Final affidavit by claimant.
Proof testimony of claimant.
Proof testimony of witnesses, two taken separately.
Receiver's final receipt, in duplicate, one for claimant, one for files.
Register's final certificate, in duplicate, one for claimant, one for the files.

ENTRY CAN BE MADE BY WHOM?

By any person, a citizen, or who has declared his or her intention to become such above the age of twenty-one years. The head of a family or a single person, male or female, or a widow, or a woman the head of a family by reason of desertion by her husband.

CIRCULAR INSTRUCTIONS RELATIVE TO ENTRIES UNDER THE TIMBER CULTURE LAW.

IN EFFECT DECEMBER 1, 1883.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 20, 1883.

TO REGISTERS AND RECEIVERS:

GENTLEMEN: You are instructed to deliver to applicants for land under the timber-culture act a copy of this circular, and to especially call the attention of the applicant to the requirements of the law under which the application is made.

RESIDENCE OF APPLICANT.

1. The applicant *must* in *every case* state in his application his place of *actual residence*, and the *post-office address* to which notices of contest or other proceedings relative to his entry shall be sent.

SECOND FILINGS AND ENTRIES.

2. A party making a legal filing or entry under any one of the foregoing acts exhausts his right under that act and cannot thereafter make another filing or entry under said act.

ALTERATIONS IN APPLICATIONS.

3. Applications to amend filings or entries should be filed with the register and receiver and be by them transmitted for the consideration of this office. Registers and receivers will not change an entry or filing so as to describe another tract or change a date after the same has been recorded.

RELINQUISHMENTS.

4. Entries and filings made for the purpose of holding the land for speculation and the sale of relinquishments are illegal and fraudulent, and every effort in the power of the Government will be exerted to prevent such frauds and to detect and punish the perpetrators.

5. The first section of the act of May 14, 1880, provides that when a pre-emption, homestead, or timber-culture claimant shall file a written relinquishment of his claim in the land office, the land covered by such claim shall be held as open to settlement

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and entry without further action on the part of the Commissioner of the General Land Office.

6. This act refers to *bona fide* relinquishments of *bona fide* entries. An entry fraudulent in its inception is not an entry capable of being relinquished. It is an entry to be canceled upon a proper showing of the facts and circumstances of the case, whereupon the land will become subject to proper entry by the first legal applicant.

7. Purchasers of relinquishments of fraudulent filings or entries should understand that they purchase at their own risk so far as the United States is concerned, and must seek their own remedies under local laws against those who, by imposing such relinquishments upon them, have obtained their money without valuable consideration.

THE TIMBER-CULTURE ACT.

60. A timber culture applicant is required to make oath that his entry is made for the cultivation of timber and for his own exclusive use and benefit; that he makes the application in good faith and not for the purpose of speculation, nor directly or indirectly for the use or benefit of any other person or persons whomsoever; and that he intends to hold and cultivate the land and to wholly comply with the provisions of the act.

61. Claimants under the timber culture act will be held to a strict compliance with the terms and conditions of the law.

62. Not more than one-quarter [or 160 acres] of any section can be entered under this act.

63. Where 160 acres are taken, at least five acres must be plowed within one year from date of entry. The following, or second year, said five acres must be actually cultivated to crop or otherwise, and another five acres must be plowed. The third year the first five acres must be planted to trees, tree seeds, or cuttings, and the second five acres actually cultivated to crop or otherwise. The fourth year the second five acres must be planted to trees, tree seeds, or cuttings, making, at the end of the fourth year, ten acres thus planted to trees.

64. Perfect good faith must at all times be shown by claimants. Trees must not only be planted, but they must be protected and cultivated in such manner as to promote their growth.

65. Final proof may be made at the expiration of eight years from date of entry. It must be shown that for the said eight years the trees have been planted, protected, and cultivated as aforesaid; that not less than 2,700 trees were planted on each of the ten acres, and that at the time of making proof there are growing at least six hundred and seventy-five (675) living thrifty trees to each acre.

66. Where less than one quarter-section of land is entered, the same proportionate amount of plowing, planting, and cultivation of trees must be done as required in entries of 160 acres.

67. If the trees, seeds, or cuttings are destroyed in any one year they must be replanted. A party will not be released from a continued attempt to promote the actual growth of timber or forest trees. A failure in this respect will subject the entry to cancellation.

68. Only an applicant for the land under the timber-culture or homestead laws can institute a contest under the third section of the act of 1878.

69. Contestants have a preference right of thirty days after cancellation in which to make entry of the land.

70. The Government will at any period, upon proper application to contest, or upon its own information, investigate alleged fraudulent or illegal timber-culture entries, or alleged failure to comply with the law after entry, and such entries will be canceled upon sufficient proof either of illegality or failure to comply with the law.

71. The land-office fee for an [original] entry of more than 80 acres is $14; for 80 acres or less, $9.

CAUTION TO APPLICANTS.

Persons making filings or entries under the homestead, pre-emption, or timber-culture acts are cautioned that the laws authorize entries to be made only for the use and benefit of the party making the same, and that entries or filings are not allowed by law to be made for the benefit of others nor for speculation, but all entries must be made in good faith, and the requirements of law must be honestly and faithfully complied with.

Very respectfully,

N. C. McFARLAND,
Commissioner.

DEPARTMENT OF THE INTERIOR,
March 20, 1883.

Approved.

H. M. TELLER,
Secretary.

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Sections 2246, 5392, 5393, 5440, and 5479, Revised Statutes, provides for oaths and penalties, and are published in full in the circular.

WHAT LANDS CAN BE ENTERED.

The act of March 3, 1873, provided that an entry could be made on any quarter section of the public lands.

The act of June 14, 1878, existing law, provides that lands can be entered for the cultivation of timber which are prairie lands or other lands devoid of timber, as the several chapter herein show. There are special laws for the disposal of *desert lands, saline lands, town sites on the public domain*, and lands which are unfit for cultivation and valuable chiefly for timber or stone.

DUTIES OF REGISTER AND RECEIVER IN TIMBER-CULTURE ENTRIES.

[From General Land Office circular of October 1, 1880.]

IN EFFECT DECEMBER 1, 1883.

The following regulations are prescribed pursuant to the fifth section of the act of June 14, 1878, viz:

1. The register and receiver will not restrict entries under this act to one quarter section only in each section, as was formerly done under the acts to which this is amendatory, but may allow entries to be made of subdivisions of different quarters of the same section, provided that each entry hall form a compact body not exceeding 160 acres, and that not more than that quantity hall be entered in any one section. Before allowing any entry applied for, they will, by a careful examination of the plat and tract books with reference to any previous entry or entries within the limits of the same section, satisfy themselves that the desired entry is admissible under this rule.

2. When they shall have satisfied themselves that the land applied for is properly subject to such entry, they will require the party to make the prescribed affidavit and to pay the fee and that part of the commissions payable at the date of entry, and the receiver will issue his receipt therefor, in duplicate, giving the party a duplicate receipt. They will number the entry in its order in a separate series of numbers, unless they have already a series under the acts to which this act is amendatory, in which case they will number the entry as one of that series; they will note the entry on their records and report it in their monthly returns, sending up all the papers therein, with an abstract of the entries allowed during the month under this act. If the affidavit is made before a justice of the peace, which the act admits of, his official character and the genuineness of his signature must be certified under seal.

3. When a contest is instituted, as contemplated in the third section of the act of June 14, 1878, the contestant will be allowed to make application to enter the land. The register will thereupon indorse on the application the date of its presentation, and will make the application and the contestant's affidavit setting forth the grounds of contest the basis for further proceeding, these papers to accompany the report submitting the case to the General Land Office. Should the contest result in the cancellation of the contested entry the contestant may then perfect his own, but no preference right will be allowed under this section unless application is made by him at date of instituting contest. But reference is here made to the subsequent act of Congress, approved May 14, 1880, the provisions of which allowing preference rights apply to timber-culture entries as well as to homesteads and pre-emptions.

4. The fees and commissions in this class of entries the receiver will account for in the usual manner, indicating the same as fees and commissions on timber-culture entries, which will be charged against the maximum of $3,000 now allowed by law.

5. In all cases under this act it will be required that trees shall be cultivated which shall be of the classes included in the term "*timber*," the cultivation of shrubbery and fruit trees not being sufficient. (See classes of trees before mentioned.)

* * * * * * *

FORMS USED IN FIRST INSTANCE.

ORIGINAL ENTRY.

Applicant need not appear at the District Land Office; residence on the land is not requisite.

APPLICATION OF CLAIMANT.

[No. 4-009.]

TIMBER CULTURE—ACT OF JUNE 14, 1878.

Application No. ——.

I, ——— ———, hereby apply to enter, under the provisions of the act of June 14, 1878, entitled "An act to amend an act entitled 'An act to encourage the growth of

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timber on the Western prairies,'" the —— of section ——, in township ——, of range ——, containing —— acres.

——— ———.

LAND OFFICE AT ———,
(*Date*) ——— 18—.

I, ——— ———, register of the Land Office, do hereby certify that the above application is for the class of lands which the applicant is legally entitled to enter under the provisions of the timber-culture act of June 14, 1878; that there is no prior valid adverse right to the same, and that the land therein described, together with the lands heretofore entered under this act and the acts of which this is amendatory in the said section, does not exceed one-quarter thereof.

——— ———, *Register.*

Applicant files the following:

[No. 4-073.]

TIMBER CULTURE—ACT OF JUNE 14, 1878.

Can be taken before Register or Receiver, or before officer with a seal, authorized to administer oaths.

Affidavit.

LAND OFFICE AT ———,
(*Date*) ———, 18—.

I ——— ———, having filed my application No. ——, for an entry under the provisions of an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,'" approved June 14, 1878, do solemnly —— that I am the head of a family [*or over twenty-one years of age*], and a citizen of the United States [*or have declared my intention to become such*]; that the section of land specified in my said application is composed exclusively of prairie lands, or other lands devoid of timber; that this filing and entry is made for the cultivation of timber, and for my own exclusive use and benefit; that I have made the said application in good faith, and not for the purpose of speculation, or directly or indirectly for the use or benefit of any other person or persons whomsoever; that I intend to hold and cultivate the land, and to fully comply with the provisions of this said act; and that I have not heretofore made an entry under this act, or the acts of which this is amendatory.

——— ———.

Sworn to and subscribed before me this —— day of ——, 18—.

——— ———.

With his affidavit must be filed a—

NON-MINERAL AFFIDAVIT.

Can be sworn to before Register or Receiver, or any officer with a seal, authorized to administer an oath.

See page 694 for form.

RECEIVER'S RECEIPT.

The receiver issues the following receipt, in duplicate, one for the files and one for the applicant:

[No. 4-142.]

Receiver's receipt.

Receiver's receipt, No. —. Application, No. —.

RECEIVER'S OFFICE, ———,
(*Date*) ———, 18—.

Received of ——— ——— the sum of —— dollars —— cents, being the amount of fee and compensation of register and receiver for the entry of —— of section ——, in township ——, of range ——, under the first section of the act of Congress approved June 14, 1878, entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies.'"

$——. ——— ———, *Receiver.*

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TIMBER-CULTURE CONTESTS.

IN EFFECT DECEMBER 1, 1883.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 13, 1883.

TO REGISTERS AND RECEIVERS, UNITED STATES LAND OFFICES:

GENTLEMEN: By circular letter of this office dated December 20, 1882, your attention was called to the provisions of section 3 of the timber-culture act of June 14, 1878, and it was therein announced that on the 14th of November, 1882, the honorable Secretary of the Interior held, in Frank Bundy's appeal—Oberlin, Kans.—that said statute restricts contests against a prior timber-culture entry to one who seeks to enter the land covered thereby under the homestead or timber-culture laws, and that in the absence of such application to make entry there is no right of contest, nor does a preference right attach under section 2 of the act of May 14, 1880. You were therefore directed to dismiss all contest suits then pending in your respective offices against timber-culture entries coming within the purview of said decision, and informed that the filing of the application aforesaid is a condition precedent to the right of contest under said section 3 of said act of June 14, 1878, and that the party so applying must be qualified to make an entry.

On the 2d instant the honorable Secretary of the Interior, in the case of Albert L. Bartlett *vs.* Edwin Dudley—Visalia, Cal.—among other things, held as follows:

"Further consideration confirms me in the opinion that the decision in the case of Bundy was a correct interpretation of the third section of the act of 1878, as respects a contestant, and that it is not inharmonious with the second section of the act of 1880. In order, however, that a contestant whose contest has been or hereafter may be dismissed, for failure to file an application to enter the contested tract at the date of initiating his contest, may yet have opportunity for entering it, under a valid proceeding, I know of no objection to his initiation of a new contest with an application to enter the tract; or that, in such case, in order to the saving of expense and delay, the parties may stipulate, in writing, that the testimony formerly taken may be used in the new contest, with such other testimony as they may see fit to submit. The new contest will, of course, be subject to any intervening right initiated prior thereto and, in view of the time which has elapsed since the initiation of the former contest, should receive your early consideration."

You will post a copy of this circular in some conspicuous place in your respective offices, and, in cases arising, be governed in accordance with the above provisions.

Very respectfully,

N. C. MCFARLAND,
Commissioner.

Approved.

H. M. TELLER,
Secretary.

TIMBER CULTURE.

FORMS IN CASES OF CONTEST.

Many defects and considerable irregularity having heretofore prevailed in the matter of notices served and affidavits filed in contests against timber-culture entries, the following forms have been adopted and are the only ones now in use in contests against this class of entries:

[4-346.]

[*Notice.—Timber culture.*]

U. S. LAND OFFICE,
——— —, 188–.

Complaint having been entered at this office by ——— ——— against ——— ——— for failure to comply with law as to timber-culture entry No. ———, dated ———, 18—, upon the ———, section ———, township ———, range ———, in ——— county, ———, with a view to the cancellation of said entry; contestant alleging that ——— ———, the said parties are hereby summoned to appear at this office on the ——— day of ———, 188–, at ——— o'clock ——— m., to respond and furnish testimony concerning said alleged failure.

NOTE.—The fact and date of service upon the timber-culture claimant should be indorsed on this notice, and publication must be resorted to where personal service cannot be had, and that fact is established by an affidavit that, after using due diligence, it has been found impossible to make personal service upon the claimant.

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[4-090.]

Affidavits to be filed before contest of timber-culture entry.

U. S. LAND OFFICE,
——— —, 188–.

Personally appeared before me, ——— ——— of the land office, ——— ——— of ——— county, State of ———, who upon his oath says: That he is well acquainted with the tract of land embraced in the timber-culture entry of ——— ——— No. ———, made ———, 18—, ——— and knows the present condition of the same; also that the said ——— ———,* and this the contestant is ready to prove at such time and place as may be named by the register and receiver for a hearing in said case; and he therefore asks to be allowed to prove said allegations, and that said timber-culture entry, No. ——, may be declared canceled and forfeited to the United States—he, the said contestant, paying the expenses of such hearing.

——— ———.

Sworn to and subscribed the day and year above written before

——— ———.

Also appeared at the same time and place ——— ———, and ——— ———, who, being duly sworn, depose and say: That they are acquainted with the tract described in the within affidavit of ——— ———, and know from personal observation that the statements therein made are true.

——— ———.

Sworn to and subscribed before me this ——— day of ———, 188–.

——— ———.

INSTRUCTIONS FOR MAKING FINAL PROOF ON TIMBER-CULTURE ENTRIES.

[Under acts of Congress to encourage the growth of timber on Western prairies.]

ISSUED FEBRUARY 1, 1882. IN EFFECT DECEMBER 1, 1883.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 1, 1882.

REGISTERS AND RECEIVERS OF UNITED STATES LAND OFFICES:

GENTLEMEN: Your attention is called to the following regarding timber-culture entries under the several acts of Congress and the manner in which final proof may be made:

The act of March 3, 1873 (17 Stat., 605), entitled "An act to encourage the growth of timber on the Western prairies," provided that any person might make an entry under that act on any quarter-section of the public lands.

Entries under that act were not restricted to heads of families, persons twenty-one years of age, citizens, or those who had declared their intention of becoming citizens of the United States.

Persons making entries under said act were required to plant, protect, and keep in a healthy growing condition for ten (10) years forty acres of timber on the quarter-section entered. The trees were to be not more than twelve (12) feet apart each way. Only one-quarter of any section could be entered. Entries were to be made for the cultivation of timber. Final proof could be made at the expiration of ten (10) years from the date of entry or at any time within three (3) years thereafter.

In making final entry under this act the party, or, if he be dead, his heirs or legal representatives, must "prove by two credible witnesses that he, she, or they have planted, and for not less than ten years have cultivated and protected," the quantity and character of timber above mentioned.

The act of March 13, 1874 (18 Stat., 21), was an act amendatory of, and, from said March 13, 1874, a substitute for, the act of March 3, 1873. All timber-culture entries made between March 13, 1874, and June 14, 1878, were made under the act of 1874. This act provided that citizens of the United States, or persons who had declared their intention of becoming citizens, and who were heads of families or had arrived at the age of twenty-one years, could make such entries.

Entries were to be made for the cultivation of timber.

---

* Here state that the claimant did not perform certain acts required by law to be done during the year or years in which the failure is alleged to have occurred, specifying said requirements in full. Thus, if the tract be 160 acres, and failure during the first year after entry be alleged, the affidavit should state that the claimant failed to break, or cause to be broken, five acres of the tract claimed, and in a similar manner should specify any failure alleged to have occurred in subsequent years.

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Forty acres of timber on a quarter-section, and the like proportion of timber on less than a quarter-section, were required to be planted, protected, and kept in healthy growing condition for eight (8) years. The trees were to be not more than twelve (12) feet apart each way.

Only one quarter-section, or its equivalent, could be entered by any one person under this act.

The party making an entry of one quarter-section was required to break ten (10) acres of the land the first year, ten (10) acres the second year, and twenty (20) acres the third year after the date of the entry; and to plant ten (10) acres of timber the second year, ten (10) acres the third year, and twenty (20) acres the fourth year after the date of the entry, and in the same proportion when the entry was for a less area than one quarter-section. Final proof could be made at the expiration of eight (8) years from the date of entry, or at any time within five (5) years thereafter.

In making final entry under this act the party, or, if he be dead, his heirs or legal representatives, must "prove by two credible witnesses that he, she, or they have planted, and for not less than eight years have cultivated and protected," the quantity and character of timber mentioned in this act.

In case of the death of a person who had complied with the provisions of the act for three (3) years the heirs or legal representatives had the option to continue the compliance for the remainder of the eight years and to receive patent accordingly, or to receive patent for forty (40) acres outright by relinquishing all claim to the remainder.

Entries made under the act of March 3, 1873, can be completed, and final proof made under the act of March 13, 1874, upon compliance with the provisions of the latter act.

By the act of May 20, 1876 (19 Stat., 54), amendatory of the act of 1874, it was provided that whenever a party holding a claim or making final proof under said act should prove, by two credible witnesses, that the trees planted and growing on said claim were destroyed by grasshoppers during any one or more years, the time allowed in which to plant the trees and make final proof should be extended the same number of years as the trees planted were so destroyed.

It was also provided that the planting of seeds, nuts, and cuttings should be considered a compliance with the timber-culture act, when such seeds, nuts, and cuttings should be properly and well planted, and the ground properly prepared and cultivated.

It is not necessary under this act that the planting shall be done in one body, "provided the several bodies, not exceeding four in number, planted by measurement, aggregate the amount required and in the time required by the original and amended act."

It was provided that in case the seeds, nuts, or cuttings should not germinate and grow, or should be destroyed by the depredations of grasshoppers, or from other inevitable accident, the ground should be replanted, or the vacancies filled within one year from the first planting. Parties claiming the benefit of this provision were to prove, by two good and credible witnesses, that the ground was properly prepared and planted, and that the destruction of the seeds, nuts, or cuttings was caused by inevitable accident.

The act of June 14, 1878 (20 Stat., 113), is an act amendatory of, and, as to all entries made since June 14, 1878, is a substitute for, the act of March 13, 1874.

The persons authorized to make entries under the act of 1878 are heads of families or single persons who have attained the age of twenty-one years, and who are citizens of the United States or have declared their intention to become citizens, and who have made no previous entry under the timber-culture laws.

Entries are restricted to not more than one quarter-section, and one entry only can be made by any one person.

Only tracts embraced in sections which are prairie lands, or other lands devoid of timber, are subject to entry under this act.

The entry must be made for the cultivation of timber, and for the exclusive use and benefit of the person making the entry. It must be made in good faith, and not for speculation, nor for the benefit of another.

Five (5) acres on a quarter-section are required to be broken or plowed the first year, and five (5) acres the second year. The second year the first five acres must be cultivated to crop or otherwise. The third year the second five acres must be cultivated to crop or otherwise, and the first five acres must be planted in timber, seed, or cuttings. The fourth year the second five acres must be planted in timber, seeds, or cuttings. Ten (10) acres are thus to be plowed, planted, and cultivated on a quarter-section, and the same proportion when less than a quarter-section is entered. The whole ten (10) acres, or the due proportion thereof, must be prepared and planted within four years from the date of the entry, five (5) acres being prepared the first and second years and planted the third year, and five (5) acres being prepared the second and third years and planted the fourth year.

If the trees, seeds, or cuttings are destroyed by grasshoppers or by extreme and unusual droughts, the time of planting may be extended one year for every year of such

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destruction, upon the filing in the local office of an affidavit by the entryman, corroborated by two witnesses, setting forth the destruction and asking the extension of time provided for by the act.

Final proof can be made at the expiration of eight (8) years from the date of entry, or at any time within five years thereafter.

The requirements in making final proof under this act are as follows:

1st. It must be shown that not less than twenty-seven hundred (2,700) trees of the proper character were planted on each acre of the ten acres required to be planted.

2d. It must be shown that the quantity and character of trees as aforesaid have been cultivated and protected for not less than eight years preceding the time of making proof.

3d. It must be shown that at the time of making proof there are growing at least six hundred and seventy-five (675) living and thrifty trees to each acre of the ten acres planted.

All entries made since June 14, 1878, are made under this act. Parties who made entries under either of the former acts are permitted to complete the same and to make final proof under the act of 1878, upon full compliance therewith.

Section 7 of the act defines the meaning of the term "full compliance" as used in that section. It is, that the parties shall show that they have had under cultivation, as required by the act, an amount of timber sufficient to make the number of acres required therein; that at the time of making final entry the required number of living and thrifty trees are growing on the land.

It is not requisite, in making proof under the act of 1878, that the manner of planting as prescribed by that act should be shown to have been followed by persons who made entries under the acts of 1873 and 1874.

The planting in such cases may have been done in the manner prescribed by the acts of 1873 or 1874, or in the manner prescribed by the act of 1878.

The character of the trees should be such as are recognized in the neighborhood as of value for timber, or for commercial purposes, or for firewood and domestic use. The enumeration of species on page 27 of the General Circular of October 1, 1880, is only intended as a general guide, and is not to be construed to exclude any trees falling within the foregoing characterization.

In computing the period of cultivation the time runs from the date of entry, if the necessary acts of cultivation were performed within the proper time. The preparation of the land and the planting of trees are acts of cultivation, and the time authorized to be so employed, and actually so employed, is to be computed as a part of the eight years of cultivation required by the statute.

If there have not been eight (8) years of cultivation, or if there are not the requisite number of living and thrifty trees growing on the land at the expiration of eight years from the date of entry, then final proof cannot be made until these requisites shall have been complied with.

The proof required in final entry will be the affidavit and testimony of the party, corroborated by the testimony of two witnesses, setting forth, specifically and in detail, all the facts of the case, showing when cultivation was commenced, the acts performed, amount of land plowed, cultivated, and planted, what was done in each year, the total number of trees planted, the total number growing, and their size and condition at date of proof, and any other facts or circumstances material to the case.

In making final proof the timber-culture claimant must appear in person with his witnesses at the district land office of the district in which the land is situated, and there make the necessary proofs; or the affidavit of the party may be made, and his testimony, and the testimony of his witnesses, given before a judge or clerk of a court of record in such land district.

The officer administering the oath or taking the testimony must certify to the identity and credibility of the party appearing before him.

In every case, when final proof is offered or submitted, the register and receiver will carefully examine the evidence, and, if found sufficient as showing that the claimant has fully complied with the law (and on payment of the final commissions allowed by law), they will proceed to issue the final certificate and receipt in the same manner as in final homestead cases.

The payments required by law on a timber-culture entry are as follows:

ORIGINAL ENTRIES.

For more than 80 acres, a fee of $10, to be paid at date of entry, and $4 commissions; total, $14.

For 80 acres or less, fee $5, commissions $4; total $9.

FINAL ENTRIES.

The total payment required in each case of final entry is $4, payable when final proof is made.

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No additional or other fee, charge, gratuity, or reward is permitted to be paid or received for any services rendered at district land-offices in connection with such entries.

Annexed will be found forms A, B, C, D, and E.

N. C. McFARLAND,
Commissioner.

Approved February 2, 1882.

S. J. KIRKWOOD,
Secretary.

A.

FINAL AFFIDAVIT.—TIMBER-CULTURE ENTRY.

(*Before register or receiver, or before a judge or clerk of a court of record within the land district.*)

[Acts of March 3, 1873, March 13, 1874, and June 14, 1878.]

I, —— ——, having on the —— day of ——, 18—, made a timber-culture entry No. —, of the —— of section ——, in township — of range —, subject to entry at ——, ——, under the timber-culture laws of the United States, do hereby apply to perfect my claim thereto by virtue of the seventh section of the act of June 14, 1878, entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the western prairies,'" and for that purpose do solemnly —— that my aforesaid entry was made in good faith, and not for the purpose of speculation, or directly or indirectly for the use or benefit of any other person or persons whomsoever; that I have not heretofore made any other entry under the timber-culture laws of the United States; and I do further —— that the section of land specified in my aforesaid entry is composed exclusively of prairie lands or other lands devoid of timber; that said entry was made for the cultivation of timber, and that I have planted on said land, cultivated and protected, and kept in a healthy, growing condition for and during the period of eight (8) years last past, —— acres of (*here describe the kinds of timber*) timber; that not less than —— trees were planted on each acre, and that there are now at least (*here state the number of trees*) living and thrifty trees to and upon each acre, aggregating in total the number of —— trees.

(Signature of claimant.)

—— ——.

Sworn to and subscribed before me this —— day of ——, 18—.

—— ——,
—— ——.

B.

TIMBER-CULTURE PROOF.—TESTIMONY OF CLAIMANT.

(*Before register or receiver, or before a judge or clerk of a court of record within the land district.*)

[Acts of March 3, 1873, March 13, 1874, and June 14, 1878.]

—— ——, being called as a witness in —— own behalf in support of —— timber-culture entry No. —— for —— section —, township —, of range —, in the district of lands subject to entry at —— ——, testifies as follows:

Question 1. What is your name written in full and correctly spelled, your age, and post-office address?

Answer. ——.

Question 2. Describe your timber-culture entry, giving the date thereof and the number of acres embraced therein.

Answer. ——.

Question 3. What number of acres of said land was broken by you during the first year, what number broken during the second year, and what number broken during the third year, respectively, after the date of your entry? Give the day, month, and year, as nearly as practicable in each instance, when the several breakings were done; describe the method of breaking, and in what way your measurements were made.

Answer. ——.

Question 4. Describe the way in which the ground was prepared, and state how many acres of said tract were planted to trees during the *second* year of your entry, giving the day, month, and year, as nearly as practicable, when the planting was done, the kind or kinds of trees planted; and state how you know the area or number of acres so prepared and planted during said *second* year.

Answer. ——.

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Question 5. Describe the way in which the ground was prepared, and state how many acres of said tract were planted to trees during the *third* year of your entry, giving the day, month, and year, as nearly as practicable, when the planting was done, the kind or kinds of trees planted; and state how you know the area or number of acres so planted during said *third* year.

Answer. ———.

Question 6. Describe the way in which the ground was prepared, and state how many acres of said tract were planted to trees during the *fourth* year of your entry, giving the day, month, and year, as nearly as practicable, when the planting was done, the kind or kinds of trees planted; and state how you know the area or number of acres so planted during said fourth year.

Answer. ———.

Question 7. If you have received an extension of time for planting on account of the destruction of your trees, seeds, or cuttings, by grasshoppers or by extreme and unusual drought, state the year or years in which extension was had and give all the particulars. How did you proceed to obtain such extension?

Answer. ———.

Question 8. How many acres of timber have you planted, cultivated, protected, and kept in a healthy growing condition for the period of eight (8) years last preceding on the tracts embraced in your entry?

Answer. ———.

Question 9. Describe the condition of the trees now growing on said tract, giving their average diameter and height as near as you can, the kind or kinds of trees, the number of trees per acre now growing thereon; and state how you know the facts to which you testify.

Answer. ———.

Question 10. Have you ever heretofore made any other timber-culture entry? If so, describe such entry or entries, and state all the particulars.

Answer. ———.

Question 11. Is the section specified in your entry composed of prairie land, or was it devoid of timber at the date of your entry?

Answer. ———.

Question 12. State anything further within your personal knowledge which you have to offer regarding your aforesaid entry.

Answer. ———.

(Signature of claimant.)

——— ———.

I hereby certify that each question and answer in the foregoing testimony was read to the claimant before —— signed —— name thereto, and that the same was subscribed and sworn to before me this —— day of ———, 18—.

——— ———,

——— ———.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following act of Congress, which is made by statute specifically applicable to all oaths, affirmations, and affidavits required or authorized under the timber culture acts:

[Act of March 3, 1857 (11 Statutes, p. 250.)]

"SEC. 5. *And be it further enacted,* That in all cases where any oath, affirmation, or affidavit shall be made or taken before any register or receiver, or either or both of them, of any local land-office in the United States or any Territory thereof, or where any oath, affirmation, or affidavit shall be made or taken before any person authorized by the laws of any State or Territory of the United States to administer oaths or affirmations, or take affidavits, and such oaths, affirmations, or affidavits are made, used, or filed in any of said local land-offices, or in the General Land Office, as well in cases arising under any or either of the orders, regulations, or instructions concerning any of the public lands of the United States, issued by the Commissioner of the General Land Office or other proper officer of the Government of the United States, as under the laws of the United States, in anywise relating to or affecting any right, claim, or title, or any contest therefor, to any of the public lands of the United States, and any person or persons shall, taking such oath, affirmation, or affidavit, knowingly, willfully, or corruptly swear or affirm falsely, the same shall be deemed and taken to be perjury, and the person or persons guilty thereof shall, upon conviction, be liable to the punishment prescribed for that offense by the laws of the United States."

(See also section 5392 United States Revised Statutes.)

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C.

(The testimony of two witnesses in this form, taken separately, required in each case.)

TIMBER-CULTURE PROOF.—TESTIMONY OF WITNESS.

(*Before register or receiver, or before a Judge or clerk of a court of record within the land district.*)

[Acts of March 3, 1873, March 13, 1874, and June 14, 1878.]

——— ———, being called as a witness in support of the timber-culture entry of ——— No. — for the —— of section —, township —, range —, in the district of lands subject to entry at ——— ———, testified as follows:

Question 1. What is your name, age, occupation, and residence?

Answer. ———.

Question 2. Are you well acquainted with ——— ———, the claimant; and, if so, since what time have you known him?

Answer. ———.

Question 3. If you have personal knowledge regarding claimant's timber-culture entry, give the date when said entry was made, describe the tract or tracts, and state the number of acres embraced therein.

Answer. ———.

Question 4. How far do you reside from the land described, and have you had continuous personal knowledge of said land and the improvements thereon during the last eight (8) years?

Answer. ———.

Question 5. Was the section embracing the entry of the claimant composed of prairie lands or other lands devoid of timber? Describe the land embraced in said section, whether undulating or otherwise, and if any natural timber was growing on the tract named at the date of entry; state the kind or kinds of trees so growing, and their number, situation, and size.

Answer. ———.

Question 6. How many acres of the land embraced in claimant's entry were broken by him during the first year, how many during the second year, how many during the third year, respectively, after the date of entry? Give the day, month, and year in each instance, as near as practicable, when the several breakings were done, describe the method of breaking, and in what way your measurements were made, or how you know the area, or number of acres broken.

Answer. ———.

Question 7. Describe the way in which the ground was prepared, and state how many acres of said tract were planted to trees during the *second* year of said entry, giving the day, month, and year, as near as practicable, when the planting was done, the kind or kinds of trees planted, and state how you know the area or number of acres so prepared and planted during said second year.

Answer. ———.

Question 8. Describe the way in which the ground was prepared, and state how many acres of said tract were planted to trees during the *third* year of said entry, giving the day, month, and year, as near as practicable, when the planting was done, the kind or kinds of trees planted, and state how you know the area or number of acres so prepared and planted during said third year.

Answer. ———.

Question 9. Describe the way in which the ground was prepared, and state how many acres of said tract were planted to trees during the *fourth* year of said entry, giving the day, month, and year, as near as practicable, when the planting was done, the kind or kinds of trees planted, and state how you know the area or number of acres so prepared and planted during said fourth year.

Answer. ———.

Question 10. Has the claimant ever had the trees, seeds, or cuttings on the tract embraced in his timber-culture entry destroyed by grasshoppers or by extreme and unusual drought? If so, state the year or years in which the destruction took place, and give all the facts within your personal knowledge.

Answer. ———.

Question 11. How many acres of timber on the tract described has the claimant planted, cultivated, protected, and kept in a healthy growing condition for the period of eight (8) years last preceding, and from what source is your knowledge upon this point obtained?

Answer. ———.

Question 12. Describe the condition of the trees now growing on said tract, give their average diameter and height as near as you can, the kind or kinds of trees,

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the number of trees to the acre, and state how you know the facts to which you testify.

Answer. ———.

Question 13. Has the claimant, to your knowledge, ever made any other timber-culture entry?

Answer. ———.

Question 14. Have you any interest, direct or indirect, in this claim?

Answer. ———.

Question 15. State any further facts which you may know of your own personal knowledge regarding the aforesaid timber-culture entry.

Answer. ———.

(Signature of witness.) ——— ———.

I hereby certify that the above-named ——— ——— personally appeared before me, and that he is a credible witness; that the foregoing testimony was read to him before being subscribed, and was sworn to by him before me this —— day of ———, 18—.

———,
———.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following act of Congress, which is made by statute specifically applicable to all oaths, affirmations, and affidavits required or authorized under the timber-culture acts:

[Act of March 3, 1857 (11 Statutes, p. 502)].

SEC. 5. *And be it further enacted*, That in all cases where any oath, affirmation, or affidavit shall be made or taken before any register or receiver, or either, or both of them, of any local land-office in the United States, or any Territory thereof, or where any oath, affirmation, or affidavit shall be made or taken before any person authorized by the laws of any State or Territory of the United States to administer oaths or affirmations, or take affidavits, and such oaths, affirmations, or affidavits are made, used, or filed in any of said local land-offices, or in the General Land Office, as well in cases arising under any or either of the orders, regulations, or instructions, concerning any of the public lands of the United States, issued by the Commissioner of the General Land Office, or other proper officer of the Government of the United States, as under the laws of the United States, in anywise relating to or affecting any right, claim, or title, or any contest therefor, to any of the public lands of the United States, and any person or persons shall, taking such oath, affirmation, or affidavit, knowingly, willfully, or corruptly swear, or affirm falsely, the same shall be deemed and taken to be perjury, and the person or persons guilty thereof shall, upon conviction, be liable to the punishment prescribed for that offense by the laws of the United States.

(See also section 5392 United States Revised Statutes.)

RECEIVER'S FINAL RECEIPT.

D.

TIMBER CULTURE.

(*In duplicate; one for applicant, one for the files.*)

[Acts of March 3, 1873, March 13, 1874, and June 14, 1878.]

RECEIVER'S FINAL RECEIPT, No. —. } { APPLICATION, No. —.

RECEIVER'S OFFICE,
(*Date*) ——— —, 188—.

Received from ——— ———, of ———, the sum of ——— dollars, being the balance of payment required by law for the timber-culture entry of the ——— ——— of section —, in township —, of range —, containing ——— acres, under the acts of March 3, 1873, and March 13, 1874, and the act of June 14, 1878, amendatory thereof, entitled "An act to amend the act entitled 'An act to encourage the growth of timber on the western prairies.'"

———,
Receiver.

$ ———.

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REGISTER'S FINAL CERTIFICATE.

E.

FINAL CERTIFICATE, No. —. } { APPLICATION, No. —.

TIMBER CULTURE.

(*In duplicate; one for applicant, one for the files.*)

[Acts of March 3, 1873, March 13, 1874, and June 14, 1878.]

LAND OFFICE AT ———,
(*Date*) —— *day of* ——, 18—.

It is hereby certified that, in the pursuance of the provisions contained in the acts of Congress of March 3, 1873, and March 13, 1874, and the act amendatory thereof of June 14, 1878, entitled "An act to amend the act entitled 'An act to encourage the growth of timber on the western prairies,'" ——— ———, of ——, has made payment in full for ——— of section number —, in township —, of range number —, containing ——— acres.

Now, therefore, be it known, that on presentation of this certificate to the Commissioner of the General Land Office the said ——— ——— shall be entitled to a patent for the tract of land above described.

——— ———,
Register.

The case is now made up and the papers transmitted, at the end of the month, to the Commissioner of the General Land Office for approval and patent.

DESERT LANDS.

[See Chapter XXX, pages 363-364, 1291.]

TO JUNE 30, 1882.

From March 3, 1877, to June 30, 1882, there have been 3,849 entries under this act, containing 1,170,676.53 acres, realizing to the Nation $291,849.71.

Sales of desert lands under the act of March 3, 1877.

State or Territory.	1881.			1882.		
	No. of entries.	Area.	Amount.	No. of entries.	Area.	Amount.
Arizona	11	4,235.26	.....	12	5,926.59	.....
California	27	5,279.44	.....	55	11,694.15	.....
Idaho	44	12,215.37	.....	78	23,647.39	.....
Montana	67	17,241.62	.....	167	61,683.13	.....
Nevada	32	8,105.18	.....	14	1,960.00	.....
New Mexico	25	6,387.49	.....	38	8,338.15	.....
Oregon	32	10,252.86	.....	22	5,535.01	.....
Utah	75	9,922.27	.....	76	12,517.41	.....
Washington	6	638.50	.....	4	360.00	.....
Wyoming	107	34,282.03	.....	102	33,294.11	.....
Total	426	108,560.02	.....	568	164,955.94	.....

RECAPITULATION BY FISCAL YEARS.

Years.	Entries.	Acres.	Amount.
1877	741	271,604.91	$67,654 69
1878	957	298,586.07	74,168 45
1879	611	164,368.30	40,994 95
1880	546	162,601.29	40,652 63
Total to June 30, 1880	2,855	897,160.57	223,470 72
1881	426	108,560.02	68,378 99
1882	568	164,955.94	
Total to June 30, 1882	3,849	1,170,676.53	291,849 71

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LANDS TO WHICH THE DESERT-LAND ACT APPLIES.

DECEMBER 1, 1883.

(See map fronting this page.)

Agriculture depends upon irrigation in Nevada, New Mexico, Arizona, Colorado, Wyoming, Idaho, Southern California, Montana, Eastern Oregon, a portion of the western part of Dakota, and Eastern Washington Territory; also in other portions of the public domain. The desert-land act, however, applies to the localities above named, and the lands therein are so called by law, and are so disposed of unless the contrary be shown. This vast arid region, estimated to contain more than seven hundred millions of acres, contains a water-supply sufficient to irrigate thirty millions of acres. What artesian wells may do is a question for the future.

A great portion of the timber lands of the Nation lie within this region, generally on the mountains (see timber map). Within this area lie the grazing or pasturage lands of the public domain (covering copper, coal, iron, and the precious metals), estimated at more than three hundred and fifty millions of acres. June 30, 1883, the United States owned (estimated), within subdivisions above enumerated, more than five hundred millions of acres of land within the area shown by the map and known as the arid region. Along streams, near springs, or by the side of water holes, or in valleys, can be found thousands of farms and homes using the existing water supply. These have been taken under the homestead, pre-emption, or other settlement laws; but it may be safely said that such lands with water supply immediately adjacent have long since been entered.

AUTHORITIES AND REFERENCES.

For abuses under desert-land law, see letter of Mr. Commissioner McFarland, pages 682 and 684, herein. Also Annual Reports of Commissioner of General Land Office for 1877, '78, '79, '80, '81, '82, and '83; also decisions of Department of the Interior and General Land Office for '81 to '83, title "Desert lands," and reference cited on page 361 herein. See also Public Land Commission volume of "General and Permanent Laws," chapter XVI, title Desert Lands, pages 162, 163.

DESERT LANDS.

OFFICIAL CONSTRUCTION AND REGULATIONS.

IN EFFECT DECEMBER 1, 1883.

DEFINITION OF DESERT LANDS.

[From official circular General Land Office, October, 1880.]

By desert lands is meant a class of lands which will not, without irrigation, produce any agricultural crop. Land along streams and around bodies of water which produces grass suitable for hay without artificial irrigation is not desert land within the meaning of the law, and such lands are not subject to desert entry.

IN WHICH SUBDIVISION CLAIMS MAY BE ENTERED.

Title to desert lands in any of the following States and Territories may be acquired under the act of Congress of March 3, 1877, viz, the *States of California, Oregon,* and *Nevada,* and the *Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico,* and *Dakota.*

METHOD OF ACQUIRING TITLE.

Any party desiring to avail himself thereof must file with the register and receiver of the proper district land-office a declaration in form prescribed (No. 4-274), which must be under oath, and may be executed before either the register or receiver or the clerk of any court of record having a seal. It must be set forth that the applicant is a citizen of the United States, or that he has declared his intention to become such, in which case a duly certified copy of his declaration of intention to become a citizen must be presented and filed. It must also be set up that the applicant has made no

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To accompany "Public Domain" Base Map from Mitchells Series of Geographies published by E. H. Butler & Co. Philadelphia. By Thomas Donaldson.

Map (approximate), showing the lands of the arid region where the Desert Land Act applies. Estimated to contain about seven hundred millions of acres, but embracing much timber, mineral and pasturage lands, already referred to in several preceding chapters. This map also shows the location of the grazing or pasturage lands of the public domain, covering great areas of mineral, and estimated as being equal in area to three hundred and fifty millions of acres. These, however, are included in the estimate of area of Desert Lands, State and Territorial boundaries only are correctly given.

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other declaration for desert lands under the provisions of this act, and that he intends to reclaim the tract of land applied for, not exceeding one section, by conducting water thereon within three years from the date of his declaration. The declaration must also contain a description of the land applied for, by legal subdivisions if surveyed, or if unsurveyed as nearly as possible without a survey by giving, with as much clearness and precision as possible, the locality of the tract with reference to known and conspicuous landmarks or the established lines of survey, so as to admit of its being thereafter readily identified when the lines of survey come to be extended.

ENTRIES ON SURVEYED LANDS—SHAPE OF CLAIM.

The law requires desert entries to be compact in form. The requirement of compactness will be held to be complied with on surveyed lands when a section, or part thereof, is described by legal subdivisions compact with each other, as nearly in the form of a technical section as the situation of the land and its relation to other lands will admit of, although parts of two or more sections be taken to make up the quantity or equivalent of one section. But entries which show upon their face an absolute departure from all reasonable requirements of compactness, and being merely contiguous by the joining of ends to each other, will not be admitted, whether on surveyed or on unsurveyed lands.

ENTRIES ON UNSURVEYED LANDS.

On unsurveyed lands the degree of compactness required will be such as, upon the adjustment of the lines after survey, will bring the land within the limits and general form of a technical section, or part thereof, as nearly as may be.

AREA AND FORM OF ENTRY.

In no case will the side lines be permitted to exceed one mile and a quarter, when the full quantity of six hundred and forty acres is entered. When the entry embraces a less quantity than a whole section or its equivalent, the limit to the side lines will be proportionately decreased.

Entries, whether by legal subdivisions on surveyed lands, or of an irregular form on unsurveyed lands, running along the margins or including both sides of streams, and not being compact in any true sense, will not be permitted.

PROCEDURE IN ENTRY—BLANKS AND FORMS.

As preliminary to the filing of the declaration, it must be satisfactorily shown that the land therein described is *desert land* as defined in the second section of the act. To this end, the testimony of at least two disinterested and credible witnesses is required, whose testimony will be reduced to writing in the usual manner; or the evidence may be furnished in the form of affidavits executed before the clerk of any court of record having a seal, the credibility of the witnesses to be certified by said clerk. The witnesses must clearly state their acquaintance with the premises, and the facts as to the condition and situation of the land upon which they base their judgment. A form of affidavit, to be sworn to and subscribed by each witness, is attached (No. 4–074). Where the land is situated on the borders of streams or lakes evidence will also be required that the land in its natural state is not productive of hay. After proof has been made to the satisfaction of the district officers, the receiver will receive from the applicant the sum of twenty-five cents per acre for the land applied for; the register will receive aud file his declaration, and they will jointly issue, in duplicate, a certificate in the form attached (No. 4–199). One of these duplicates will be delivered to the applicant; the other will be retained by the register and receiver with the declaration and proof. They will bear a number according to the order in which the certificate was issued. The register will keep a record of the certificates issued, showing the number, date, amount paid, name of applicant, and description of the land applied for in each case, and, in addition, he will note the same upon his plats and records as in cases of ordinary entry. At the end of each month he will, with his regular returns, forward to this office an abstract of the declarations filed and certificates issued under this act during the month, accompanying same with the declarations and proofs filed and the retained copy of certificate in each case. The receiver will also account for the money received under this act in the usual form. At any time within three years after the date of filing the declaration and the issue of certificate, the proper party may make satisfactory proof of having conducted water upon the land applied for. This proof must consist of the testimony of at least two disinterested and credible witnesses, who must appear in person before the register and receiver. They must declare that they have personal knowledge of the condition of the land applied for, and of the facts to which they testify; and their testi-

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mony must be reduced to writing in the usual manner. (See Forms 4-372 and 4-373.) The party must also present and surrender the duplicate certificate issued when the declaration was filed. When this is done, and the final proof made to the satisfaction of the district officers, the receiver will receive the additional payment of one dollar per acre, receipt therefor in duplicate, as per Form 4-143, and give the party a duplicate receipt. The register will also issue a final certificate of purchase (Form 4-200). They will give to these final certificates and receipts a special series of numbers, and will make separate abstracts of same at the end of each month, sending up therewith the final certificates, receipts, and proofs.

CLAIMS ON UNSURVEYED LANDS—DUTIES OF OFFICERS IN SUCH CASE.

In cases where declarations shall be filed under this act for unsurveyed lands, the register and receiver will immediately forward copies of the declarations to the surveyor-general in order that the proper surveys may be made. The claimants will be required to take their claims by legal subdivisions when the lines of public surveys shall have been extended over the same.

WHO MAY ENTER DESERT LANDS.

Any person who is a citizen of the United States, or any person of requisite age, who may be entitled to become a citizen, and who has filed a declaration of intention to become one, may enter 640 acres of desert land or public land, which will not, without irrigation, produce some agricultural crops—in the States and Territories above set out. Surveyed or unsurveyed lands may be entered.

PROCEDURE AND FORMS IN DISTRICT LAND OFFICE.

DECEMBER 1, 1883.

[Blanks furnished free.]

LIST OF FORMS.

(At time of (original) application.)

Declaration by applicant.
Affidavit or testimony of two witnesses.
Non-mineral affidavit by applicant.
Register and receiver's certificate, in duplicate.

(Final entry.)

Any time within three years after date of filing.

Declaration and issue of certificate must be done in person before register and receiver.

Deposition of applicant.
Deposition of two witnesses.
Receiver's final receipt in duplicate.
Register's final certificate, in duplicate.

FORMS NECESSARY AT APPLICATION.

[No. 4-274.]

DESERT LAND—ACT OF MARCH 3, 1877.

(*Executed before register or receiver or clerk of court having a seal.*)

Declaration of applicant.

No. ——. LAND OFFICE AT ——,
(*Date*) ——, 18—.

I, —— ——, of —— county, —— of ——, being duly sworn, depose and declare, that I am a citizen of the United States, of the age of ——, and a resident of said county and ——, and by occupation a ——; that I intend to reclaim a tract of desert land, not exceeding one section, by conducting water upon the same, within three years from date, under the provisions of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Terri-

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tories." The desert land which I intend to reclaim does not exceed one section, and is situated in —— county, in the —— land district, and is described as follows, to wit: the —— of section No. ——, township No. ——, range No. ——, containing —— acres. I further depose, that I have made no other declaration for desert lands under the provisions of said act; that the land above described will not, without irrigation, produce an agricultural crop; that there is no timber growing upon said land; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes, under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I became acquainted with said land by ——; and that my declaration therefor is not made for the purpose of fraudulently obtaining title to mineral land, timber land, or agricultural land, but for the purpose of faithfully reclaiming, within three years from the date hereof, by conducting water thereon, a tract of land which is desert land within the meaning of the act.

——— ———.

LAND OFFICE AT ———,
(*Date*) ———, 18—.

I hereby certify that the foregoing declaration was this day sworn to and subscribed before me.

——— ———, *Register.*
——— ———, *Receiver.*

[No. 4-074.]

DESERT LAND—ACT OF MARCH 3, 1877.

AFFIDAVIT.

(*Two witnesses, separately in each case, sworn to before register or receiver or clerk of a court with a seal.*)

No. ——.

LAND OFFICE AT ———,
(*Date*) ———, 18—.

I, ——— ———, of —— county, ——, being duly sworn, declare, upon oath, that I am a resident of said county and ——; that I am of the age of ——, and by occupation a ——; that I am well acquainted with the character of each and every legal subdivision of the following-described land: the —— section No. ——, township No. ——, range No. ——, containing —— acres; that I became acquainted with said land by ——; that I have been acquainted with it for —— years last past; that I have frequently passed over it; that my knowledge of said land is such as to enable me to testify understandingly concerning it; that the same is desert land within the meaning of the second section of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories"; that said land will not, without artificial irrigation, produce any agricultural crop; that no agricultural crop has ever been raised or cultivated on said land for the reason that it does not contain sufficient moisture for successful cultivation; that the same is essentially dry and arid land, wholly unfit for cultivation without artificial irrigation; that said land cannot be successfully cultivated without reclamation by conducting water thereon; that said land has hitherto been unappropriated, unoccupied, and unsettled, because it has been impossible to cultivate it successfully on account of its dry and arid condition; that it is a fact well known, patent, and notorious that the same will not, in its natural condition, produce any crop; that the land is the ——; that there is no timber growing thereon, but that it is devoid of timber; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not, within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I am not interested in any way or manner, directly or indirectly, present or prospective, in any application or declaration made or to be made for said land or in the land itself, or in the title which may by any person or in any manner be acquired thereto.

——— ———.

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NON-MINERAL AFFIDAVIT.

(*Sworn to before register or receiver, or clerk of a court having a seal.*)

See page 694 herein, for form of non-mineral affidavit.

[No. 4-199.]

DESERT LAND CERTIFICATE.

(*Issued in duplicate; one for applicant, one for the files.*)

No. ——. UNITED STATES LAND OFFICE,
——, 18—.

It is hereby certified that under the provisions of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories," —— —— has this day filed in this office his declaration of intention to reclaim the following-described tract of land, viz: ——; that he has proven to our satisfaction that the said tract of land is desert land as defined in the second section of said act, and that he has paid to the receiver the sum of —— dollars, being at the rate of twenty-five cents per acre for the land above described.

It is, therefore, further certified, that if within three years from the date hereof the said —— ——, his heirs or legal representatives, shall satisfactorily prove that the said land has been reclaimed by carrying water thereon, and shall pay to the receiver the additional sum of one dollar per acre for the land above described, he or they shall be entitled to receive a patent therefor under the provisions of the said act.

—— ——, *Register.*
$——. —— ——, *Receiver.*

NOTE.—The word "heirs" is substituted in this form for the word "assignee," the Secretary of the Interior having declined to recognize the assignment of desert land claims.

FORMS USED IN FINAL ENTRY.

[No. 4-372.]

FINAL PROOF UNDER THE DESERT LAND ACT OF MARCH 3, 1877.

(*May be made at any time within three years after date of filing declaration and receipt of certificate.*)

DEPOSITION OF APPLICANT.

(*Must be taken before register or receiver in person; applicant must also surrender the duplicate certificate issued him or her when declaration was filed.*)

Ques. 1. State your name, age, occupation, and residence.
Ans. ——.
Ques. 2. Are you a citizen of the United States, or, if not, have you declared your intention to become such? (If not native-born, proof-record must be furnished.)
Ans. ——.
Ques. 3. If you have heretofore made a desert land entry, give the number and date thereof, and describe the land embraced therein.
Ans. ——.
Ques. 4. Have you conducted water upon the land embraced in said entry, and irrigated the same, and reclaimed it from its former desert character to such an extent that it will now produce an agricultural crop?
Ans. ——.
Ques. 5. What crops have you raised upon said land in each and every year since your first entry thereon under your declaration No. ——?
Ans. ——.
Ques. 6. How many acres have been sown or planted in each year, in what crops, and upon what portion or subdivision of the land, and what amount of such crops has been actually produced?
Ans. ——.
Ques. 7. What crops, if any, had been grown upon the land, or upon any portion thereof, and, if any, upon what portion, previous to your entry thereon?
Ans. ——.
Ques. 8. Would the land, or any portion of it, by cultivation without irrigation, have produced any agricultural crop whatever, and, if so, what crop?
Ans. ——.

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Ques. 9. Was there any natural water supply upon such land sufficient to fertilize or irrigate the whole or any portion thereof, and, if so, what portion? State fully.

Ans. ———.

Ques. 10. Has the amount of water conveyed upon the land in any one season been sufficient to so irrigate the entire tract as to render the same productive, and, if so, what crop or crops would such irrigation produce?

Ans. ———.

Ques. 11. Has the whole tract been irrigated and cultivated by you in any one season?

Ans. ———.

Ques. 12. Has each smallest legal subdivision or portion of less than forty acres been irrigated or cultivated either during one season or different seasons since the date of your entry?

Ans. ———.

Ques. 13. How much water per acre has been conducted upon the land, or upon any portion under cultivation, in any one season; for how long a time was it so conducted upon the land, and at what times or seasons? State fully.

Ans. ———.

Ques. 14. In what manner was such water conveyed upon the land, whether by pipes or ditches, and how was it distributed over and through the soil? State particularly and in detail, and describe the ditches as to their width, depth, direction through or around the land, and give the length of each.

Ans. ———.

Ques. 15. Have you at this time the right and proprietorship of water sufficient and available to continue the irrigation of this tract and make perpetual reclamation of the land, and is it your purpose so to continue its use upon this land, and for the purposes of such reclamation?

Ans. ———.

Ques. 16. How was such right or proprietorship obtained, and by what tenure do you now hold the same? (Duly verified abstract of title must be furnished.)

Ans. ———.

Ques. 17. Have you the sole and entire interest in said entry, and in the tract covered thereby, and the water appropriated to irrigate the same?

Ans. ———.

Ques. 18. Has any other person, individual, or company of individuals any interest whatever in said entry, tract, or water appropriation? If so, give the name, residence, and occupation of each such person, and the nature, amount, and extent of such interest.

Ans. ———.

Ques. 19. Have you made or become the assignee of any other entry, or have you any interest, direct or indirect, in any other entry under the desert land act?

Ans. ———.

(*Signature*) ——— ———.

I HEREBY CERTIFY that each question and answer in the foregoing deposition was read to the applicant before —— signed —— name thereto, and that the same was subscribed and sworn to before me this —— day of ——, 18—.

——— ———, *Register.*
——— ———, *Receiver.*

NOTE.—The officer before whom the deposition is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law:

"TITLE LXX.—CRIMES.—CH. 4.

"SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five, years, and shall, moreover, thereafter, be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed." [See sec. 1750.]

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[No. 4-73.]

[The deposition of two witnesses, in this form, taken separately, required in each case.]

(*Must be taken in person before the register and receiver.*)

FINAL PROOF UNDER THE DESERT LAND ACT OF MARCH 3, 1877.

DEPOSITION OF WITNESS.

Ques. 1. State your name, age, residence, and occupation.

Ans. ———.

Ques. 2. Are you acquainted with ——— ———, who made desert land entry No. ——, on the —— day of ——, A. D. 18—, upon the ——?

Ans. ———.

Ques. 3. How long have you known the party who made this entry?

Ans. ———.

Ques. 4. Have you personal knowledge of this land?

Ans. ———.

Ques. 5. Has water been conducted upon the land embraced in said entry so as to irrigate and reclaim the same from its former desert condition to such extent that the same will produce an agricultural crop?

Ans. ———.

Ques. 6. What crops have been raised upon said land in each and every year since its first entry by ——— ———, under declaration No. ——, and by whom?

Ans. ———.

Ques. 7. How many acres have been sown or planted in each year, in what crops, and upon what portion or subdivision of the land, and what amount of crops have been produced thereon, and by whom?

Ans. ———.

Ques. 8. What crops, if any, had been grown upon the land, or upon any portion thereof, previous to the entry of ——— ——— thereon?

Ans. ———.

Ques. 9. Would the land, or any portion of it, by cultivation without irrigation, have produced any agricultural crop whatever, and, if so, what crop?

Ans. ———.

Ques. 10. Was there any natural water supply upon such land sufficient to fertilize or irrigate the whole, or any portion thereof, and, if so, what portion? State fully.

Ans. ———.

Ques. 11. Has the amount of water conveyed upon said land by ——— ——— in any one season been sufficient to so irrigate the entire tract as to render the same productive, and, if so, what crop or crops would such irrigation produce?

Ans. ———.

Ques. 12. Has the whole tract been irrigated and cultivated by ——— ——— in any one season?

Ans. ———.

Ques. 13. Has each smallest legal subdivision or portion of less than forty acres been irrigated or cultivated either during one season or different seasons since the date of entry?

Ans. ———.

Ques. 14. How much water per acre has been conducted upon the land, or upon any portion under cultivation in any one season; for how long a time was it so conducted upon the land, and at what times or seasons? State fully.

Ans. ———.

Ques. 15. In what manner was such water conveyed upon the land, whether by pipes or ditches, and how was it distributed over and through the soil? State particularly and in detail, and describe the ditches as to their width, depth, direction through or around the tract, and give the length of each.

Ans. ———.

Ques. 16. Has ——— ——— at this time the right and proprietorship of water sufficient and available to continue the irrigation of this tract and make perpetual reclamation of the land?

Ans. ———.

Ques. 17. How did you become acquainted with the facts relative to the irrigation of said land?

Ans. ———.

Ques. 18. Have you any interest, direct or indirect, in this entry, in the land covered thereby, or in the water supply used in its irrigation?

Ans. ———.

(*Signature*) ——— ———.

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I HEREBY CERTIFY that witness is a person of respectability; that each question and answer in the foregoing testimony was read to —— before —— signed —— name thereto, and that the same was subscribed and sworn to before me this —— day of ——, 18—.

——— ———, *Register.*
——— ———, *Receiver.*

NOTE.—The officer before whom the deposition is taken should call the attention o the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

"TITLE LXX.—CRIMES.—CH. 4.

"SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that, he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment at hard labor, not more than five years, and shall, moreover, thereafter, be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed." [See sec. 1750.]

[No. 4-143.]

DESERT LAND—ACT OF MARCH 3, 1877.

(Issued in duplicate—one for claimant, one for the files.)

Receiver's Final Receipt, No. —. Declaration No. ——.

LAND OFFICE AT ——,
(Date) ——, 18—.

Received from ——— ———, of —— county, ——, the sum of —— dollars and —— cents, being final payment of one dollar per acre for the —— containing —— acres, at one dollar and twenty-five cents per acre, the sum of twenty-five cents per acre having been heretofore paid, as per original receipt No. ——.

——— ———, *Receiver.*

$——.

[No. 4-200.]

DESERT LAND—ACT OF MARCH 3, 1877.

(Issued in duplicate; one for claimant, one for the files.)

Register's Final Certificate No —. Declaration No. ——.

LAND OFFICE AT ———,
(Date) ———, 18—.

IT IS HEREBY CERTIFIED that, in pursuance of the act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories," ——— ———, of —— county, State or Territory of ——, has purchased of the register of this office, and made payment in full for the land described as follows, to wit: ——, containing —— acres, at the rate of one dollar and twenty-five cents per acre, amounting to —— dollars.

Now, therefore, be it known, that on presentation of this certificate to the Commissioner of the General Land Office the said ——— ——— shall be entitled to receive a patent for the tract of land above described.

——— ———, *Register.*

[NOTE.—See original declaration and receipt, No. —.]

The case is now made up and the papers transmitted, at the end of the month, to the Commissioner of the General Land Office for approval and patent.

PRIVATE LAND CLAIMS.

[See Chapter XXXI, pages 365 to 410, 1292.]

TO JUNE 30, 1883.

No additional legislation by Congress of a general character on the subject of private land claims has been had since June 30, 1880, and scores of such cases are now on file in the General Land Office, or in the registers of Congress to which they have been reported, waiting for an act of confirmation.

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The condition and volume of these claims pending in the General Land Office June 30, 1882, can be readily seen by the following exhaustive statement made by the principal clerk on private land claims in charge of that division, Luther Harrison, esq., before a committee of the United States Senate, December 28, 1881, and January 3, 1882. This statement shows the necessity for Congressional action looking toward the final settlement of these claims.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., November 30, 1881.

PRIVATE LAND CLAIMS DIVISION.

This division of the General Land Office has charge of all claims which had their origin in some form of concession from a foreign Government before the acquisition by the United States of the territory in which they are located and are embraced within the purchases of Louisiana and Florida, the former by the treaty of April 30, 1803, with France, and the latter by the treaty of February 22, 1819, with Spain, and the cession made by Mexico by the treaty of Guadalupe Hidalgo and the subsequent Gadsden purchase.

The rights of claimants to property acquired from the former governments when they exercised sovereignty over the region of country in which their respective claims are situated are recognized and protected by the treaties of acquisition referred to. After the confirmation of this class of claims under the various laws passed by Congress for ascertaining their validity, their proper location by a United States survey and patenting come within the supervision of this division. It also has charge of the examination, location, and patenting of donation claims in the State of Oregon and the Territories of Washington, New Mexico, and Arizona, and of Indian lands, both reservations and allotments, and the issuing of scrip in satisfaction of confirmed claims where the title to such claims has been adjudicated by the Supreme Court of the United States, under the act of Congress of June 22, 1860, and certificates of location or scrip decreed by said court; also, of the examination and authentication of other scrip issued for like purpose under act June 2, 1858, and the examination and patenting of New Madrid locations, act February 17, 1815, and of other matters in the service similar to the foregoing.

STATE OF LOUISIANA.

It is estimated that in the State of Louisiana alone the number of confirmed private land claims is		10,000
Of this number there have been patented	978	
Satisfied with certificates of location, act June 2, 1858	289	
		1,267
Total undisposed of		8,733

There remaining at least 8,733 claims unadjudicated and subject to patent.

Relative to the inquiry made by Senator Blair upon his former visit as to the necessity of issuing patents for this class of claims would say in reply that the acts of Congress confirming private land claims in Louisiana generally provide for the issue of patent, and consequently this office has no jurisdiction to consider that question, but must execute the requirements of the law in that respect by issuing such patents when applied for.

Upon the general proposition as to the necessity of a patent, my understanding is, that a patent is essential to establish the boundaries of a confirmed claim and invest the patentee or lawful claimant with the legal title to the land described in such boundaries, being conclusive evidence of both.

"In the Federal courts, where the distinction between legal and equitable proceedings is strictly maintained, and remedies afforded by law and equity are separately pursued, the action of ejectment can only be sustained upon the possession by the plaintiff of the legal title. * * * The patent is the instrument which, under the laws of Congress, passes the title of the United States. It is the Government conveyance. * * * But in the action of ejectment in the Federal courts the legal title must prevail, and the patent, when regular on its face, is conclusive evidence of that title." Gibson *vs.* Choteau, 13 Wallace, 102.

Independent of the foregoing considerations its convenience, too, is undoubtedly appreciated in the daily business transactions of life. Suppose, for the sake of illustration, that the owner of a confirmed grant of land desired to borrow money upon his property or transfer it. In either transaction the title would be brought directly in question, and, in the absence of a patent, the confirmation would have to be resorted to to establish title. That evidence is not in the possession of the claimant, and could

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only be exhibited by him by copies furnished from this office. The confirmation clearly established, a question might very properly arise as to the correctness of the boundaries of the claim as confirmed, which in many cases are vague and difficult of location, and being liable to be changed by the Government before the issue of a patent might defeat the object. In this view of the matter a patent is of much importance, as the objections stated would thus be obviated.

Patents also are absolutely necessary where two private land claims are confirmed for the same, or portions of the same tract of land, to give the claimants a standing in court in a suit, if necessary, to determine which is the superior title, and cases of this kind frequently occur in the administration of this office.

I will now endeavor to give a brief outline of the system adopted of disposing of this class of claims, the same rule applying to all other classes of claims within the jurisdiction of this division, and the labor involved in their examination and adjustment.

These claims are disposed of as called up by the parties in interest or their duly authorized attorney, *e. g.:* An application being made for a patent in a specific case, an examination is first made of the files, of which there are alphabetical indexes, containing the names of the confirmees in the cases on file, and if the necessary papers are found constituting the basis of patent, they are examined to ascertain whether the confirmation is properly stated, the question of confirmation being previously inquired into and settled by our own records, that the claim is correctly surveyed, and corresponds in every particular with the survey as represented upon our township plat, and generally that the papers are in all respects regular, and conform to the law. If the examination results satisfactorily, the patent is issued and the case closed; but if the papers should not be found upon the files, the party is so advised, and is also informed that they must be transmitted before action is taken. Frequently the local land officers are instructed in that particular direct from this office.

DONATIONS IN OREGON AND WASHINGTON TERRITORY, FORMERLY OREGON TERRITORY.

By act September 27, 1850, a grant of public lands was made to every white settler above the age of eighteen years, a citizen of the United States or who had declared his intention of becoming such on or before December 1, 1851, if a resident of said Territory on or before December 1, 1850; 320 acres to a single man and 640 acres to a married man, one-half to himself and the other half to the wife, to be held in her own right upon the condition of four years' continuous residence and cultivation. A similar grant was also made by the same act to those who went there between December 1, 1850, and December 1, 1853, and possessed the same qualifications prescribed for the other class, and upon the same conditions, except that the settler must have been 21 years of age; and that a single man was only entitled to 160 acres and a married man to 320 acres, one-half of which went to the wife in her own right.

The time when a claim could be initiated was further extended by subsequent legislation to December 1, 1855.

The files here show that there still remain to be patented, of the above claims	343
To which add (supposed to have been abandoned)	2,000
Total	2,343

Relative to the claims supposed to have been abandoned, [I] would say that notifications were filed as required by law, but the proof of residence and cultivation is wanting, and from the fact that they have continued in this condition for a long period of years, there can be no question but these claims have been abandoned, and consequently will never be perfected. They cannot be disposed of, however, without legislation of Congress, fixing a time under a penalty of forfeiture when claimants should come forward and furnish such proof

The necessity for this legislation arises from a defect in the original donation act in not fixing a time when the proofs required by it of residence and cultivation, &c., should be made.

NEW MEXICO DONATIONS UNDER SECOND SECTION, ACT JULY 22, 1854. (SIMILAR TO OREGON.)

Total reported to date	234
Patented to present time	26
Total undisposed of	208

The act of July 22, 1854 (second section), makes a grant of 160 acres of land to all persons above the age of twenty-one years, citizens of the United States or natural-

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ized citizens who were residents of the Territory of New Mexico on or before January 1, 1853, and a like grant of 160 acres of land to persons possessing the same qualifications who went to said Territory between January 1, 1853, and January 1, 1858—in the latter class upon the condition of four years' residence and cultivation. Requirements in these cases, which must be established by satisfactory proof, are—

1. Age January 1, 1853; if in the second class when claim is alleged.
2. Whether native born or naturalized.
3. Continuous residence and cultivation for four years, if in the second class.
4. That land is agricultural and non-mineral.
5. That donee has never received the benefits of any grant from Spain or Mexico which has been recognized by the United States.

By the act of Congress approved February 5, 1875 (18 Stat., p. 305), certain lands in Santa Cruz valley, Pima County, Arizona Territory, were relinquished and granted "to the person or persons who have been in actual *bona fide* occupancy or possession of said land by themselves or their ancestors or grantors for twenty years next preceding the date of the passage of the act." The register and receiver are authorized by said act "to hear and determine, subject to the approval of the Commissioner of the General Land Office, the rights of the parties claiming under" said act and for that purpose authority is given to summon witnesses, administer oaths, and take testimony relative to such occupancy or possession. The act further provides upon the final determination of any such claim for a survey and patent.

Total number of said claims reported to date	89

These claims have been suspended awaiting perfection of proofs as required by law.

CLAIMS IN CALIFORNIA PRESENTED TO BOARD OF LAND COMMISSIONERS (ACT MARCH 3, 1851, AND SUPPLEMENTAL LEGISLATION).

Number of claims	813
Mission claims under No. 609 (24)	23
Total	836
Claims rejected by Board and courts, or both	212
Claims finally confirmed (estimated)	624
Claims surveyed and reported	596
Confirmed claims not yet reported	28
Confirmed claims docketed but not disposed of	25
Total in California to be disposed of	53

In the settlement of these claims we dispose, on an average, of seventeen a year. Many complications arise in the consideration of this class of claims, the boundaries of which as a general thing are contested, the act of July 1, 1864, affording facilities to all interested parties for that purpose. These claims usually embrace large tracts of valuable land, and in settling contests we are called upon to decide questions of law, in construing the confirmatory decrees, which in many cases are very ambiguous, and questions of fact in determining the correct location of the boundaries of a claim as fixed by the decree.

GRANTS ORIGINALLY IN NEW MEXICO, NOW IN NEW MEXICO AND COLORADO.

Reported by surveyors-general, under eighth section, act July 22, 1854, and confirmed by subsequent acts of Congress. Undisposed of	40

The same remarks will apply to this class of claims as were made with reference to California claims. These claims as confirmed are, however, for much larger tracts than those in California, and the description of boundaries contained in the grants from which their location must be determined is very vague and indefinite in the majority of cases.

Of this class of claims there have been reported by the surveyor-general of New Mexico, under said eighth section, act July 22, 1854, and are now pending in Congress for action, 70.

Grants in Arizona reported to Congress by surveyor-general of that Territory, under act of 1854, as extended to Arizona, 11.

Total pending in Congress, 81.

CERTIFICATES OF LOCATION.

This division is also charged with the examination of all applications for certificates of location, under the act of June 2, 1858. Said act was designed for the benefit of

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owners of confirmed private land claims, applying only to those claims confirmed by it and prior acts of Congress, where the land embraced by such claims had been disposed of by the United States as public lands, and cannot therefore be satisfied by a location in place, and the examination necessary is—

1. Right of party to make the application.
2. As to confirmation.
3. Original locus of grant.
4. That land so confirmed has been disposed of by United States.

This scrip, like that issued by this division by virtue of decrees of the Supreme Court of the United States, under act of 1860, according to the provisions of the act of Congress approved January 28, 1879, is made receivable from actual settlers in commutation of homestead and payment for pre-emption claims, and is also assignable, and the examination of assignments as to their regularity is conducted here prior to transmission to recorder for patenting.

In Supreme Court scrip, locations made prior to act January 28, 1879, above referred to, no patents are authorized to be issued, but a certificate approving duplicate certificate of entry was prescribed by Secretary's decision of August 4, 1875, to be issued by this office as evidence of title.

There are awaiting approvals of duplicates in this division, 1,176.

Scrip applications under act June 2, 1858, to be examined, 96.

Scrip assignments to be examined, act of June 2, 1858, and Supreme Court scrip, 163.

Scrip suspended on account of imperfections in assignments, 169.

PATENTS FOR INDIAN ALLOTMENTS AND RESERVATIONS.

This division is also charged with the issuing of patents for all Indian allotments and reservations, under the various treaties. Its duties, however, in this particular are purely ministerial, as all questions of conflict are determined by the Office of Indian Affairs, the only labor required by this office being posting the different allotments upon the tract books and the preparation of patents.

NEW MADRID LOCATIONS.

In 1812 a large part of the land in the county of New Madrid was injured by earthquakes, and on February 17, 1815, Congress passed an act for the relief of parties who had thus suffered. By this act persons whose lands had been materially injured were authorized to locate a like quantity of land on any of the public lands in the Territory of Missouri, the sale of which was authorized by law; and it was made the duty of the recorder of land titles in the Territory, when it appeared to him from the oath or affirmation of competent witness or witnesses that any person was entitled to a tract of land under the provisions of the act, to furnish him a certificate to that effect. On this certificate, upon the application of the claimant, a location was to be made by the principal deputy surveyor of the Territory, who was required to cause the location to be surveyed and a plat of the same to be returned to the recorder with a notice designating the tract located and the name of the claimant.

The act further provided for a report to be forwarded by the recorder to the Commissioner of the General Land Office of the claims allowed and locations made, and for the delivery to each claimant of a certificate of his claim and location, which should entitle him, on its being transmitted to the Commissioner, "to a patent to be issued in like manner as is provided by law for other public lands of the United States." The act also declared that in all cases when the location was made under its provisions, the title of the claimant to the original land, founded generally upon some French or Spanish grant, or other evidence of title emanating from either of those governments, should revert to and vest in the United States.

Number of said claims reported	516
Number disposed of	382
Claims undisposed of	134

STATES OF FLORIDA, MISSOURI, ARKANSAS, ALABAMA, MISSISSIPPI, ILLINOIS, MICHIGAN, AND INDIANA.

In addition to the foregoing there are a large number of private land claims and donations in the States of Florida, Missouri, Arkansas, Alabama, Mississippi, Illinois, Michigan, and Indiana still unadjusted and unpatented.

In Florida there are 866 claims confirmed by, or pursuant to acts of Congress, or by the United States Supreme Court, of which United States surveys, with descriptive notes, are on file here. The land involved amounts to nearly 1,300,000 acres, and a very few only of said claims have been called up for patenting.

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There are other claims in Florida which have been confirmed, but not located or surveyed; and there are many conflicts between those surveyed, which will at some time have to be adjusted in this office.

In the old Vincennes (Ind.) and Sault Ste. Marie (Mich.) land districts there are about 100 military and other donations unadjusted and unpatented.

Since the passage of the act of June 6, 1874, this office has not been obliged to issue patents in confirmed Missouri claims, but many important cases come before it for adjudication from that State. This act, however, does not apply to New Madrid claims, which are not private land claims within its meaning, and are, therefore, still subject to patent.

It is impossible to tell, without much research, how many unadjudicated claims remain in the States of Alabama, Mississippi, and Arkansas, but there is quite a large number, and they are the subjects of considerable correspondence every year.

Respectfully submitted.

L. HARRISON,
P. C. P. Land Claims.

Approved.

N. C. McFARLAND,
Commissioner.

For Hons. J. T. MORGAN and H. W. BLAIR,
Of Committee on Public Lands, United States Senate.

RECOMMENDATION OF THE PUBLIC LAND COMMISSION FOR LEGISLATION AS TO PRIVATE LAND CLAIMS.

The Public Land Commission appointed under acts of March 3, 1879, and June 16, 1880, in their preliminary report of February 24, 1880, after careful review of the subject, and having before it the testimony of a score of witnesses as to the necessity for legislation, made the following suggestions (see H. Ex. Doc. No. 46, Forty-sixth Congress, second session, together with testimony taken, 690 pages):

PRIVATE LAND CLAIMS.

So far as concerns all private land claims situate in any cessions from foreign Governments outside of the boundaries covered by the treaty of Guadalupe Hidalgo and the subsequent Gadsden purchase, the commission has but one recommendation to submit. Numerous acts of Congress have, from 1806 to 1872, inclusive, granted indemnity scrip for confirmed private land claims, wholly or partly lost by non-location, or conflict with other claims, entries, or rights, or reduced by deficient surveys. Most of these acts were temporary or local, or both; but an act of Congress, approved June 2, 1858 (Stat. at Large, vol. II, pp. 294–5), made general provision for all claims confirmed by Congress before that date and then remaining unsatisfied. The ascertainment and satisfaction of the claims therein provided for was placed within the jurisdiction of the executive officers of the United States; but as the questions involved are purely legal, the commission recommend a transfer of the jurisdiction to the Federal courts. The General Land Office would then be restricted to issuing such scrip, only upon judicial confirmation. This will not impair such rights as may have vested under past laws, but it will provide a safer and more satisfactory mode of ascertainment. This recommendation is formulated in sections 221 to 223, inclusive, in the accompanying bill.

The commission has no recommendations to make concerning private land claims in that part of the cessions from Mexico which fall within the State of California. The laws governing the confirmation and the segregation of these claims have been so far executed that very few claims are unsettled. So far as we are advised, none of these claims are pending in the courts upon the confirmation of title, and but thirty-seven have not been finally adjudicated upon the question of survey. Even as to that limited number, most of them have been surveyed by the Government, and the questions incidental thereto are rapidly approaching a final settlement. Whatever views we might have desired to submit if the question was *res integra*, there is no subject-matter to which new legislation by Congress would be applicable.

Sections 206 to 219, inclusive, of accompanying bill embody our recommendations as to the private land claims within the cessions from Mexico by treaty of Guadalupe Hidalgo and the Gadsden purchase, but exclusive of the State of California. These sections are literal transcripts of a bill introduced in the Senate during the present Congress by Hon. George F. Edmunds.

In California, Congress, by the acts of March 3, 1851, June 14, 1860, July 1, 1864, and July 23, 1866, provided machinery for the ascertainment and settlement of these claims, which has resulted in their final confirmation or rejection and in their subsequent segregation from the adjacent public lands. Questions of title were settled by the Federal courts, and authority to segregate claims judicially confirmed was vested in the proper executive officers of the United States.

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But in the remainder of the territory derived from Mexico a different mode from settling private land claims was prescribed. The basis of such settlement is the eighth section of the act of July 22, 1854, which made it the duty of the surveyor-general to "ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico," and to report his conclusions to Congress for its direct action upon the question of confirmation or rejection. The law was singularly defective in machinery for its administration, and it imposed no limitation of time in the presentation of claims, and no penalty for failure to present. Its operation has been a failure amounting to a denial of justice both to claimants and to the United States. After the lapse of nearly thirty years, more than one thousand claims have been filed with the surveyor-general, of which less than one hundred and fifty have been reported to Congress, and of the number reported Congress has finally acted upon only seventy-one. Under the law, only copies of the original title papers were submitted to Congress, and it is not presumed that its committees are so constituted as to make safe judicial findings upon the validity of titles emanating from foreign Governments, nor to measure the era of claims whose boundaries rest exclusively upon meager recital of natural objects in terms of very general description. As a consequence the committees of Congress have naturally been reluctant to act with insufficient data upon questions which involved the functions of the judge rather than of the legislator, and as these claims have heretofore pertained to a semi-foreign population in a comparatively unsettled portion of our Territories, business of more importance to the general welfare of the nation has been permitted to exclude these local matters from regular consideration. In the limited number of cases finally confirmed, Congress has been compelled to confirm by terms of general description, which have usually proved to include much greater areas of land than Congress would knowingly have confirmed. The established rule of area under the Mexican colonization law was a maximum of eleven leagues to a claimant, being a little less than 50,000 acres; but as illustrations of the natural result of confirmation without proper judicial investigation, one confirmation by Congress to two claimants has proved to embrace 1,000,000 acres and another about 1,800,000 acres.

The time has arrived when the States and Territories containing these treaty claims are no longer on the frontier, and they have ceased to be populated exclusively by a foreign population. Lines of transcontinental railroads are piercing them in every direction; the restless activity of American civilization is spreading towns and farms over the plains, and has exposed the hidden treasures of the mountains; emigration is flowing in with magical rapidity, and industry and thrift are exploring every avenue for development and investment. But at the foundation of all permanent growth lies the security and certainty of land titles, and no discussion is required to prove that this is unattainable in communities covered with claims to title of foreign derivation and of unascertained boundaries. Even the Government is ignorant of the line of demarkation between its public lands and these treaty claims, and uncertainty and insecurity taint the titles of its purchasers. The sections proposed in our law are intended to cure these evils and to provide a practical and speedy mode of settling these claims to title. The eminent source from which the commission has copied its recommendation inspires us with great confidence in the sufficiency of the remedy proposed. It is in substance a judicial determination of the validity of the claims, with bar for non-presentation within a prescribed period, and a compulsory segregation after confirmation.

The experience of California has, however, demonstrated that in the lapse of years during which the United States have slept upon the fulfillment of these treaty obligations many of these claims have passed into the hands of innocent purchasers for valuable consideration. Cases will doubtless occur when the title of their grantees will be rejected or the lands so purchased will be excluded from the final survey of the grant. It was deemed simple justice to give such grantees a preference right to purchase from the United States at $1.25 per acre, to the extent of their actual possession, according to the lines of their original purchase, and section 220 is recommended to that end. It is simply a literal enactment as general legislation of section 7 of the act of Congress of July 23, 1866, and applicable only to California. It has operated with extreme beneficence in the State, and its principle should be equally applied to any other locality wherein the same conditions exist.

THE EDMUNDS BILL FOR SETTLING PRIVATE LAND CLAIMS.

The Public Land Commission, as above noted, recommended the adoption of the bill presented in the Senate December 14, 1881, by Hon. George F. Edmunds, of Vermont, for ascertaining and settling private land claims in certain States and Territories. The bill was as follows:

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S. 504.

[Forty-seventh Congress, first session.]

IN THE SENATE OF THE UNITED STATES.

DECEMBER 14, 1881.—Mr. EDMUNDS asked and, by unanimous consent, obtained leave to bring in the following bill; which was read twice and referred to the Committee on Private Land Claims.

FEBRUARY 17, 1882.—Reported by Mr. BAYARD with amendments, viz: Omit the parts printed within brackets and insert the parts printed in *italics*.

A BILL to provide for ascertaining and settling private land-claims in certain States and Territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall and may be lawful for any person or persons, or corporations, or their legal representatives, claiming lands within the limits of the territory derived by the United States from the Republic of Mexico, and now embraced within the Territories of New Mexico, Wyoming, Arizona, or Utah, or within the States of Nevada or Colorado, by virtue of such lawful incomplete Spanish or Mexican grant, concession, warrant, or survey as the United States are bound to recognize and confirm by virtue of the treaties of cession of said country by Mexico to the United States, which, at the date of the passage of this act, have not been confirmed by act of Congress, or otherwise finally decided upon by lawful authority, and which have not become complete and perfect, in every such case to present a petition, in writing, to the judge of the district court of the United States in a State or Territory for the judicial district in which such lands may be situate, setting forth fully the nature of their claims to the lands, and particularly stating the date and form of the grant, concession, warrant, or order of survey under which they claim, by whom made, the name or names of any person or persons in possession of or claiming the same, or any part thereof, otherwise than by the lease or permission of the petitioner; and also the quantity of land claimed and the boundaries thereof, where situate, with a map showing the same, as near as may be; and whether the said claim has heretofore been confirmed, considered, or acted upon by Congress, or the authorities of the United States, or been heretofore submitted to any authorities constituted by law for the adjustment of land titles within the limits of the said territory so acquired, and by them reported on unfavorably or recommended for confirmation, or authorized to be surveyed or not; and praying in such petition that the validity of such title or claim may be inquired into and decided. And the said courts respectively are hereby authorized and required to take and exercise jurisdiction of all cases or claims presented by petition in conformity with the provisions of this act, and to hear and determine the same, as hereinafter provided, on the petition and proofs in case no answer or answers be filed after due notice, or on the petition and the answer or answers of any person or persons interested in preventing any claim from being established, and the answer of the district attorney where he may have filed an answer, and such testimony and proofs as may be taken; and a copy of such petition, with a citation to any adverse possessor or claimant, shall, immediately after the filing of the same, be served on such possessor or claimant in the ordinary legal manner of serving such process in the proper State or Territory, and in like manner on the district attorney of the United States; and it shall be the duty of the United States attorney for the proper district, as also any adverse possessor or claimant, after service of petition and citation, as hereinbefore provided, within thirty days, unless further time shall, for good cause shown, be granted by the judge or court to whom said petition is presented, to enter an appearance, and plead, answer, or demur to said petition; and in default of such plea, answer, or demurrer being made within said thirty days, or within the further time which may have been granted as aforesaid, the court shall proceed to hear the cause on the petition and proofs, and render a final decree according to the provisions of this act; and in no case shall a decree be entered otherwise than upon full legal proof and hearing; and in every case the court shall require the petition to be sustained by satisfactory proofs, whether an answer or plea shall have been filed or not.

SEC. 2. That all proceedings subsequent to the filing of said petition shall be conducted as near as may be according to the rules of the courts of equity in the proper Territory or courts of the United States in the States, except that the answer of the attorney of the United States shall not be required to be verified by his oath, and no continuance shall be granted unless for good cause shown; and the said court shall have full power and authority to hear and determine all questions arising in said case relative to the title of the claimants, the extent, locality, and boundaries of said claim, or other matters connected therewith fit and proper to be heard and determined, and by a final decree to settle and determine the question of the validity of the title and the boundaries of the grant or claim presented for adjudication, according to the law of nations, the stipulations of the treaty concluded between the United States and the Republic

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of Mexico at the city of Guadalupe Hidalgo on the second day of February, in the year of our Lord eighteen hundred and forty-eight, or the treaty concluded between the same powers at the city of Mexico on the thirtieth day of December, in the year of our Lord eighteen hundred and fifty-three, and the laws and ordinances of the Government from which it is alleged to have been derived, and all other questions properly arising between the claimants or other parties in the case and the United States, which decree shall in all cases refer to the treaty, law, or ordinance under which such claim is confirmed or rejected; and in all cases the party against whom the judgment or decree of said district court may be finally rendered shall within six months be entitled to an appeal to the supreme court of the proper Territory, and from the supreme court of a Territory, and if the case be in a United States court in a State, from that court to the Supreme Court of the United States, which shall be taken and allowed within one year, and in the manner now prescribed by law for taking appeals from said courts; which Supreme Court shall retry the cause, as well the issues or questions of fact as of law, and may hear testimony in addition to that given in the court below, and may amend the record of the proceedings below as truth and justice may require; in which Supreme Court of the United States every question shall be open, and its decision shall be final and conclusive; and should no appeal be taken, the judgment or the decree of the said district court shall in like manner be final and conclusive, as shall be also the decision of the supreme court of the Territory unless appealed from; *and all the courts aforesaid shall advance the hearing of cases under this act as far as the same may be done consistently with the public interest.*

SEC. 3. That the testimony which has been heretofore lawfully and regularly received by the surveyor-general of the proper Territory or State, or by the Commissioner of the General Land Office, upon all claims presented to them respectively, shall be admitted in evidence in all trials under this act when the person testifying is dead, so far as the subject-matter thereof is competent evidence; and the court shall give it such weight as, in its judgment, under all the circumstances, it ought to have.

SEC. 4. That it shall be the duty of the Commissioner of the General Land Office of the United States, the surveyors-general of such Territories and States, or the keeper of any public records who may have possession of the records and testimony pertaining to any land-grants or claims for land within said States and Territories in relation to which any petition shall be brought under this act, on the application of any person interested, or by the attorney of the United States for either of said Territories or districts, to furnish copies of such records and testimony, certified under his official signature, with the seal of office thereto annexed, if there be a seal of office; which copies, if the originals are not within the jurisdiction of the court, shall have the same effect as testimony that the originals would have if produced. The legal fees shall be paid for such copies by the parties applying for the same, except the attorney of the United States.

SEC. 5. That the provisions of this act shall extend only to such claims as may be presented and filed within three years from the date of its passage; and all petitions under this act may be presented in vacation or term time, but the final hearing on the same shall be had and the final decree rendered only at the regular terms of the district courts; and the judges of said district courts and the supreme courts in the said Territories are hereby authorized, in vacation, in all cases arising under this act, to grant all orders for taking testimony, or otherwise to hear and dispose of all motions, and do all other things necessary to be done to bring the same on to a final hearing.

SEC. 6. That upon the final decision in accordance with this act of any claim prosecuted under it, in favor of the claimant or claimants, it shall be the duty of the clerk of the court in which such final decree is had to transmit a duly certified copy of the decree to the surveyor-general of the proper State or Territory, who shall thereupon cause the lands specified in said decree to be surveyed at the expense of the United States. Triplicate plats and certificates of the survey so made shall be returned into his office, one of which shall remain in his office, and one, duly authenticated, shall be delivered, on demand, to the party interested therein, and one shall be sent to the Commissioner of the General Land Office; on receipt and approval of which survey and plat by said Commissioner and the Secretary of the Interior, the President of the United States shall issue a patent to said claimant, subject to the provisions of this act; but one-half the necessary expense for making such survey and plat shall be paid by the claimant, and shall be a lien on said land, which may be enforced by sale of so much thereof as shall be necessary for that purpose, after a default of payment thereof for six months next after the approval of such survey and plat; and no patent shall issue until such payment.

SEC. 7. That the clerk of the court in which such petition may be filed shall, and he is hereby directed, when any petition or claim is filed under the provisions of this act, before any proceedings thereon, subject to the direction of a judge, to require reasonable security for all costs and charges which may accrue thereon in prosecuting

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the same to a final decree; and the district attorney, clerk, marshal, and witnesses shall severally be allowed such fees for their services and attendance as may be allowed by law for the like services and attendance in the United States courts for the proper State or Territory.

SEC. 8. That it shall be the duty of the attorney of the United States for the proper Territory, in every case when the decision or decree of the district court is against the United States, to appeal the cause to the supreme court of the Territory; and if the decision of the latter court be against the United States, a copy of the record and decree, with a statement of the legal questions involved, shall be forthwith transmitted by the district attorney to the Attorney-General; and in like manner he shall transmit a copy of the record and decree in any case decided against the United States in the district court in a State; and unless the Attorney-General shall otherwise direct, the district attorney shall appeal the cause to the Supreme Court of the United States.

SEC. 9. That if in any case it shall so happen that the lands decreed to any claimant under the provisions of this act shall have been sold or granted [for a valuable consideration] by the United States, it shall be lawful for such claimants, or their legal representatives, at any time within one year after the rendition of the final decree in their favor, to execute and file, in the office of the Commissioner of the General Land Office, a release to the United States of all right, title, or claim to the land so sold or granted by the United States; and thereupon there shall be issued by the said Commissioner (under such regulations as may be prescribed by the Secretary of the Interior), to such claimant, or his legal representatives, scrip for an equal amount of acres so released, in quantities not exceeding six hundred and forty acres each, which scrip shall be assignable in such form as may be prescribed by said Secretary, and shall be receivable, acre for acre, in payment for any public lands in either of said Territoires or States respectively that may be subject to private entry at the minimum price.

SEC. 10. That the provisions of this act shall extend to any city lot, town lot, village lot, farm lot, or pasture lot held under a grant from any corporation or town [to which lands have been lawfully granted], *any grant which may be entitled to confirmation under this Government*, for the establishment of a city, town, or village, by the Spanish or Mexican Government, or the lawful authorities thereof; but the claim for said city, town, or village shall be presented by the corporate authorities of the said city, town, or village, or, where the land upon which said city, town, or village is situated was originally granted to an individual, the claim shall be presented by or in the name of said individual or his legal representatives.

SEC. 11. That all claims which are by the provisions of this act authorized to be prosecuted shall, after three years from the taking effect of this act, if no petition in respect to the same shall have been filed as hereinbefore provided, be deemed and taken, in all courts and elsewhere, to be abandoned, and shall be forever barred.

SEC. 12. That all the foregoing proceedings and rights shall be conducted and decided subject to the following provisions, as well as to the other provisions of this act, namely:

First. No claim shall be allowed that shall not appear to be upon a title lawfully and regularly derived from the Government of Spain or Mexico, and one that at the date of the acquisition of the territory by the United States the claimant would have had a lawful right to make perfect had the territory not been acquired by the United States, and that the United States are bound upon the principles of public law, or by the provisions of the treaty of cession, to respect and permit to become complete and perfect.

Second. No claim shall be allowed that shall interfere with or overthrow any just and unextinguished Indian title or right to any land or place.

Third. No allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines or minerals of the same, unless the grant claimed effected the donation or sale of such mines or minerals to the grantee, or unless such grantee has become otherwise entitled thereto in law or in equity; but all such mines and minerals shall remain the property of the United States, with the right of working the same, which fact shall be stated in any patents issued under this act. But nothing in this act shall authorize the working of any mines therein by any person except the confirmee, or his assigns, until Congress shall provide by law therefor.

Fourth. No claim shall be allowed for any land the right to which has hitherto been lawfully acted upon and decided by Congress, or under its authority.

Fifth. No proceeding, decree, or act under this act shall conclude or affect the private rights of persons as between each other, all which rights shall be reserved and saved to the same effect as if this act had not been passed; but the proceedings, decrees, and acts herein provided for shall be conclusive of all rights as between the United States and all persons claiming any interest or right in such lands.

Sixth. No confirmation of or decree concerning any claim under this act shall in any manner operate or have effect against the United States otherwise than as a re-

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lease by the United States of its right and title to the land confirmed; nor shall it operate to make the United States in any manner liable in respect of any such grants, claims, or lands, or their disposition, otherwise than as herein provided.

Seventh. No confirmation shall in any case be made or patent issued for a greater quantity than eleven square leagues of land, to or in the right of any one original grantee or claimant, or in the right of any one original grant to two or more persons jointly, nor for a greater quantity than was authorized by the respective laws of Spain or Mexico applicable to the claim.

SEC. 13. That section eight of the act of Congress approved July twenty-second, anno Domini eighteen hundred and fifty-four, entitled "An act to establish the offices of surveyors-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," and all acts amendatory or in extension thereof, or supplementary thereto, and all provisions of law inconsistent with this act, be, and the same are hereby, repealed.

The bill did not become a law.

LEGISLATION RECOMMENDED BY SURVEYORS-GENERAL.

The surveyor-general of Arizona, Hon. John Wasson, in his report to the Commissioner of the General Land Office for 1881, says of—

SPANISH AND MEXICAN PRIVATE LAND CLAIMS.

But for the failure or neglect of parties to present their claims acquired under Spanish and Mexican laws for examination, every claim of any great importance would ere this have been reported as required by act of July 15, 1870; and, as it is, there are only four positively known to this office, and they lie partly in Sonora and partly in Arizona, which have not been presented, and all but one (El Sopori), for which petitions have been filed, have been reported and preliminary surveys executed. There are some, perhaps many, claims to very small tracts, granted by alcaldes and captains of presidios, which have not been presented for the action of this office.

My last annual report referred to seven claims, aggregating 49¾ square leagues, having been presented and reported upon, 32¾ leagues being recommended for confirmation and 17 for rejection. Five leagues were adversely reported because of forged title papers, and 12 because in excess of the amount granted.

As a rule, claimants petition for and set up claim to all land within the boundaries referred to in their title papers. Excepting the case of the "Calabazas" every title paper presented shows that the original grantees petitioned the authorities for an exact quantity by square leagues and specific parts of square leagues, and that such quantity was always appraised in accordance with prices fixed by law, set forth as exactly measured, sold, and granted. The former Governments were very careful to require full payment for all land granted, however small the fraction of a league might appear in the proceedings of measurement, appraisement, sale, and grant. Quantity being mentioned with exactness throughout all the proceedings, from the petition to grant, I caused all the preliminary surveys (save that of the "Calabazas") to be made for such exact quantity, and thus have justly recommended to Congress a saving of many square miles of land, without attempting to deprive any claimant of even a square inch to which he or his grantors ever had a lawful right.

A very thorough examination of Spanish and Mexican land laws has convinced me that neither Spain nor Mexico ever granted absolute title to mines and minerals, and that the right or any right to them could be acquired only in pursuance of the provisions of the mining ordinances; and that under grants and sales of land for grazing and agriculture no rights whatever to mines or minerals in the land so granted were acquired by the grantee, but all right and title thereto remained in the Government notwithstanding the grants; therefore I have recommended in all my reports upon claims in which minerals are even supposed to exist that the act of confirmation specially exempt the mines and minerals and reserve them to the Government.

In the famous case of the United States *v.* Andres Castellero (2 Black), the Supreme Court emphatically declares that a Spanish or Mexican title to land does not convey the minerals contained in the land granted, nor any interest in them, and that rights to mines and minerals could be acquired only under the mining ordinances. It is hoped that Congress will not make a donation of mines and minerals at wholesale to owners of immense grants of land made by foreign Governments, and at the same time continue the practice of selling the mineral lands (which were never claimed as private property) at a high price and under expensive conditions. I believe it is now the uniform practice of our Government to insert in patents for lands acquired under all other than the mining laws a clause exempting the mines and minerals therefrom, and with more reason should Congress exempt them from Spanish and Mexican grants by its acts of confirmation.

Since my last annual report the following titled cases have been reported:

January 21, 1881, "La Aribac;" petition by Charles D. Poston, with an interven-

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ing petition by Santiago Ainsa; confirmation of all within boundaries asked; 2 square leagues recommended to the legal representatives of the original grantees.

February 5, 1881, "San Juan de las Boquillas y Nogales;" petition by Janet G. Howard and George Hearst, and asked confirmation of all within designated boundaries; recommendation for confirmation of exactly 4 square leagues to present petitioners.

February 25, 1881, "Los Nogales de Elias," which lies partly in Mexico; petitioners Camon Brothers and the heirs of Elias; recommendation for confirmation of that proportion of 7½ square leagues which falls within Arizona, by measurements or surveys based upon the initial point described in the original title papers, which gives about two square leagues, one-half to Camon Brothers, and one-half to the legal representatives of the original grantees.

March 1, 1881, two sowing lots and a house lot, granted by captains of presidios; present petitioners Sabino Otero *et al.*, to whom confirmation was recommended to the exact areas called for in the title papers, amounting to between 400 and 500 acres.

A petition has been before this office for more than a year asking for a report upon a claim to 31⅞ square leagues, and the case would have been reported months ago but for the pressing demands for delay upon part of petitioner. I have no doubt but the claim is based upon forged title papers, and shall so report.

During the past year I found it necessary to send an agent to Hermosillo to specially examine certain records relating to land claims in Arizona, and finding references in title papers before me to land records in the Mexican city of Chihuahua, I deemed it a wise precaution to have the archives in said city examined by a trusted and competent employé of this office. It is sometimes as necessary to know that records do not exist as that they do. This office labors under unexampled difficulties in the examination of titles to lands issued by Spain and Mexico, inasmuch as all the original records and title papers (save the mere *testimonios*) are about four hundred miles distant, in a foreign country. However frequently and carefully these foreign archives may be searched by a competent person, it is impossible to note and report all points that arise in each case. Some cases that are presented for examination and report compel special examinations in Mexico of the papers and records pertaining to such cases. This fact requires time and expense. A pending case requires another examination of the archives in Hermosillo, in a particular that no searcher, however competent and cautious, could have anticipated in a general search.

In his report for 1882 Mr. Wasson again calls attention to this subject:

"SPANISH AND MEXICAN PRIVATE LAND CLAIMS, 1882.

"Titles to but three of these claims have been reported upon during the past fiscal year, viz:

"'El Sopori,' the Sopori Land and Mining Company, petitioners, for 31⅞ square leagues. After a very thorough examination, the title was pronounced forged and invalid, and a recommendation made that it be rejected.

"'Buena Vista,' Frederick Maish and Thomas Driscoll, petitioners, for 4 square leagues, the greater portion lying in Sonora, Mex. The title was found to be genuine, and confirmation recommended.

"'Rancho de Martinez,' Nicolas Martinez *et al.*, petitioners, and quantity very small, it being a grant made by the justice of the peace of Tucson. Independent of the title paper, petitioners had acquired a right to confirmation by long, useful, and undisputed occupation, and a recommendation was accordingly made.

"Several claims to more or less land are still to be examined and reported. All would have been passed upon had claimants presented their claims. No law compels them to ask for an adjudication of titles, and the non-action of Congress on claims long since reported in accordance with existing law tends to discourage them, and creates a fear that, after doing all they can do under the law, their cases will be relegated to the courts, proceedings which in many cases would amount to confiscation. It is not stating the case too strongly to say that the non-action of Congress is an inexcusable outrage upon settlers generally, as well as upon owners of sound titles, the confirmation of which is guaranteed by international treaty. The homes of about twenty thousand people in Arizona are in jeopardy because of private land claims, some of which are not yet presented for investigation, and owners of sound grants are absolutely deprived of the possession of their property by squatters, who are encouraged to believe they have rights by the non-action of Congress. Thus great damage is done to thousands of honest men and their families and the improvement of the lands prevented. Congress ought, upon every consideration of expediency and justice, to immediately confirm or reject all claims reported in accordance with law; and if the present system is not right, or not the best, to promptly enact a new law and cause it to be vigorously enforced upon part of claimants and those charged with its execution. The treaty with Mexico requires that this be done. Sound public policy de-

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mands it, and good faith with claimants and settlers generally calls aloud and justly upon Congress to perform this obvious duty.

"During the past year a number of petitions have been filed praying investigation of the rights of communities of Indians to lands. The petitions do not even allege that the claims are based upon title papers, but evidently rely upon the 'laws, usages, and customs of Spain and Mexico.' These cases ought to be speedily examined and reported. (It is no fault of this office that they have not been.) The longer deferred, the greater the hardships which are certain to ensue, however determined. If it be decided that the Indians have valid rights by reason of long occupation and the usages and custons referred to, many people will lose their homes and mining rights be greatly interferred with, if not in effect destroyed, though no title to mines passed with grants under the Spanish and Mexican system of disposing of lands; and upon the other hand, if it be found that the Indians have no rights to or in the lands claimed, they will become wanderers over the country and public nuisances, and of necessity suffer much without being responsible therefor.

"Provision ought to be made for a thorough search of all land records in the Mexican States of Chihuahua, Jalisco, Sinaloa, and Sonora. Original title papers or records, or both, to lands in Arizona, and quite likely in New Mexico, are liable to be found in the archives of either of said States. The original titles and all loose papers connected therewith to lands anywhere in the United States ought to be surrendered to our Government, and full copies made of all records pertaining to titles to such lands which are so interwoven with the records in any of these States that they cannot be detached. An expert in Spanish title documents should superintend the work, and wherein only copies can be obtained careful notes should be taken regarding any peculiarity of each and of all points indicating soundness or unsoundness of titles. 'Manifest destiny' seems to point to a further expansion of our country southward, and hence it would be wise policy for our Government to be vigilant in this matter of foreign land titles across our southern border. Enough was long since developed in California to demand such vigilance, and Arizona has already supplemented the history of California in this respect."

RECOMMENDATIONS OF SURVEYOR-GENERAL OF NEW MEXICO.

Hon. Henry M. Atkinson, surveyor-general of New Mexico, which contains the largest number of these unadjusted claims, in his report to the Commissioner of the General Land Office for 1881, says:

PRIVATE LAND CLAIMS.

There have been three private land claims filed during the year, to wit:

No. 184, Town of Atrisco. José Hurtado de Mendoza *et al.*, grantees.

No. 185, San Jose Spring. Paulin Montoya *et al.*, grantees.

No. 186, La Nasa. Manual Lucero, grantee.

A considerable amount of testimony has been taken in several cases, and final action has been taken in the following cases:

Reported No. 123. Ignacio S. Vergara. Approved.

Reported No. 124. Juan Montes Vigil, grantee. Approved.

Reported No. 125. Don Fernandez de Taos, town of, grantee. Approved.

The transcripts of the two former have been transmitted, and that of the latter will be forwarded in due time.

The land-grant question is becoming more serious in this Territory as time lapses, and again, in the language of my last report, I beg to renew my recommendation made in previous reports, that Congress fix a limitation on the time for filing and prosecuting private land claims and provide that they should be barred thereafter, and I again earnestly urge the importance of providing some safer and speedier method of adjudicating claims of this character, as the present method is unsatisfactory and unsafe, both for the Government and claimants. Judging from the light of experience I am of the opinion that a reference of these cases for adjudication to the district courts of the respective districts in which the lands may be situated would not be advisable, and, while there are some arguments in favor of such a reference, I believe the results would not be as satisfactory as under the present system.

Some of the objections to that method are that the court of adjudication should have direct and ready access to all the archives, it being frequently necessary, on account of the antiquity of the title papers, to introduce for purposes of comparison other original documents bearing the signatures of the same Spanish or Mexican officials whose signatures, or purported signatures, appear on the muniments of title in the case at bar, and the genuineness or ungenuineness of these title papers is frequently necessarily determined by such comparison when there are no living witnesses familiar with the signatures of such officials to prove or disprove the genuineness of the same.

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The evidence of the abandonment or fraudulent character of a grant may exist among the archives in documents having no direct connection with the case at bar in one district, and the same document may embrace evidence of a similar character or reverse in another case pending in another district, and the document may be required in evidence in both district courts at the same time, or its existence may be known to one and unknown to the other, or may be unknown to either, unless direct and easy access to the entire archives can be had by the court. If these documents were sent back and forth from one district to another or to and from the regular custodian of the same, they would be liable to be lost, and if distributed among the several judicial districts the evidence of legality or illegality of the documents in some particular case might be on file in another district than the one in which it might be required in evidence in such particular case.

The investigations of this office the past five years have demonstrated that some of these alleged grants are forgeries, and a comparison of the signature of the governor on the alleged title papers with the signature of such officer, proven and accepted as genuine upon other documents in the archives, and the judgment of experts thereon is not unfrequently required to establish the character of the documents under consideration. Unless the court before which these claims are adjudicated can have access to all of these archives, it is much more liable to be imposed upon by fraudulent title papers.

It is not a difficult matter for witnesses to be obtained to swear to whatever may be deemed necessary to establish the claim, if parties were so disposed, and the closest scrutiny and most careful investigation is absolutely essential in these cases. There are two methods that could safely be adopted in the adjudication of these cases, to wit, by a commission appointed for that express purpose similar to that of California, with like powers and right of appeal from their action; the other would be to continue the authority in the surveyor-general, before whom all the testimony could be taken, and require the supreme court of the Territory (or United States court of the district in case of a State) to review each case before it is transmitted to Congress for its action, with the right of appeal therefrom to the circuit and supreme courts of the United States, or what would be better, have but one court of appellate jurisdiction. The surveyor-general could continue to make these investigations as before, taking the testimony in writing as under the present system, and his action in every case would be subject to review by the supreme court of the Territory or the United States district court of the States; which courts, having all the evidence before them, or accessible, could with facility dispose of the same without the duty imposed interfering materially with the other business of the court, and if they required further testimony in any case, they could remand it back to the surveyor-general for that purpose.

If the authority is continued in the surveyor-general to investigate these cases, he should be specifically empowered by law to issue compulsory process, punish for contempt, &c., and the United States district attorney should be required to appear on behalf of the Government from the inception of the investigation.

If Congress will fix the limitation, and provide some such mode of adjudication of these claims as is herein suggested, they will be rapidly disposed of, and the titles in this Territory, now in such an unsettled condition, will be speedily adjusted.

The acquisition to the population of New Mexico the ensuing year from immigration is estimated at not less than 50,000, and will probably exceed that, and it is all important that these titles be adjusted without further delay, and the lands embraced therein segregated from the public domain, so that the settlers upon the public lands may locate with some degree of confidence and certainty in eventually securing title to the lands settled upon by them.

Many of these grant title papers are doubtless still in the personal possession of the grantees or their descendants, and the particular location of the tracts covered by them, as well as the lands embraced by those claims on file but unadjudicated, is necessarily unknown. Individuals may locate on what is supposed to be public land, and after they have erected valuable buildings and improved the tract it may finally be ascertained to be embraced within the limits of a grant, and the labor and outlay of years are taken from the settler.

Where the Government has such large interests involved, and the property and improvements of settlers on the public lands are so much in jeopardy, it does seem as though Congress should give this matter prompt attention, and, in providing for the adjudication of claims of this character, the right of appeal to the several courts involves a great expense both to the Government and claimants; and while there should be a court to review the proceedings of the commission, or court having primary jurisdiction, in order to meet the demands of justice and as a safeguard against errors, yet to provide that all such cases may be appealed successively from court to court until the highest tribunal is reached would encumber the dockets and records of the various courts and render the proceedings tedious. I would suggest that an appeal be allowed from the court of original jurisdiction to some particular but higher tri-

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bunal in order to simplify the proceedings and avoid the expense and delays incident to a final determination of a case where it must follow the course of ordinary civil cases.

Under existing laws there is no legal requirement that owners of grants shall file and prosecute their claims, and unless Congress prescribes some time within which they shall be filed and proven up, the present uncertain status of the soil as to ownership must remain undetermined. These grants are usually pastural or agricultural, and the unqualified confirmation operates as a quitclaim on the part of the Government to the mineral, which was never intended to be granted by either the Spanish or the Mexican Government, and the local Spanish or Mexican authorities had no power to grant the right to the mineral, as that was reserved as the property of the state, only subject to alienation by the supreme authority, and in a prescribed manner. Where the confirmation is unqualified the Government not only makes good the original title but confers upon the claimant the additional right to the mineral. It is well known that the precious metals abound throughout this Territory, and nearly all of these grants doubtless contain more or less mineral, although its existence may, at this time, in particular cases be unknown, yet the almost absolute certainty that it exists generally in the Territory should induce Congress to except the right to the mineral in the confirmation of these claims. I assume it to be the policy of the Government to encourage the development of the mineral resources of the country, and to reap some benefit from the same in the increased consideration charged for lands of this character, as well as the indirect benefit derived by reason of the addition of the net products of the mines to the substantial wealth of the country. If the right to the mineral is vested in the grant claimants, the adventurous prospector through whom these discoveries are usually made has no incentive to prospect thereon, and the existence of rich mineral deposits may remain undiscovered and unknown.

The appointment of a commission to adjust these claims would involve some additional expense over the present method, but I believe on the whole it would be far more satisfactory, and certainly the magnitude of the interest involved, both to claimants and the Government, would amply justify Congress in adopting this method for the settlement of private land claims in New Mexico, where such a considerable number yet remain to be adjudicated; and I hope that Congress will take early action in the premises.

In his report for 1882, continuing the subject, he again urges the attention of Congress to the subject, reciting the language of his report for 1881 and six years previous.

LAND GRANTS, HOW MADE BY SPAIN AND MEXICO IN THE ULTRAMARINE POSSESSIONS OF THE SPANISH CROWN—HOW MADE IN SPANISH AND MEXICAN POSSESSIONS NOW IN THE UNITED STATES.

[Work of Special Agent R. C. HOPKINS.]

September 1, 1879, Mr. Rufus C. Hopkins was appointed by Hon. John Wasson, surveyor-general of New Mexico, to take charge of the bureau of private land claims in his office.

Mr. Hopkins proceeded to Sonora and other Mexican States in search of records and data. In Sonora he found record of twenty-one claims or grants within what is now Arizona. His report as to the method of making and character of grants made by authority of Spain and Mexico, now in California, Arizona, New Mexico, and Colorado, are given in full, as prepared by Mr. Wasson:

GRANTS OF LAND BY SPAIN AND MEXICO IN THE ULTRAMARINE POSSESSIONS OF THE SPANISH CROWN.

The ancient laws of Spain declare that the ownership and full dominion of conquered kingdoms belong to the monarch. (Law II, Title I, Partida II.)

Wherefore, the West Indies having been conquered by the arms of the Catholic king and queen, Fernando and Isabel, in the sixteenth century, in consideration of the fact that no person can live without the means of subsistence, and no city exist without the rents necessary for its support, their majesties thought proper to cede to the towns (poblaciones) of America and to the councils of the same certain portions of lands from which to derive their support, using the same for pasturage and cultivation, or in the manner that may be directed by the municipal ordinances; these lands were denominated *consejiles*, or *de propios*.

Another portion of the (conquered) lands was distributed by concession of the king to those who assisted in conquering the country as rewards for their services; and

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lands were also sold to individuals (particulares) for the purpose of obtaining means to supply the necessities of the crown. These lands, donated or sold, were denominated *de dominio particular* (of private property), as in fact they are, because the full ownership thereof was transferred to the donees or purchasers, and hence they are truly private property.

The usufruct of the remaining lands was ceded by the kings to all their vassals, that they might make use of their pastures, woods, waters, and other natural productions, for the support of their flocks and herds; which lands are called "common lands," because they are for the common use. They are also called *valdios* (vacant lands), because nothing is paid for the use of the pasturage, or fire-wood that may be cut thereon. They are also *realengos* (royal lands), because the dominion and property thereof are reserved to the king by his right of conquest, although he ceded the usufruct of the same to his vassals. (Law III, Title VIII, Book VIII, del Ordenamiento; Law X, Title XV, Book II, Recopilacion; Law II, Title I, Book III, del Ordenamiento; Law I, Title V, Book VII, Recopilacion.)

For the disposition and settlement of the *realengo* lands of Spanish America, royal decrees were from time to time issued, and laws and ordinances passed, changed, or modified to suit the circumstances of the times, having for their end a proper disposition of the *realengo* lands and the encouragement of the occupation of the country by the actual settler. The royal decree of the 24th of November, 1735, required petitioners for *realengo* lands to apply to the royal person of the king for a confirmation of their titles. This decree, however, was found to be prejudicial to the settlement of the *realengo* lands, the expenses attending such applications being so great as to prevent many persons from applying for these lands; wherefore to remedy this difficulty were issued the royal instructions of the 15th of October, 1754.

Article 1st of these instructions provides that from the date thereof the power to appoint sub-delegate judges to sell and compromise for vacant lands of the royal domain shall belong exclusively to the viceroys and presidents of the royal audencias of the kingdom, who are required to notify the sub-delegate judges of their appointments and furnish them with a copy of the instructions, the viceroys and presidents being required to give immediate notice to the secretary of state and universal dispatch of the Indies of the ministers whom they might appoint as sub-delegate judges of their respective districts.

Article 3d provides that all persons who shall have possessed royal lands, whether settled and cultivated or not, from the year 1700 till the date of the publication of this order, may prove before the sub-delegate the titles and patents in virtue of which they hold their lands.

Article 4th provides that persons in possession of royal lands by virtue of sales or compositions made by sub-delegates before the year 1700, although the same may not be confirmed by the royal person of the king, shall not be disturbed in the possession thereof.

Article 5th provides that the possessors of lands sold or compromised for, from the year 1700 till the present time, shall not be disturbed in the possession thereof, provided their titles have been confirmed by the royal person of the king or by the viceroys and presidents of the audencias during the time that they exercised this faculty; but such possessors of lands as have not obtained such confirmations shall apply to the audencias of the district to have their titles confirmed. Under this decree or instructions the preliminary proceedings of survey, valuation, publication, and sale of the *realengo* land petitioned for having been taken by the minister sub-delegado of the district in which the land was situated, the expediente showing such proceedings was transmitted to the real audencia for approval; and if the proceedings were found to be regular, they were approved and the title was issued and registered in a book kept for that purpose.

The provinces of Sinaloa and Sonora belonged to the real audencia of Guadalajara, and hence the sales made of *realengo* lands in these provinces under the decree of 1754 were registered in the office of the real audencia in the city of Guadalajara.

The law of 1754 remained in force until the 4th of December, 1786, when to cure some defects and remedy some inconveniences found in the practical workings of said law the royal ordinances of intendentes were issued. Under these royal ordinances the Kingdom of New Spain was divided into twelve intendencias, exclusive of the Californias, one of which was to be the general intendencia of the army and province and to be established in the capital of Mexico, and one, the intendencia of Sonora and Sinaloa, the capital of which was established at the city of Arizpe.

The viceroy was to exercise the superior authority and the various powers conferred on him by royal commission and by the laws of the Indies as governor and captain-general, but the superintendency of the royal treasury, in all its branches and revenues, was committed to the care, direction, and management of the general intendency of the army and treasury, established in the capital of Mexico. A superior junta was established in the capital, having jurisdiction over all matters relating to the royal treasury and the army, and also over the public property and revenues.

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Article 81 of these ordinances provides that the intendentes shall be the exclusive judges of all causes and questions that may arise in the district of their provinces in relation to the sale, composition, and grant of *realengo* lands.

Under these ordinances the proceedings preliminary to a grant of *realengo* lands were taken in the same manner as under the law of the 15th of October, 1754, but these proceedings, instead of being referred to the real audencia for approval, were submitted to the intendente, who referred the same for examination to the promotor fiscal, who made a report thereon; whereupon they were referred by the intendente to the "provincial junta de hacienda," and when approved were transmitted through the office of the commandante-general to the city of Mexico for final approval by the "superior junta de hacienda," and, if found to be correct, the proceedings were approved, the approval registered in the proper book, and the expediente returned to the province where it belonged.

On the 22d day of October, 1791, Don Pedro de Nava, commandante-general of western provinces, made a decree to the effect that, "notwithstanding what was provided in article 81 of the ordinances of intendentes," captains of presidios were authorized to grant house lots and lands to soldiers and settlers who might desire to establish themselves under the protection of the presidio. These grants were, however, limited to the territory embraced within four square leagues, measured one league from the presidio to each of the cardinal points. The motives of this decree are manifest; they were that the soldiers of the presidio might make homes for their families, and that pueblos might grow up around the presidial establishments.

The ordinances of the 4th of December, 1786, were further modified by the royal decree of the 23d of March, 1798. This decree provides that when the value of the *realengo* lands petitioned for and sold by the intendente does not reach the sum of $200 it shall not be necessary to refer the proceedings to the superior junta for approval. The reason for the issuance of this decree was that the expenses attending a reference to the superior tribunal were often greater than the value of the lands sold, which prevented persons of small means from making application for *realengo* lands, and much retarded the settlement of the country.

Under these ordinances, with the modifications referred to, grants of *realengo* or royal lands continued to be made until the dominion of Mexico was lost to the crown of Spain by the revolution which resulted in the independence of Mexico in 1821.

From the foregoing laws, ordinances, and decrees it is seen that the constant policy of Spain was to encourage by all means the settlement of her possessions in the New World; that, while the absolute ownership of the *realengo* lands was retained by the crown, laws from time to time were passed for the purpose of enabling actual settlers to obtain titles to so much of these *realengo* lands as they required for their use and occupation in the pursuits of agriculture and stock-raising; yet, while the terms under which titles to these *realengo* lands could be obtained for actual use and occupation were made so easy as to be within the reach of petitioners of humble means, still the Government guarded with jealous care their disposition by passing such laws as made it impossible for the vassals of the king to acquire them for any other purpose than that of actual use and occupation.

GRANTS OF "TERRENOS VALDIOS," OR VACANT LANDS, BY THE GOVERNMENT OF MEXICO, SUBSEQUENT TO THE YEAR 1821.

The revolution of 1821 changed the form of the Government of Mexico without producing any radical change in the habits or thoughts of the people. In 1822 an imperial government was established, which, however, was soon abolished, and the republican form adopted, and in 1824 a federal constitution was formed, modeled somewhat after that of the United States. On the 4th of August, 1824, the sovereign constituent Congress of the United States of Mexico passed decree No. 70, in which are specified the sources of the federal revenues, and the eleventh article of this decree recites "that the rents that are not included in the preceding articles of this decree belong to the States." As a compensation for this concession by the General Government the sum of $3,136,875 was required to be paid yearly by the states for the support of the General Government. This sum was apportioned to the different States according to their population and wealth, the sum apportioned to the State of the West (Estado del Occidente), embracing the Spanish provinces of Sonora and Sinaloa, being $53,125. Under this law grants or sales of land were made in the State of Sonora from 1824 down to the time when the system was changed by legislative enactment.

After the independence of Mexico, the old intendencia of the Spanish Government, embracing the provinces of Sonora and Sinaloa, was called El Estado del Occidente (the State of the West), continuing united under that name until about the year 1830, when they were divided by the boundary as it now exists.

On the 20th of May, 1825, the constituent congress of the free, independent, and sovereign State of the West (Estado del Occidente) passed provisional law No. 30, regulating the system of selling the public lands. Under these provisional regulations

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the prices at which the public lands could be sold were graduated according to the location and quality of the land. The quantity allowed to one individual was limited to four square leagues, unless the applicant could satisfy the government that he required more for the use of his stock. Under this provisional law the State of the West, in making grants or sales of land, continued the system that had been established by the Spanish Government. The same formalities were observed; the lands were surveyed, valued, published for thirty days, and at the end of that time were sold at public auction to the highest bidder, the treasurer-general of the state occupying the same position under the state government that the intendente did under the Spanish Government. The grants, however, issued by the treasurer-general required no approval by the supreme government.

Between the time when grants cease to be made within the jurisdiction of the intendencia of Sonora and Sinaloa by the authorities of the Spanish Government and the time when they were made by the authorities of the "Estado del Occidente" under the law of the general congress of 1824 and the provisional law of the congress of the state of 1825, the granting power was exercised by an officer entitled *comisario general, provisional de hacienda, credito publico y guerra,* whose headquarters, as shown by the records of the times, were generally at Fuerte, a town in Sinaloa, near the northern boundary of the State.

Report of special agent, Mr. R. C. Hopkins, states: "That notes on expedientes of grants of land in the government archives of Sonora show that about the year 1825 a number of grants were issued by the above-named officer, on proceedings which under the Spanish Government had not gone beyond the approval of the provincial junta de hacienda," having doubtless at that point been arrested by the revolution of 1821. In these cases no borradores or draughts of title are found in the expedientes, but notes are found of the register of the grant in *cuardeno* No. 2 in the office of the comisario general.

On the 30th of May, 1834, the constituent congress of the State of Sonora issued decree No. 10, which provides as follows: "Article 1st. Six months' further time is granted to possessors of lands who have failed to obtain titles of ownership thereof, as required by decree No. 10 of the 28th of June, 1833."

Article 2d declares that if at the end of this time, which shall not be extended, the possessors of lands shall not appear and make their grants effective, their lands shall be denounceable, and the claimants thereof shall be subject to the penalties imposed by the organic law of the treasury, which is about to be passed. This law was required to be circulated and published in all the pueblos of the State, the respective authorities being directed to furnish exact lists of the lands in their districts for which titles had not been obtained.

On the 11th of July, 1834, was passed the "ley organica de hacienda" (organic law of the treasury). Article 57 of this law provides: That any one having necessity for a tract of land for grazing or other purposes shall present himself before the treasurer general, applying therefor in the name of the State, accompanying his application with the testimony of three impartial witnesses in relation to the circumstances of the petitioner, character of land, &c.

Article 58 declares that to no new settler (*creador*) more than four square leagues shall be granted or sold, unless it can be shown that, on account of the abundance of stock owned by such new settler, he needs more; in which case the treasurer general will concede him only so much as he may need, as shown by the testimony of impartial witnesses.

Article 60 declares that the treasurer general, as the immediate chief of all the revenues, shall make sale of the lands and issue titles therefor.

Article 61 declares that those who possess lands to which they have not obtained titles, although the lands have been applied for and surveyed, shall present themselves to the treasurer general within the time designated by the law No. 10 of the 30th of May of the current year (six months from 1st of June, 1834). The lands of the proprietors, which may not be regulated in accordance with this disposition, shall remain vacant and denounceable, provided the proprietors thereof shall not present themselves and make application for their titles within the time prescribed by said law, setting out in writing the cause of the failure to obtain title.

Article 62 directs the treasurer general to refer these matters to the promotor fiscal for his opinion, whereupon the matter will be determined in view of the rights of the interested party and of the public treasury.

Article 63 requires grantees of lands to construct boundary monuments of rough stone and lime within three months after the issuing of the title, and failing to do so, they have to pay a fine of $25 and the cost of constructing the necessary monuments.

Article 64 fixes the value of the public lands as follows: For dry lands only suitable for grazing, $15 per square league; for such as may be irrigated from reservoirs and contain pasture, $40, and without these circumstances, $35 per square league; for such as may contain springs or rivers, but are dry and broken, $60 per square league, and $80 per square league for such as are very fertile and suitable for agriculture. These

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were the minimum prices, for less than which lands could not be sold in any case whatever.

Article 72 directs the surveyors to appoint as appraisers of the lands petitioned for persons who are free from prejudice and not especially partial to the petitioner.

Grants made subsequent to the passage of the foregoing law refer to the decree of the general congress of the 4th of August, 1824, and to the decress of the congress of the State of Sonora of the 30th of May, 1825, and of the 11th of July, 1834, as the basis on which they are made; and all the grants of land in Sonora since the passage of these laws were made under the authority thereof.

GRANTS UNDER THE LAWS OF COLONIZATION.

To encourage the settlement of the vacant lands of the republic, the sovereign general Constituent congress of the United States of Mexico, on the 18th of August, 1824, passed a law, article 1st of which declares: "That the Mexican nation offers to foreigners, who may come to establish themselves in the territory, security in their persons and property, provided they submit to the laws of the country."

Under this law any lands of the nation that did not belong to private individuals or pertain to corporations or pueblos were subject to colonization, except such as were embraced within the twenty leagues bordering on a foreign territory, or the ten leagues bordering on the seashore. In the granting of these lands Mexican citizens were to be preferred to foreigners. To carry into effect this general law the congresses of the states were to form such laws and regulations as might be necessary, in accordance with the general constitution and principles established by this law.

The maximum quantity that could be granted to one person under this law was eleven square leagues; one of irrigable, four of arable, and six of pasture lands.

The concluding article declares that, in accordance with the principles established by this law, the government will proceed to colonize the territories of the republic.

Under this law grants were made in the territory and department of the Californias down to the change of government on the 7th of July, 1846.

On the 4th of April, 1837, a decree was issued "to render effective the colonization of the lands of the republic." This decree declares the government, in concert with the council, shall proceed to render effective the colonization of the lands which may be, or should be, the property of the government, by means of sales, leases, or mortgages, applying the proceeds thereof (which in case of sale shall be at a price not less than $1.25 per acre) to the extinguishment of the national debt, which has already been or may be contracted; always reserving a sufficient quantity to fulfill the promises made to the soldiers, as a reward for their services in the war of independence, and also sufficient to satisfy the concessions made by congress as Indian reservations, and to those who had assisted in the re-establishment of the government in Texas.

On the 15th of September, 1837, an agreement was entered into in the city of London between the agents of the Mexican Government and the holders of Mexican bonds to the following effect: Article 1 provides for the consolidation of the national debt at 5 per cent. interest per annum. F. de Lizardy & Co. were appointed as agents of the republic to act in the matter; these gentlemen to issue, in the name of the Mexican Government, the corresponding bonds of the consolidated fund in sterling money, payable in London on the 1st of October, 1866. A certain class of these bonds were receivable in payment for vacant lands in the departments of Texas, Chihuahua, New Mexico, Sonora, and California, as might be desired by the purchaser, at the rate of £1 sterling for four acres; interest to run on the bonds until the purchasers of the lands should be placed in possession thereof.

Article 7 of this agreement provided that the payment of the principal and interest of these bonds should be secured by a mortgage, in the name of the Mexican nation, on one hundred millions of acres of the vacant lands of the departments of the Californias, Chihuahua, New Mexico, Sonoro, and Texas.

On the 1st of June, 1839, the foregoing agreement was approved by decree of President Santa Ana.

ATTEMPT OF PRESIDENT SANTA ANA TO ANNUL GRANTS MADE IN THE TERRITORY OF THE REPUBLIC AFTER 21ST OF SEPTEMBER, 1821.

On the 25th of November, 1853, President Santa Ana issued a dictatorial decree declaring: "That the vacant lands (*terrenos valdios*) being the exclusive property of the nation, could never have been alienated by any title whatever, by virtue of decrees, orders, and dispositions of the legislatures, governments, or authorities of the states or territories of the republic; wherefore such sales, cessions, and alienations as may have been made of the vacant lands, without the express order and sanction of the general powers in the form prescribed by law, are declared null and void." On the 7th of July, 1854, President Santa Ana issued a second decree in relation to public lands, requiring all titles of the alienation of public lands made in the territory of the republic from

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September, 1821, to the date of the decree, given either by the general authorities or by the extinguished states and departments, shall be submitted to the revision of the supreme government, without which they shall be considered of no value, nor shall they convey any right of property. The foregoing decrees of President Santa Ana were annulled as follows: "On the 3d of December, 1855, Juan Alvarez, president *ad interim* of the Mexican Republic, issued a decree abrogating in all their parts the decrees of the 25th of November, 1853, and of the 7th of July, 1854, issued by President Santa Ana, and declaring that all the titles issued during the period referred to in said decrees of 1853 and 1854 by the superior authorities of the states or territories, under the federal system, by virtue of their legal faculties, or by the authorities of the departments or territories, under the central system, without the express authorization or consent of the supreme government for the acquisition of said lands, the same being in accordance with existing laws in relation to such alienations, shall in all times be considered as firm and valid, the same as the titles to any other property legally required, without in any case being subject to a new revision or ratification by the Government."

This decree further declares: "That the alienations of vacant lands that may have been made by the authorities of the states, departments, or territories, without the requisites mentioned in the foregoing article, and in contravention of the requirements of article 4 of the law of congress of the 18th of August, 1824, are null and void, and the possessors of lands in such cases shall be subject to such penalties as may be imposed by the laws of the republic."

Article 4th of the law of the 18th of August, 1824, above referred to, is as follows: "The territories embraced within the twenty leagues bordering on a foreign nation, and the ten leagues bordering on the sea, cannot be colonized without the previous approval of the Supreme Government." Decree of President Alvarez further declares: "That the concessions or sales of vacant lands which may have been made by competent authority and in accordance with the laws in force controlling the same, under the express obligation of colonizing them within a fixed time, on a failure to comply with this condition shall be void, the land in such case reverting to the nation." The decrees of President Santa Ana of 1853 and 1854 were also abrogated by the act of the Mexican Congress of the 16th of November, 1856. But even if the dictatorial decrees of President Santa Ana had not been declared null, they could not affect the Mexican grants in Arizona, since the treaty was signed on the 25th of September, 1853, while the decree of Santa Ana was not issued until the 25th of November, 1853, and that although ratifications of the treaty were not exchanged until after the 25th of November, 1853, these ratifications have a retroactive effect, relating to the date of the treaty, (September 25th, 1853), and bound both Governments from that date.

From the foregoing historic sketch of the laws, ordinances, and decrees of the Governments of Spain and Mexico in relation to the disposition of public lands is gathered: 1st, that under the ancient laws of Spain the full dominion of a conquered kingdom was claimed by the monarch by right of conquest. 2d, that the lands of the conquered kingdoms were divided into three classes; *first*, such as were conceded for the establishment and support of pueblos, which were denominated *consejiles* or *de propios; second*, such as were granted by the king to those who had assisted in conquering the country, and such as were sold to individuals, for the purpose of obtaining means to supply the necessities of the crown, which lands were denominated *de dominio particular;* and *third*, such as remained of the conquered kingdom, which were called "common lands," "vacant lands," and "royal lands." 3d, that the usufruct of this last-mentioned class of lands was ceded by the kings to their vassals, under the provisions of such laws as from time to time were passed in relation thereto. 4th, that these royal lands were granted for use and occupation, and that the quantity granted was limited to such an amount as the applicant might need and was able to use and occupy. 5th, that up to the 15th of October, 1754, grants or concessions of royal lands required the approval of the king. 6th, that from the 15th of October, 1754, to the 4th of December, 1786, grants of land were issued by the real audencias, and did not require the approval of the king. 7th, that from said 4th of December to the date of the Mexican independence grants of the royal lands were made by the intendentes or governors of provinces, and required the approval of the "superior junta de hacienda" established in the capital of Mexico. 8th, that the exceptions to this rule are as follows, to wit: On the 22d day of October, 1791, Don Pedro de Nava issued an order permitting captains of presidios to make grants within the four jurisdictional leagues of the presidio, and in 1798 grants of the royal lands of a value less than $200 did not require the approval of the "superior junta de hacienda." 9th, that, on the change of Governments in 1821, the *realengo* or royal lands of the Spanish Government became the public lands of the Republic of Mexico, and continued to be disposed of to settlers, by valuation and sale, much in the same manner as they had been under the Spanish Government. 10th, that the act of the Mexican Congress of the 4th of August, 1824, gave to the State of the West (Estado del Occidente), composed of the States of Sonora and Sinaloa, the public lands embraced therein, requiring from the State for this

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concession the annual payment into the federal treasury of the sum of $53,125, and that based upon this act of the general Congress the Congress of the States of Sonora and Sinaloa united, on the 20th of May, 1825, passed a provisional law providing for the disposition of the public lands, which provisional law was followed by the organic law of hacienda, passed by the congress of the State on the 11th of July, 1834, confirming the provisional law of 1825, with some amendments thereto. 11th, that on the 18th of August, 1824, the general Congress of Mexico authorized the colonization of such lands of the nation as did not belong to individuals or corporations, directing the legislatures of the states to make such laws or regulations as might be necessary for the carrying into effect the provisions of this general law within their respective jurisdictions. 12th, that the provisional regulations made by the congress of Sonora on the 20th of May, 1825, for the disposition and settlement of the public lands, may be considered as authorized to be made by the act of the general Congress of the 18th of August, 1824. 13th, that on the 25th of November, 1853, and the 7th of July, 1854, General Santa Ana, by dictatorial decrees, attempted to annul the grants of land made subsequent to the 15th of September, 1821, which decrees were abrogated by decree of president Alvarez on the 3d of December, 1855, and by act of the Mexican Congress, passed November 16, 1856. 14th, that grants of the *realengo* or royal lands were made by the Spanish Government, for settlement, use, and occupation, and that grants under the Mexican laws of colonization, and under the provisional regulations made by the congress of Sonora and Sinaloa, of the 20th of May, 1825, and the organic laws of hacienda of the 11th of July, 1834, were made under the condition of occupation within a limited time, under penalty of a forfeiture of the right granted, unless a good cause could be shown why the condition of occupation had not been complied with.

Wherefore, since grants of the public lands were given on condition that they continued to be occupied, and if abandoned they were subject to denouncement and could be regranted by the Government, it is manifest that these grants of the public domain by the Government were conditional, and did not pass the absolute title or fee of the land.

GRANTS CONTAINING MINERALS.

MINES AND MINERALS.

In accordance with Interior Department instructions, I have collected information from authentic sources in reference to the laws of Spain and Mexico respecting minerals and what conditions attached to grants embracing mines.

From the earliest European settlement of the country mining for the precious metals constituted the principal branch of industry in Spanish America, and being the one that yielded the largest revenue to the government, laws and royal ordinances were from time to time passed for the encouragement of the adventurous prospectors and for the protection of the fortunate discoverer of mines of the precious metals; yet, although these laws and ordinances dignified the mining profession by attaching thereto the privileges of nobility, still the Government went no further in its liberality than to grant the miner the exclusive privilege of working the mine he might have discovered in the manner required and under the conditions imposed by the laws and ordinances in relation thereto; and when these conditions were disregarded or violated the ownership of the mine, or rather the exclusive right to work it, was lost, and the same reverted to the Government, to be acquired by any one else who might undertake to comply with the conditions under which it had been granted to the former owner, the absolute ownership of the mine ever remaining in the Government.

Joaquin Escriche, in his Diccionario Razonado de Legislacion y Jurisprudencia (a standard authority), under the head of Minas, says: "According to the ancient Roman law, mines of gold, silver, copper, iron, and other metals pertained to the owner of the land on which they were discovered, *erant privati, juris, et in libero privatorum usa juris comercio*, because they are benefits bestowed by nature, to be enjoyed by the owners of the land producing the same. Subsequently the Roman emperor appropriated one-tenth of the products of the mines of every character.

"Under the Spanish law a different rule was adopted; mines of gold, silver, lead, and other metals could not be worked without royal permission, since they (and also salt pits) belonged to the king. Any one was permitted to 'dig' in search of minerals or stones on his own lands, or on the lands of others with the consent of the owner, under the condition that the discoverer should receive one-third part of the net proceeds of the discovery, the other two-third parts to be given to the Government. Every Spaniard or foreigner was permitted to 'dig' in search of minerals on public or private lands, under the obligation of compensating for the damages occasioned. In Mexico, Venezuela, and Chili the matter of mines is governed by the ordinances of the 22d of May, 1783." (Escriche, new edition, printed 1869, Mina.)

As early as the year 1383, Don Alonzo XI issued a "pragmatica" in which it is declared: "That all mines of silver and gold and lead, and of any other metal whatever, of whatsoever kind it may be, in our royal seigniory shall belong to us, therefore no

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one shall presume to work them without our special license and command; and also the salt springs, basins, and wells which are for making salt, shall belong to us, wherefore we command that they revert to us with the produce of the whole thereof, and that no one presume to intermeddle therein except those to whom the former kings, our predecessors, or we ourselves may give them as a privilege, or who may have held them from time immemorial." (*Vide* Book VI, Title XIII, Law II, Recopilacion de Castilla; Book IX, Title XVIII, Novisima Recopilacion.)

The law of Philip II, 1559, declares: That inasmuch as the discoverers of mines, after having discovered and registered them, pretend that by that act alone they have acquired such a right to them that no other person can, within the limits and space of such mines, enter, or try, or work, and that they can thus keep them encumbered without working them themselves or permitting others to do so, by which they pervent the principal produce and profit which belongs as well to us as to our subjects and to the public welfare, since that principally consists in the working and reduction of mines and metals, and not merely in their discovery, we declare and command that such discoverer of the mine or mines of silver, after having made registry in the manner prescribed, shall be obliged within six months to sink and excavate to the depth of three *estados* (a measure of about six feet), and not sinking and excavating his mine to the depth of three *estados*, it may be denounced before the judge and registry made thereof as of a vacant or undiscovered mine. Also, that we reclaim, resume, and incorporate in ourself, in our crown and patrimony, all the mines of gold and silver and quicksilver of these kingdoms, in whatsoever parts and places they may be and are found, whether in royal lands, or in those of lordships, or of the clergy, and whether in public, municipal, or vacant lands, or in inheritances, places, and soils of individuals, notwithstanding the grants which by us and by the kings, our predecessors, have been made to any persons, of whatsoever condition, rank, and dignity they may be. (Book VI, Title XIII, Law IV, Recopilacion de Castilla. Also, Book IX, Title XVIII, Law III, Novisima Recopilacion.)

ROYAL ORDINANCES FOR THE DIRECTION, REGULATION, AND GOVERNMENT OF THE IMPORTANT BODY OF MINING OF NEW SPAIN AND OF ITS ROYAL TRIBUNAL GENERAL, MAY 22, 1783, NOW IN PRACTICE, WITH MODIFICATIONS NOTED IN MEXICO.

Article I, Title V, declares: That mines are the property of the royal crown, as well by their nature and origin as by their reunion declared in Law IV, Title XIII, Book VI, Nueva Recopilacion.

Article II, same title, declares: That without separating them from the royal patrimony, they are granted to the subjects of the king in property and possession, in such manner that they may sell, rent, donate, and pass them by will, either in the way of inheritance or legacy, or in any other manner alienate the right which in the mines belongs to them, on the same terms on which they themselves possess it, and to persons capable of acquiring the same.

Article III, same title, declares: That this grant is understood to be with the conditions that the grantees contribute to the royal treasury the prescribed portion of the metals, and that they shall work the mines in the manner prescribed by the ordinances, so that they shall be considered forfeited whenever a failure shall occur in complying with the ordinances in which it is provided, and that they may be granted to any person who for that cause may denounce them.

Article I, Title VI, declares: That the discoverers of one or more mineral hills, absolutely new, may acquire on the principal vein which they may select as many as three *pertenencias*, continued or interrupted, according to the measurements which shall be prescribed, and if they may have discovered more veins, they may have one *pertenencia* on each vein, said *pertenencia* being determined and marked out within ten days. (A *pertenencia* was in extent two hundred *varas*, measured on the vein, the width being determined by the dip or angle thereof, being sufficiently wide to prevent the vein from being cut by a shaft sunk on a side claim, at a depth of less than two hundred *varas*, this being the depth beyond which, in those times, it was considered unprofitable to work a mine.)

Article X, same title, declares: That if the denouncer of a mine does not put his working-shaft in order nor take possession within sixty days, he shall lose his right, and the mine may be denounced by another.

Article XIV, same title, declares: That any one may discover and denounce a vein or mine, not only in common land but also in the private lands of any individual, provided he pays for the land of which he occupies the surface, and the damage which immediately ensues therefrom, according to the valuation of the experts appointed by both parties, and a third in case of disagreement.

Article II, Title IX, provides: That no one shall be permitted to work mines without the direction and continual assistance of one of the intelligent and practical experts who in New Spain are called *Mineros* or *Guarda-minas*, who must be examined, licensed, and affirmed by one of the professors of mining, which each *Real* or *Asiento* must have.

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Article XIII, same title, declares: That as mines require to be worked continually and incessantly in order to procure their metals, and as they require in them works and operations which can be executed only in a long time, and as their re-establishment, if their working be suspended and interrupted, will cost as much as in their original undertaking, therefore to obviate this inconvenience, and also to prevent any owners of mines who cannot or will not work them, from keeping them without use, and for a long time impeding by pretended working the real and effective labor which others might bestow upon them, I order and command that any one who shall for four consecutive months fail to work a mine with four operatives regularly employed and occupied in some interior or exterior work of real utility and advantage, shall thereby forfeit the right which he may have to the mine, and it shall belong to the denouncer who proves its desertion.

Article X, same title, declares: That no mine shall be abandoned without first informing the deputation of the district, in order that it may be published by fixing notices on the doors of the churches and other accustomed places, so that all may have notice thereof.

Article II, Title XIX, grants in favor of scientific professors of mining the privileges of nobility in order that all persons who devote themselves to this important profession and occupation may be considered and treated with all the distinction due to so noble a profession.

According to Escriche, the laws of Spain passed prior to 1821 and the laws of Mexico passed since that date have not changed the fundamental principles laid down in the ordinances of the 22d of May, 1783, in relation to the ownership of mines and the manner of acquiring title thereto; hence these ordinances have been in force in Mexico since the date of their passage in 1783, the Mexican mining laws passed since the year 1821 not having essentially changed the spirit thereof.

From the foregoing it is manifest that under the laws and royal ordinances of Spain, from very early times down to the date of the independence of Mexico, and under the mining laws of Mexico down to the publication of the new edition of Escriche (1869) the miner could acquire no absolute title or fee in any mine discovered by him in any part of the Mexican territory, the usufruct thereof being all that was granted him by the government, and this under such regulations, instructions, and conditions as were imposed by law; and when these conditions were not complied with, the right to work the mine was lost, and could be acquired by any one else who might undertake to comply with the conditions and regulations inseparable from the privilege of working mines. The Spanish and Mexican Governments, in granting lands in Mexico, never in terms reserved the minerals contained therein, for the reason that under the constitutional laws they were reserved by and for the government. For this reason, in the many grants of land made by Spanish and Mexican authorities in Sonora, as well as in California, no mention is made of minerals.

Pastoral and mining pursuits were separate branches of industry, and in a certain sense independent of each other. Both were cherished and protected by the government. To the grazier and agriculturist was granted so much of the soil as he had means to occupy and improve, together with such appurtenances thereto as were necessary to make the occupation of the soil possible and the use thereof valuable; and to the miner were granted the minerals he might discover in the soil and the usufruct of the mine in which they were found. But to neither of these parties was the grant unconditional. To the grazier were granted lands on condition that he occupied them usefully to himself and to the government, and the abandonment thereof was followed by a forfeiture of title, in which case the land reverted to the government to be regranted to a more industrious applicant. To the miner was granted the exclusive right to work the mine he might have discovered, on condition that he observe certain rules and regulations established by law and paid to the government a certain portion of the products of the mine; a violation of these conditions was also followed by a forfeiture of such title as he possessed, the usufruct of the mine reverting to the government to be regranted to a more vigilant and "honest miner."

The objects of the government in granting lands for settlement were the increase of the wealth and population of the country, the spread of the holy Catholic faith, and the extension of the power of the Spanish monarchy; and the motive that induced the granting of privileges to miners was that the royal treasury might be supplied with American gold. No grants of lands or mines were ever made by the Government of Spain or Mexico for speculative purposes. It is true that lands were sometimes granted as a reward for distinguished services, but in all other cases on condition of occupation.

From a careful consideration of the foregoing laws and ordinances, as well as of the usages and customs of Spain and Mexico, I am forced to the conclusions:

First. That the grantee of land under the Spanish and Mexican Governments acquired no title to the minerals contained in the granted land.

Second. That the title to the minerals contained in the tract granted remained in the government notwithstanding the grant of the land.

Third. That under the Spanish and Mexican laws and ordinances any one had a right

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to "dig" in search of minerals, under certain conditions, on his own lands or on those belonging to individuals or private persons.

Fourth. That the Government of the United States under the treaty of 1853 for the purchase of a portion of the territory of Sonora succeeded to all the rights and obligations of the Mexican Government in relation to the ceded territory at the date of the treaty.

The result of these conclusions necessarily is: That since our Government succeeded to all the rights and obligations of the Mexican Government in relation to the ceded territory it is bound by the treaty to recognize and confirm all rights, titles, and privileges which had been granted by that government to private individuals prior to the cession of the territory, and to carry out the intentions of the Mexican Government toward those having ownership in lands and mines precisely as if there had been no change of sovereignty.

It is therefore clear to my mind that any one has at present a right to prospect for minerals on such portions of the ceded territory as may have been granted by the Mexican Government to private individuals, and a right to work any mines that may be found on said lands, under no more onerous conditions than the reasonable ones imposed by the mining laws of Mexico. See Article XIV, Title VI, Ordinances May 22d, 1783, heretofore cited.

CONGRESSIONAL REPORT ON PRIVATE LAND CLAIMS.

The following report made to the House of Representatives is inserted because it contains a large amount of most valuable information:

[House Report No. 1733, Forty-seventh Congress, first session.]

PRIVATE LAND CLAIMS IN CERTAIN STATES AND TERRITORIES.

JULY 26, 1882.—Referred to the House Calendar and ordered to be printed.

Mr. G. C. HAZELTON, of Wisconsin, from the Committee on Private Land Claims, submitted the following report, to accompany bill H. R. 6840:

The Committee on Private Land Claims, having had under consideration a bill (H. R. 3149) to provide for ascertaining and settling private land claims in certain States and Territories, respectfully submit the following report, to accompany substitute for said bill:

A bill that provides for the adjudication of claims in the district courts is objectionable, in that the courts having jurisdiction in the cases should have access to the entire archives of the Spanish and Mexican documents and records; and as these documents and records are kept in one place, they could not be readily accessible to all of the courts of the several districts in the Territories.

To illustrate this proposition, we will take the Territory of New Mexico, wherein the larger number of these claims are awaiting adjudication. The old Spanish and Mexican archives are in the possession of the surveyor-general of that Territory at Santa Fé. The place for holding the United States court for the first judicial district is at Santa Fé, and that court could have ready access to the archives in question; but the United States courts for the second and third districts in that Territory are at Albuquerque and Mesilla respectively, 75 and 300 miles distant from the place where the archives are kept.

In determining the character of these titles it is necessary in nearly every case, on account of the antiquity of the title papers, to introduce, for the purpose of comparison, other original documents already passed upon, bearing the signatures of the same Spanish or Mexican officials whose signatures, or purported signatures, appear on the muniments of title in the case at bar, in order to correctly determine whether they are genuine or not; as it is seldom the case that living witnesses can be found by whom the nature, whether genuine or not, of the offical signature can be shown.

The evidence of the abandonment, annulment, forfeiture, or fraudulent character of a grant may exist in the archives, in documents having no *direct* connection with the muniments of title in the case at bar in one district, and the same documents may embrace evidence of a similar character, or the reverse, in another case pending in another district, and if the documents were sent back and forth from the archives to the several judicial districts they would be liable to loss; or perhaps the document showing the annulment or fraudulent character of the grant in the case at bar might be unknown to the court before whom the cause may be pending, on account of its not being among the papers directly connected with the case under investigation.

The production in court of the original muniments of title should be required in all cases, when in existence, as the adjudicating authority should give them a personal inspection to avoid being imposed upon by fraudulent title. This could not be done if the court were to act upon certified copies only.

The Mexican colonization law of 1824 limited grants of eleven square leagues to

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each grantee, but prior to that time there was no such law in force and all perfect grants anterior thereto could not be restricted to eleven square leagues, and no such general limitation of the area of these claims can be made by Congress without a violation of individual rights guaranteed by the terms of the treaties referred to; and it is only competent for Congress to provide that each claim shall be adjudicated under the particular Spanish or Mexican law under which the concession was made.

For these reasons we deem it essential for the proper adjustment of these claims that the court adjudicating them should have direct and ready access to the old Spanish and Mexican archives; and as a commission, in our opinion, is the proper authority to adjudicate these grants we beg leave to report that, having had under consideration H. R. 3149, entitled "A bill to provide for the ascertaining and settling of private land claims in certain States and Territories," and approving of its provisions, your committee recommend that the same do pass, believing that it is free from the objections indicated, and provides a means for the safe and speedy adjustment of these land claims.

The courts in most instances are already overburdened with business, and could not give these cases that prompt and careful consideration which the interests of the Government require, and where such large properties are involved. There are a large number of these Spanish and Mexican claims in the State of Colorado and the Territories of New Mexico and Arizona which remain unadjudicated. Under the present laws they are now investigated by the respective surveyors-general of those States and Territories, upon whom, in addition to their ordinary duties, is imposed the duty of taking testimony and reporting to Congress their opinions in all these cases.

These surveyor's-general are not supposed to possess the legal attainments and qualifications which are requisite in a judicial officer, yet they are required to act in a quasi-judicial capacity in cases often involving hundreds of thousands of dollars in value, and upon the title to immense tracts of land, necessarily passing upon intricate legal propositions embracing a construction of the laws of Spain and Mexico, and the rules of evidence, which no one, not learned in the law, is competent to do. The surveyor-general of New Mexico, who has had a large experience in investigating this class of claims, in his annual reports to the Commissioner of the General Land Office, has repeatedly called attention to the necessity of prompt action on the part of Congress upon this matter, as will be seen from the Land Office reports of 1876, '77, '78, '79, '80, and '81, and in our opinion he truthfully says that further delay on the part of Congress to provide for suitable means for the adjudication of these claims amounts almost to criminality. The present method is unsatisfactory both to claimants and the Government, as Congress fails to act on the reports of the surveyors-general in these cases, and as a necessary result the titles remain unsettled and uncertain. The proceedings are to a great extent *ex parte*, and while the claimants are always present with their witnesses there is no attorney to represent the Government. The other duties of the surveyors-general are such that they have not the time, even though they possessed the requisite legal acquirements, to protect the interests of the Government in these cases. They are compelled to act as attorneys for the Government and judge impartially between it and the claimants—rather an anomalous position.

Congress should not be required to act in a judicial capacity, nor can it, on mere copies of papers, act with any degree of correctness in the confirmation of a grant; and as a result it is liable either to do nothing and permit these claims to remain unsettled and unconfirmed, or they must accept the recommendations of the surveyor-general in regard to their validity or invalidity, thus virtually giving to one man the final decision of these important cases. And should the surveyor-general err in any particular, Congress is almost sure to follow in his footsteps and confirm that error, or, failing to act at all, it does injustice to the claimant, who is entitled to have his claim passed upon and finally determined. The obligations of the treaties, and the interests of the claimants and the public, demand that these titles be adjudicated, and that speedily.

In the courts the expenses will be onerous to claimants, who, as a rule, are limited as to means independent of their interest in the grants.

Your committee believe that the method provided by this bill for the adjustment of these claims to be a proper one, as it will prove to be a safe, speedy, and comparatively inexpensive manner of adjusting these land titles.

The present executive of New Mexico urges the passage of this bill by Congress, in the following language:

"In relation to all the unconfirmed grants, there should be a commission appointed empowered to come out here and take testimony and order surveys. In this way meritorious cases can be separated from fraudulent ones. This commission should exist for two years, and after that time all grants should be held as prescribed. Though the Government must keep the treaty in good faith, it cannot be held in violation thereof for Congress to fix a time when the subject shall be considered closed. The uncertainty now existing very greatly retards the development and growth of the Territory."

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The following letter from the Commissioner of the General Land Office will show the importance of some legislation on this subject of land grants:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 9, 1878.

Sir: On the 18th ultimo, Hon. A. G. Thurman, chairman of the Committee on Private Land Claims, United States Senate, addressed a communication to this office, inclosing a copy of Senate bill 376 "to provide for ascertaining and settling private land claims in certain States and Territories," and requesting my opinion on said bill, and a statement of any facts which might be of importance relative thereto.

In compliance with the above request, I have the honor to inclose herewith the aforesaid bill, with the following report:

As the title of the bill indicates, it proposes a method for ascertaining and settling the private land claims in the States and Territories therein named. Private land claims, as defined in the body of the bill, are claims based upon titles which had their origin under the Spanish or Mexican Governments prior to the date of the acquisition by the United States, of the Territory within which they are situated.

By the treaty of Guadalupe Hidalgo, ratified May 30, 1848, and the treaty commonly known as the Gadsden purchase, ratified June 30, 1854, the Mexican Republic ceded to the United States the territory embraced within the present limits of the States of California and Nevada, and the Territories of Arizona and Utah; part of the State of Colorado, and parts of the Territories of New Mexico and Wyoming.

By the eight and ninth articles of said treaty of 1848, which by reference thereto, was made a part of the subsequent treaty of 1854, it was stipulated that property of every kind, within the ceded territory "now belonging to Mexicans, not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States." "That Mexicans, in the aforesaid Territory, who shall not preserve the character of citizens of the Mexican Republic conformably with what is stipulated in the preceding article shall be incorporated into the Union of the United States, and be admitted at the proper time * * * to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property," &c.

For the purpose of carrying into effect the foregoing treaty stipulations, Congress, by the eighth section of the act of July 22, 1854 (Stat. at L., vol. 10, page 308), and the act of August 4, 1854 (Stat. at L., vol. 10, page 575), directed the surveyor-general of New Mexico, "under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico, and for this purpose may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Guadalupe Hidalgo of eighteen hundred and forty-eight, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos, respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior; which report shall be laid before Congress for such action thereon as may be deemed just and proper with a view to confirm *bona-fide* grants, and give full effect to the treaty of eighteen hundred and forty-eight, between the United States and Mexico; and until the final action of Congress on such claims, all lands covered thereby shall be reserved from sale or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act."

The provisions of this section were extended to the then Territory, now State of Colorado, by the act of February 28, 1861 (12 Stats., p. 176), and to the Territory of Arizona by the act of July 15, 1870 (16 Stats., p. 304).

It is impossible to determine the exact number of private land claims there are in the States and Territories named in the bill, but it appears from a schedule which accompanied the annual report for the year 1856 of the surveyor-general for the Territory of New Mexico, that there were, at the date of said report, one thousand and fourteen documents relating to grants of land by the Spanish and Mexican Governments, on file in his office, and from an abstract accompanying said report, that there had been selected from the public records or archives deposited by the former Governments at Santa Fé, 197 grants to land.

During the period of twenty-three years the aforesaid act of 1854 has been in force,

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the surveyor-general has reported to Congress 123 claims; of this number only 23, one claim in every five, are found to be embraced in the abstract of grants above referred to, yet the surveyor-general in each case, with the exception of a very few of the pueblo or town claims, reports the claim as founded upon a complete grant. These facts lead to a conclusion that either the foregoing abstract of grants only represents one-fifth of the number of grants or private land claims in the Territory of New Mexico, or that 100 of the 123 claims which have been reported, 71 of which have been confirmed by Congress, are based upon spurious titles. The latter theory, in my opinion, is not tenable, as it is scarcely possible, much less probable, that the surveyor-general could have been imposed upon to such an extent in his investigations of these claims. We must therefore conclude that there are in the Territory of New Mexico alone, about one thousand private land claims, seventy-one of which, as before stated, have been confirmed, leaving over nine hundred yet to be adjudicated.

Taking the actual number of claims reported in the past twenty-three years, 123, by the surveyor-general under the act of 1854 as a basis, the average number reported annually is 5. At this rate, under the present system, the probable date when the last of the 900 unconfirmed claims will be reported upon and confirmed is in the far future. As the act of 1854 also extended the public land system to the States and Territories named, and the lands thereby, so far as they were not known to be covered by private land claims, became subject to appropriation under the laws regulating the disposal of the public domain, and as the limits of these private claims are not known to the officers upon whom devolves the duty of the execution of the public surveys, they are extended over them, and the settlers thus invited to settle upon lands to which it is, and will forever remain, impossible for them to obtain a valid title under existing laws.

On the other hand there are many persons who are deterred from settling upon the public lands by the fear that the land settled upon may be subsequently found to be within the limits of an unconfirmed, unsurveyed private land claim.

The claimants, in the mean time, must wait without remedy, and their grants, which would be valuable if the title were completed by a confirmation or patent, must remain comparatively worthless, as is the case with all property where the vendor offers for sale an incomplete title and prospective litigation.

As many of the grants made by Spain and Mexico were for a given quantity of land within larger exterior boundaries, *i. e.*, eleven square leagues or a less quantity within boundaries that may perhaps embrace an area of fifty, sixty, or a hundred leagues, and the said act of 1854, having placed the full quantity described in the grant in a state of reservation, until finally acted upon by Congress, it results in rendering unavailable for an indefinite period large tracts of land which properly belong to the United States.

The United States, by the long delay in the settlement of these claims, not only loses the sale of its lands, but the development of the resources of that country will create additional incentives for the manufacture of fraudulent title papers, with a view of securing therewith the public lands. The lapse of time, with the consequent death of witnesses and the loss or destruction of ancient records relating to land titles, adds to the possibilities of such forged and otherwise fraudulent title papers passing without detection the scrutiny of the officers whose duty it may become to act upon them.

As the act under which these claims are presented for the action of the surveyor-general does not contain any limitation within which they must be filed, neither the surveyor-general nor Congress is directly responsible for this delay. But even if it did, and the claims were all properly presented, a proper attention by the surveyor-general to his executive duties leaves him but little time to attend to the examination of complicated and confused evidences of title, most of which are in a foreign language. And when such claims have been reported to Congress and assigned to its appropriate committee, no member of such committee can conscientiously recommend that the United States convey the large tract of land, which the most of these grants contain, without giving to each case that careful, patient, and protracted examination which belongs to the judge rather than the legislator.

However able, competent, and valuable a surveyor-general may be as an executive officer, or to conduct the business arising in a surveyor-general's office, he may, and probably will, lack the technical legal knowledge which will enable him to cope successfully with voluminous title papers complicated by the sophistry of skillful attorneys. Yet, under the present system, the surveyor-general is required to surmount the difficulties; for, however carefully Congress may examine his work, it must not be forgotten that Congress acts on a copy of the papers filed with the surveyor-general, and hence cannot determine whether the grant is antedated or forged, or contains any of those defects which can be detected only by an inspection of the original record.

And again, from the fact that the majority of these grants were never segregated from the public domain by actual survey or measurement in the field under the Span-

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ish or Mexican Governments, but bounded by natural landmarks without reference to objects known to our public-land system, it is impossible for Congress to determine the quantity of land the claimants are seeking a confirmation for. It is not within the power of the surveyor-general to furnish this information; and if it is within the knowledge of the claimants, which is very seldom the case, they prefer to withhold it in order to obtain a confirmation of their claim by metes and bounds without regard to quantity.

This is, perhaps, best illustrated by the case of the Maxwell or Beaubean and Miranda grant, which was recommended by the surveyor-general for confirmation, and confirmed by Congress according to the boundaries described in the grant, it appearing in one of the documents constituting the basis of the claim before Congress that said boundaries embraced an area of only about seventeen leagues, while, in point of fact, it is found by actual survey to contain abont four hundred leagues, equal to about 1,800,000 acres. Under the Mexican laws, customs, and usages, the claimants in this case were only entitled to twenty-two leagues, or about 97,000 acres. This is not an isolated case, but one of many that have occurred and will continue to occur under the present imperfect system for the settlement of these claims.

It appears that as early as May, 1858, less than four years after passage of the act of 1854, the results of the present defective system were felt in Congress. The House Committee on Private Land Claims of the first session, Thirty-fifth Congress, in their report No. 457, state that the claims "forwarded by the surveyor-general have received the most careful attention your committee could give them; but in justice to the committee I must say this examination has been confined entirely to what seemed to be the principal papers in each case, having no time to scrutinize the evidence and the application, as made by the surveyor-general, of the Spanish and Mexican laws and usages to each of them in detail. *Nor will it ever be in the power hereafter of any committee of this House to make such an examination as will be entirely satisfactory* should these claims be allowed to accumulate before Congress. It is now ten years since the Territory of New Mexico was acquired, and nearly four years since the surveyor-general was authorized to examine and report to us the private land claims of its people; and, although protected, as is supposed, by treaty in the enjoyment of their property, no man in that Territory, without some action of Congress, can say that his title, however acquired, would hold against any claimant who might purchase his lands from the Government. * * * The people of New Mexico are not at all pleased to be compelled by law to submit their muniments of title to one man whose fitness for surveying is not supposed to qualify him particularly for discharging the duties of a judge, and yet whose opinions are expected to control, to a great extent, the final action of Congress on their claims.

"Because of this, and that Congress, if it shall reserve the right to itself of passing judgment, must rely upon the report of an examining commission, your committee believed it very important that such a board *should consist of at least three persons*, whose recommendations, whether to Congress or to a judicial tribunal, would be entitled to and command more respect than your committee or the House can award to the report of the surveyor-general alone."

It will be observed that this report not only sets forth the difficulties that Congress had to contend with as early as 1858 in dealing with these claims, but it also suggests practically the same remedy proposed by the bill now before me. If it was considered a necessary measure then to relieve Congress of a duty that it was impossible for it to satisfactorily discharge, as well as to protect the interests of the Government and do justice to the private claimants, in view of the present confused condition of titles to lands in the Territory of New Mexico, the result of the operation of the system introduced and continued in force up to the present time by the act of 1854, for the disposal of the public lands before the private land claims had been ascertained or settled, it is obvious that a far greater necessity now exists for the repeal of that system, and one more effectual and speedy in its operation provided.

In this connection it might be added that this office is in almost daily receipt of letters direct from the parties or by reference from the Department, from different sections of the State of Colorado and Territory of New Mexico, complaining bitterly of the evils growing out of and praying for relief from the hardships they are subjected to by the present tardy and defective system for the settlement of these claims; the grant claimants complaining that it is tantamount to a confiscation of their property to compel them to expend its value, or, perhaps more, to protect their rights against the settlers, and on the other hand the settlers charge the grant claimants as being land grabbers who are endeavoring to eject them, without color of right, from the lands they have settled upon and improved in good faith under the public-land laws.

The bill before me contains all of the best features of the act of March 3, 1851 (Stat. at L., vol. 10, p. 308), and supplemental legislation under which the private land claims in the State of California, a class of claims in every respect similar to those provided for in the present bill, have been finally confirmed. This legislation was the outgrowth or the fruits of an experience of about a half a century in the settlement of

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private land claims in the territory acquired from France by the treaty of 1803, commonly known as the Louisiana purchase, and from Spain by the treaty of 1819, comprised within the present limits of the State of Florida. In the settlement of said claims, various methods were adopted, by commissioners with full power and jurisdiction to finally confirm all claims containing less than a limited quantity. Second, by commissioners whose jurisdiction was limited to simply reporting the facts in each case for the final action of Congress thereon, and third by the United States courts, who were clothed with a special jurisdiction for that purpose, each tribunal being entirely separate and independent of the other. The California act of 1851 consolidated the best features of these methods into one, by providing a commission with the necessary power and jurisdiction before whom the claims should be first presented, with an appeal therefrom, the filing of a transcript of the proceedings of the commission with the court to operate *ipso facto* as an appeal to the district court of the United States; the decree of the commission could only become final upon the dismissal of the appeal therefrom by the court. Experience has fully demonstrated that this system has yielded the best results of any that has yet been tried, and, in my opinion, is as near perfect as any that can be devised.

It might perhaps be suggested that inasmuch as in the majority of the cases these claims will have to go into court for the *final* adjudication of title, that the commission might be dispensed with, and the courts vested with original and exclusive jurisdiction in all cases. This course would be open to the following objections:

First. Delay, which is the principal objection against the present mode of settling these claims under the act of 1854. In this connection, it should be taken into consideration, first, that the courts already have all of the legitimate business they can attend to; and second, that if the adjudication of the title in these cases were made an original proceeding in the courts the whole case would have to be made up in the court, requiring in each case a period varying from two or three days to a week or ten days, according to the particular circumstances in each case, while on the other hand, if the case is brought into court in the form of a complete transcript of the proceedings of the commission thereon it can be disposed of in a comparatively much shorter time.

If the confirmation of these claims were left entirely to the court, it would, in my judgment, be a low estimate to fix the limit within which they would all be confirmed at twenty-five years.

Second. The commission, as constituted in the proposed bill, with its interpreters and two law agents, one of whom is required to be skilled in the Spanish language, furnishes a more perfect and effectual means for the protection of the interests of the United States than if the adjudication of these claims were devolved upon the courts. The bill contemplates that one of the law agents shall be in constant attendance upon the commission, while the other, whose duties will be more in the nature of a special attorney or agent, is abroad collecting testimony in behalf of the Government. In many instances it will be necessary for each agent to visit the premises in person to procure the information and witnesses necessary to a proper defense of the interests of the Government. The district attorneys could not possibly perform these duties if it were required of them, for the reasons, first, that outside of the time necessary to the discharge of the duties properly pertaining to their respective offices they would have but little time to devote to these duties, and second, that it would be necessary in order to properly perform them for the district attorney of each judicial district to be familiar with the Spanish language.

Another important feature deserving of attention in connection with the consideration of the bill is the great saving to the Government which will be effected in the adjudication of claims thereunder, as compared with that under the present system provided by the said act of 1854.

To enable the surveyor-general of the Territory of New Mexico to report to Congress the private land claims in his district, as required by said act of 1854, there have been annually appropriated from two to three thousand dollars. Dividing the average of these amounts, $2,500, equally among the five claims (the average number), annually reported by the surveyor-general, it results in a net cost to the United States of $500 for each claim; and to continue the computation to those which have not been reported or confirmed, estimated at 900, the aggregate cost to the United States will amount to $450,000. And after the expenditure of this sum of money on these claims it leaves them in a condition that Congress is almost as uncertain what final dispostion should be made of them as if they had never been reported.

On the other hand the proposed bill suggests a method by which said claims can be judicially determined at a cost to the United States of one-fourth of that above stated, or, instead of each claim costing the United States $500 to have it reported to Congress, as is the case under the present system, its confirmation by the commission and courts will cost the United States $120.

As I have already had occasion to state, it is impossible to determine the exact number of unconfirmed claims there are in the States and Territories named in the

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bill; from the data at hand, the number has been estimated to be about 900. This number may be in excess, or it may be less than the actual number; but in either event, it is just as important and necessary that they should receive early and speedy action. It is justly due to the claimants and the settlers, who are directly concerned in having their rights finally adjudicated, and necessary to prevent the perpetration of frauds in the future upon the Government.

This office in its annual reports for the past five or six years or more has set forth the condition of land titles in the Territory of New Mexico, the only Territory in which the system provided by the act of 1854 has been in active operation since the passage of said act, and urged such legislation as that proposed by the bill before me for the settlement of all of the private land claims within the Territory, excepting the State of California, acquired from Mexico.

The bill under consideration was drafted in this office and the Department. After carefully reviewing it, I have the honor to suggest the following amendments thereto:

First. On line 9 of section 4, between the words "of" and "the," insert the words "one of," so as to read that "it shall be the duty of one of the said agents to attend all meetings of the commission," &c.

Second. On line 24 of section 7, between the words "district" and "court," insert the words "or territorial."

Third. On line 2 of section 8, between the words "district" and "and," insert "territorial," so that when amended it will read "that the commission herein provided for and the district, territorial, and Supreme Courts of the United States," &c., and;

Fourth. Add to section 12 the following, after the word "individual," on line 11, "and the fact of the existence of the city, town, or village, on the seventh day of July, one thousand eight hundred and forty-six, being duly proven, shall be accepted as *prima facie* evidence of a grant to the corporation thereof, or to the individual under whom the lot-holders claim."

The last amendment above suggested has been taken from the fourteenth section of the act of March 3, 1851, under which the private land claims, including claims to town property, in the State of California were confirmed. It was also incorporated into and made a part of the instructions issued by the Department under the act of July 22, 1854. The Government having thus adopted at an early day after the cession of the Territory the above rule in regard to what shall constitute sufficient evidence of the right of persons holding property under the corporate authorities of a town to a confirmation, and the fact that the system of the Spanish and Mexican Governments in regard to town grants is entirely different from that in force under the public land laws, constitute the grounds upon which I have based my suggestion in regard to said fourth amendment.

In accordance with the foregoing views, I have the honor to earnestly recommend the early passage of the aforesaid bill.

Very respectfully, your obedient servant,

J. A. WILLIAMSON,
Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

In order to obtain the latest data on the subject, the honorable Secretary of the Interior was requested by Mr. Hazelton of your committee to furnish certain information as to the number and aggregate area of the grants approved and confirmed, and the following has been received in reply:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 9, 1882.

SIR: Complying with the direction for report contained in the reference dated 1st instant of the Assistant Secretary of a letter to you dated 31st ultimo from Hon. George C. Hazelton of Committee on Private Land Claims, House of Representatives, inclosing H. R. 3149, entitled "A bill to provide for ascertaining and settling private land claims in certain States and Territories," and making certain inquiries in connection therewith, I have the honor to state that the total number of claims, includiug pueblos, reported to Congress, by the surveyor-general of New Mexico, under the eighth section of the act of July 22, 1854 (Stats. 10, page 309), is 141

Of this number there have been confirmed by Congress	64	
Rejected by the Supreme Court of the United States under fifth section act of June 21, 1860	1	
		65
Pending in Congress		76

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Relative to Colorado and Arizona, would say in reply that under act of February 28, 1861 (Stats. 12, p. 172), the surveyor-general of Colorado has reported one claim, and under act of July 15, 1876 (Stats. 16, p. 304), the surveyor-general of Arizona has reported thirteen claims.

As none of the claims reported by the surveyors-general of Colorado and Arizona have been confirmed, the number pending in Congress is the same as reported, to wit: 14.

From the foregoing it will be observed that the number of claims reported by the surveyor-general of New Mexico is		141
Reported by surveyor-general of Colorado		1
Reported by surveyor-general of Arizona		13
Making a total of claims reported		155
Of this number there have been confirmed by Congress	64	
Rejected by the Supreme Court of United States under 5th act June 21, 1860	1	
		65
Total pending in Congress		90

Of the 90 claims pending in Congress as aforesaid, three were rejected by the surveyor-general of New Mexico, and two were rejected by the surveyor-general of Arizona, and the case of the Una de Gato, originally recommended for confirmation, was, upon reinvestigation, subsequently reported as fraudulent.

It may be proper to state in this connection that in the claim of Gervacio Nolan, numbered 39, and that of José Sutton, numbered 45, both in the Territory of New Mexico, adverse reports were made by the proper committee of Congress. These claims are also included in the number pending as aforesaid.

In response to the second clause of the second question in Mr. Hazleton's letter, I inclose herewith a copy of office letter dated January 9, 1878, to the honorable Secretary of the Interior. This letter estimates the total number of grants in New Mexico to be 1,014. I find upon examination of the report of the surveyor-general of New Mexico of August 22, 1881, that up to that time only 190 claims, including pueblos, had been filed with him, and deducting the 141 which had then been reported by him, would leave 49 still pending in his office and 824 claims yet to be filed with him, assuming that none have been filed since that date.

While I have no means of determining the accuracy of the statement contained in said letter as to the probable number of grants in New Mexico, which may or may not be overestimated, yet I concluded to transmit a copy of the same, and the information upon that point may be accepted for what it is worth.

From the most reliable information in the possession of this office, it is believed that the number of claims to be reported by the surveyor-general of Arizona will not exceed 11. All the claims pending in Congress, with the exception of about 12, have been surveyed, and the preliminary surveys are found, upon examination, to cover an area of about 5,500,000 acres.

This office is not advised of the existence of any private land claims in the State of Nevada nor in the Territory of Utah. Mr. Hazleton's letter and inclosure are herewith returned.

I am, sir, very respectfully, your obedient servant,

N. C. McFARLAND,
Commissioner.

Hon. H. M. TELLER,
Secretary of the Interior.

This bill is in substance the same as the one referred to by Commissioner Williamson in his foregoing letter of January 29, 1878, and which had the sanction of the Interior Department.

Your committee therefore report back the accompanying substitute for H. R. 3149, and recommend the passage thereof.

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MR. HAZELTON'S ORIGINAL BILL.

[Referred to on page 1134.]

FORTY-SEVENTH CONGRESS, FIRST SESSION.

H. R. 3149.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 16, 1882.

Read twice, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. G. C. HAZELTON, of Wisconsin, introduced the following bill:

A BILL to provide for ascertaining and settling private land claims in certain States and Territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of ascertaining and settling private land claims in the States of Nevada and Colorado, and the Territories of New Mexico, Arizona, Wyoming, and Utah, a commission shall be, and is hereby, constituted, which shall consist of three commissioners, to be appointed by the President of the United States, by and with the advice and consent of the Senate, which commission shall continue for four years from the first day of September, eighteen hundred and eighty-two, unless sooner discontinued by the President; and such commission, when organized, shall have power to issue and enforce process for the attendance of witnesses, and to punish contempts, and shall be governed by the same rules of evidence and practice which govern the United States courts in the State or Territory where the claims are located; and all process shall be issued by the secretary of said commission, and shall run in the name of the United States, and be executed by the marshal of the United States for the district where said land is located.

SEC. 2. That a secretary, skilled in the English and Spanish languages, shall be appointed by the commission to keep a record of the proceedings of the commission in a bound book or books furnished for that purpose, which record of proceedings, at the termination of said commission, shall be deposited in the General Land Office of the United States.

SEC. 3. That such clerks as may be necessary, not to exceed five in number, including two competent stenographers, shall be appointed by the said commission; and the commission may, from time to time, designate their secretary or either of their clerks to act as interpreter for the commission.

SEC. 4. That the President of the United States is hereby authorized to appoint an agent and an associate agent, learned in the law, one of whom shall be skilled in the Spanish language, whose special duty it shall be to appear in behalf of and to represent the United States before said commission, and to continue them in such agency so long as in his judgment the public interest may require, and to allow them such compensation as he shall deem reasonable, not to exceed five thousand dollars per annum each. It shall be the duty of the said agents to attend all the meetings of the commission, to collect testimony in behalf of the United States, and to be present on all occasions at the taking of testimony by or in behalf of claimants before said commission; and that in all cases claimants shall be required to give notice in writing to either of said agents of the time and place they propose to produce witnesses for examination: *Provided,* That in all cases testimony shall be taken before the commission, or in pursuance of a commission issued by said commissioners, with interrogatories and cross-interrogatories annexed thereto and approved by them: *And provided further,* That all witnesses subpœnaed on behalf of the United States who shall testify before said commission shall be entitled to the same per diem and mileage as witnesses attending upon the district court of the United States, to be paid by the marshal in like manner upon the certificate of said commissioners.

SEC. 5. That the said commission shall hold its sessions at such place or places as the Commissioner of the General Land Office shall direct, of which due and public notice shall be given; and the United States marshal of the district within which the land is situated shall appoint one or more deputies whose duty it shall be to attend upon the said commission and execute all process issued by authority thereof, and who shall receive the same compensation as is allowed to the marshal for his attendance upon the district court and the performance of like services therein.

SEC. 6. That either of the said commissioners, when sitting as a commission, or the secretary of the commission, shall be, and is hereby, authorized to administer oaths to witnesses produced for examination in any case pending before the said commission; and that all testimony shall be reduced to writing, and shall be recorded and preserved in bound books to be provided for that purpose.

SEC. 7. That excepting in claims heretofore confirmed by or reported to Congress

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for confirmation, each and every person claiming lands in the States and Territories aforesaid by virtue of any right or title, legal or equitable, derived from the Spanish or Mexican Government, shall present his claim to the said commissioners, when sitting as a commission, together with such documentary evidence and testimony of witnesses as the claimant relies upon in support of such claim, which may include the testimony heretofore taken before the surveyors-general under the authority given them to investigate such claims; and when said claim shall have been presented to the commissioners aforesaid, it shall be the duty of said commissioners to give notice of such presentation by a publication, once a week for four consecutive weeks, in two newspapers of general circulation, one published at the capital of the State or Territory and one published nearest the land claimed; and it shall be the duty of said commissioners, when the case is ready for hearing, to proceed promptly to examine the same upon such evidence, and upon the evidence produced in behalf of the United States, and to decide upon the validity, extent, and the exterior boundaries of the said claim; and in every case in which the said commission shall render a final decision, it shall be their duty to have prepared two certified transcripts of their proceedings and decision, and of the papers and evidence on which the same are founded, one of which transcripts shall be filed with the clerk of the United States district court for the district within which the land claimed is located, and the other shall be transmitted to the Attorney-General of the United States; and the filing of such transcripts with the clerk aforesaid shall ipso facto operate as an appeal to said court for the party against whom the decision shall be rendered; and if such decision shall be against the private claimant, it shall be his duty to file a notice with the clerk aforesaid, within three months thereafter, of his intention to prosecute the appeal; and if the decision shall be against the United States, it shall be the duty of the Attorney-General, within three months after receiving said transcript, to cause a notice to be filed with the clerk aforesaid that the appeal will be prosecuted by the United States; and on failure of either party to file such notice with the clerk aforesaid, the appeal shall be regarded as dismissed; and in all cases wherein notice of appeal as hereinbefore provided shall have been filed, the district court shall proceed to hear, try, and determine the rights of the parties, and render judgment upon the pleadings and evidence in the case, and upon such further evidence as may be taken by order of the said court, and shall, upon application of the party against whom judgment is rendered, grant a writ of error to the Supreme Court of the United States, in the manner now prescribed by law: *Provided, however*, That if the transcript of the record of proceedings in the district court is not filed in the Supreme Court by the claimant within one year after the filing of such appeal, said appeal may be dismissed on motion of the Attorney-General, on the certificate of the clerk of the district court showing that such appeal was taken.

SEC. 8. That the commission herein provided for, and the district and supreme courts of the United States, in deciding on the validity of any claim brought before them under the provisions of this act, shall be governed by the treaty of Guadalupe Hidalgo, the treaty with Mexico concluded on the thirtieth day of December, eighteen hundred and fifty-three, commonly known as the "Gadsden treaty," the law of nations, the laws, usages, and customs of the government from which the claim is derived, the principles and equity, and the decisions of the Supreme Court of the United States, so far as they are applicable.

SEC. 9. That all lands as aforesaid the claims to which shall be finally rejected in the manner herein provided, and all lands as aforesaid the claims to which shall not have been presented to the said commission within two years after the first day of September next, shall be deemed, held, and considered as a part of the public domain of the United States, and said claims shall be forever thereafter barred.

SEC. 10. That it shall be the duty of the surveyor-general of the State or Territory within which any unsurveyed claim to land, finally confirmed as aforesaid, is situated, to cause said claim to be accurately surveyed, at the expense of the United States, and to keep an accurate account of the cost of such survey or surveys, and the platting thereof, which account shall be entered of record in his office, and a certified transcript thereof shall be filed for record in the office of the recorder of land-titles of the county or counties within which the land is situated, which shall operate as a lien upon the land so surveyed for the amount of the said account; and if such lien shall not have been satisfied or discharged within five years from the date of the filing of said account for record as aforesaid, the Commissioner of the General Land Office may direct the necessary proceedings to be instituted in the proper United States district court to enforce said lien; and said court shall have power to issue suitable process for the enforcement of such lien, and by sale or otherwise compel the payment of all costs incident thereto, which proceedings shall be instituted by the United States district attorney for the district where the land is located, and summary judgment shall be rendered on his motion made to the court, after ten days' notice in writing to the grant claimant, his heirs or assigns: *Provided*, That in the location and survey of said claims the decree of confirmation shall be followed as closely as practicable whenever

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such decree designates the specific boundaries of the claim; but when such decree designates only the out-boundaries within which the quantity confirmed is to be taken, the location of such quantity shall be made, as near as practicable, in one tract and in compact form; but if intervening grants render the location in one tract impracticable, then each separate location shall be made, as near as practicable, in compact form; and it shall be the duty of the Commissioner of the General Land Office to require a substantial compliance with the directions of this proviso.

SEC. 11. That whenever either of the surveyors-general as aforesaid shall, in compliance with the provisions of this act, have caused any claim to land as aforesaid to be surveyed, and a plat thereof to be made, he shall give notice that the same has been done, by a publication, once a week for four consecutive weeks, in two newspapers having a general circulation, one published at the capital of the State or Territory in which the land surveyed is situated and one published nearest the land thus surveyed, and shall retain in his office, for public inspection, the survey and plat for the period of ninety days from the date of the first publication at the capital of the State or Territory aforesaid; and if no objections are made to said survey, he shall approve the same, and transmit a plat and descriptive notes thereof to the Commissioner of the General Land Office, for his approval; but if objections are made to said survey within the said ninety days, by any party claiming to have an interest in the tract embraced by the survey, or any part thereof, such objections shall be reduced to writing, stating distinctly the interest of the objector, and signed by him and his attorney, and filed with the surveyor-general, together with such affidavits or other proofs as he may produce in support of the objections. At the expiration of the said ninety days, if the objections and prima-facie showing above prescribed have been filed, the surveyor-general shall give notice thereof to the United States district attorney in whose district said lands are situated; and, upon the receipt of such notice, said district attorney shall appear and examine the objections and proof filed in support thereof; and if, in his opinion, the same are not sufficient to warrant the ordering of a hearing to determine the correctness of said survey, he shall file his reasons therefor with the surveyor-general, whereupon the surveyor-general shall determine whether a hearing should be ordered, subject to an appeal therefrom to the Commissioner of the General Land Office; and if a hearing shall be ordered by the Commissioner, the surveyor-general shall give due notice thereof to all parties in interest, and to the said United States district attorney, whose duty it shall be to be present at such hearing for the purpose of representing the interests of the United States; and after such hearing shall have been had, the surveyor-general shall transmit a plat and descriptive notes of such survey, together with the objections and all the evidence relating thereto, with his opinion thereon, to the Commissioner of the General Land Office; and if the survey is approved by the said Commissioner of the General Land Office, he shall indorse upon the plat thereof his certificate of approval. If disapproved by him, or if, in his opinion, the ends of justice would be subserved thereby, he may require a further report from the surveyor-general touching the matters indicated by him or proofs to be taken thereon, or may direct a new survey and plat to be made. Whenever the objections are disposed of, or the survey and plat are corrected, or a new survey and plat are made in conformity with his directions, the said Commissioner of the General Land Office shall indorse upon the plat of the survey adopted his certificate of approval; and after the survey shall have been approved by the said Commissioner, as hereinbefore provided, and the expenses of such survey shall have been reimbursed to the United States, it shall be the duty of the said Commissioner to cause a patent to issue to the confirmee of such claim as soon as practicable after such approval and payment for survey.

SEC. 12. That the provisions of this act shall not extend to any city lot, town lot, village lot, farm lot, or pasture lot held under a grant from any corporation or town to which lands may have been granted for the establishment of a city, town, or village by the Spanish or Mexican Government, or the lawful authorities thereof; but the claim for said city, town, or village shall be presented by the corporate authorities of the said city, town, or village, or, where the land upon which said city, town, or village is situated was originally granted to an individual, the claim shall be presented by or in the name of said individual.

SEC. 13. That the final decrees rendered by the said commissioners, or by the district courts, or by the Supreme Court of the United States, or any patent that may be issued under this act, shall be conclusive between the United States and the said claimants only, and shall not affect the interests of third persons.

SEC. 14. That each commissioner appointed under this act shall be allowed and paid at the rate of five thousand dollars per annum; that the secretary of the commission shall be allowed and paid at the rate of three thousand dollars per annum; and three of the clerks hereinbefore provided for shall be allowed and paid at the rate of one thousand eight hundred dollars per annum; and such additional number of clerks, not exceeding two, as the commissioners may deem necessary, shall be allowed and paid at the rate of one thousand six hundred dollars per annum; the aforesaid salaries

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to commence from the day of the notification by the commissioners of the first meeting of the commission; and all salaries herein provided for shall be paid monthly.

SEC. 15. That the actual traveling and hotel expenses of the commissioners, law agents, secretary, and clerks hereinbefore provided for, in traveling from place to place where the sessions of the commission may be directed by the Commissioner of the General Land Office to be held, and the traveling expenses of the law agents incurred in the performance of their duties relating to the collection of testimony on behalf of the United States, shall be paid by the United States upon vouchers approved by the commission.

SEC. 16. That the secretary of the commission shall receive for furnishing certified copies of any paper or record fifteen cents for every hundred words, which fees shall be accounted for and paid over to the United States.

SEC. 17. That all laws or parts of laws authorizing the surveyor-general of any State or Territory mentioned in this act to examine and report upon the title of any unconfirmed private land-claim, and all laws and parts of laws inconsistent with the provisions of this act, are hereby repealed.

SUBSTITUTE REPORTED BY THE COMMITTEE ON PRIVATE LAND-CLAIMS FOR MR. HAZELTON'S BILL.

[Referred to on page 1134.]

FORTY-SEVENTH CONGRESS, FIRST SESSION.

H. R. 6840.

[Report No. 1733.]

IN THE HOUSE OF REPRESENTATIVES, JULY 26, 1882.

Read twice, referred to the House Calendar, and ordered to be printed.

Mr. G. C. HAZELTON, of Wisconsin, from the Committee on Private Land-Claims, reported the following bill as a substitute for H. R. 3149:

A BILL to provide for ascertaining and settling private land-claims in certain States and Territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of ascertaining and settling private land-claims in the States of Nevada and Colorado, and the Territories of New Mexico, Arizona, Wyoming, and Utah, a commission shall be, and is hereby, constituted, which shall consist of three commissioners, to be appointed by the President of the United States, by and with the advice and consent of the Senate, which commission shall continue for four years from the first day of September, eighteen hundred and eighty-two, unless sooner discontinued by the President; and such commission, when organized, shall have power to issue and enforce process for the attendance of witnesses, and to punish contempts, and shall be governed by the same rules of evidence and practice which govern the United States courts in the State or Territory where the claims are located; and all process shall be issued by the secretary of said commission, and shall run in the name of the United States, and be executed by the marshal of the United States for the district where said land is located.

SEC. 2. That a secretary, skilled in the English and Spanish languages, shall be appointed by the commission to keep a record of the proceedings of the commission in a bound book or books furnished for that purpose, which record of proceedings, at the termination of said commission, shall be deposited in the General Land Office of the United States.

SEC. 3. That such clerks as may be necessary, not to exceed five in number, including two competent stenographers, shall be appointed by the said commission; and the commission may, from time to time, designate their secretary or either of their clerks to act as interpreter for the commission.

SEC. 4. That the President of the United States is hereby authorized to appoint an agent and an associate agent, learned in the law, one of whom shall be skilled in the Spanish language, whose special duty it shall be to appear in behalf of and to represent the United States before said commission, and to continue them in such agency so long as in his judgment the public interest may require, and to allow them such compensation as he shall deem reasonable, not to exceed five thousand dollars per annum each. And at least one of the said agents to attend all the meetings of the commission, to collect testimony in behalf of the United States, and to be present on all occasions at the taking of testimony by or in behalf of claimants before said commission; and that in all cases claimants shall be required to give notice in writing to

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either of said agents of the time and place they propose to produce witnesses for examination: *Provided*, That in all cases testimony shall be taken either before the commission, or in pursuance of a commission issued by said commissioners with interrogatories and cross-interrogatories annexed thereto and approved by them: *And provided further*, That all witnesses subpœnaed on behalf of the United States who shall testify before said commission shall be entitled to the same per diem and mileage as witnesses attending upon the district court of the United States, to be paid by the marshal in like manner upon the certificate of said commissioners.

SEC. 5. That the said commission shall hold its sessions at such place or places as the Commissioner of the General Land Office shall direct, of which due and public notice shall be given; and the United States marshal of the district within which the land is situated shall appoint one or more deputies, whose duty it shall be to attend upon the said commission and execute all process issued by authority thereof, and who shall receive the same compensation as is allowed to the marshal for his attendance upon the district court and the performance of like services therein.

SEC. 6. That either of the said commissioners, when sitting as a commission, or the secretary of the commission, shall be, and is hereby, authorized to administer oaths to witnesses produced for examination in any case pending before the said commission; and that all testimony shall be reduced to writing, and shall be recorded and preserved in bound books to be provided for that purpose.

SEC. 7. That excepting in claims heretofore confirmed by Congress, each and every person claiming lands in the States and Territories aforesaid by virtue of any right or title, legal or equitable, derived from the Spanish or Mexican Government, shall present his claim to the said commissioners, when sitting as a commission, together with such documentary evidence and testimony of witnesses as the claimant relies upon in support of such claim, which may include the testimony heretofore taken before the surveyors-general under the authority given them to investigate such claims; and when said claim shall have been presented to the commissioners aforesaid it shall be the duty of said commissioners to give notice of such presentation by a publication, once a week for four consecutive weeks, in two newspapers of general circulation, one published at the capital of the State or Territory wherein said land is situated and one published nearest the land claimed; and it shall be the duty of said commissioners, when the case is ready for hearing, to proceed promptly to examine the same upon such evidence, and upon the evidence produced in behalf of the United States, and to decide upon the validity, extent, and the exterior boundaries of the said claim; and in every case in which the said commission shall render a final decision, it shall be their duty to have prepared two certified transcripts of their proceedings and decision, and of the papers and evidence on which the same are founded, one of which transcripts shall be filed with the clerk of the United States district court for the district within which the land claimed is located, and the other shall be transmitted to the Attorney-General of the United States; and the filing of such transcripts with the clerk aforesaid shall ipso facto operate as an appeal to said court for the party against whom the decision shall be rendered; and if such decision shall be against the private claimant, it shall be his duty to file a notice with the clerk aforesaid, within three months thereafter, of his intention to prosecute the appeal; and if the decision shall be against the United States, it shall be the duty of the Attorney-General, within three months after receiving said transcript, to cause a notice to be filed with the clerk aforesaid that the appeal will be prosecuted by the United States; and on failure of either party to file such notice with the clerk aforesaid, the appeal shall be regarded as dismissed; and in all cases wherein notice of appeal as hereinbefore provided shall have been filed, the district court shall proceed to hear, try, and determine the rights of the parties, and render judgment upon the pleadings and evidence in the case, and upon such further evidence as may be taken by order of the said court, and shall, upon application of the party against whom judgment is rendered, grant a writ of error to the Supreme Court of the United States, in the manner now prescribed by law: *Provided, however*, That if the transcript of the record of proceedings in the district court is not filed in the Supreme Court by the claimant within one year after the filing of such appeal, said appeal may be dismissed on motion of the Attorney-General, on the certificate of the clerk of the district court showing that such appeal was taken.

SEC. 8. That the commission herein provided for, and the district and supreme courts of the United States, in deciding on the validity of any claim brought before them under the provisions of this act, shall be governed by the treaty of Guadalupe Hidalgo, the treaty with Mexico concluded on the thirtieth day of December, eighteen hundred and fifty-three, commonly known as the "Gadsden treaty," the law of nations, the laws, usages, and customs of the government from which the claim is derived, the principles of equity, and the decisions of the Supreme Court of the United States, so far as they are applicable.

SEC. 9. That all lands as aforesaid the claims to which shall be finally rejected in the manner herein provided, and all lands as aforesaid, except those which have been

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held in actual occupancy and possession by parties claiming title thereto for more than twenty years, the claims to which shall not have been presented to the said commission within two years after the first day of September next, shall be deemed, held, and considered as a part of the public domain of the United States, and said claims shall be forever thereafter barred.

SEC. 10. That it shall be the duty of the surveyor-general of the State or Territory within which any unsurveyed claim to land, finally confirmed as aforesaid, is situated, to cause said claim to be accurately surveyed, at the expense of the United States, and to keep an accurate account of the cost of such survey or surveys, and the platting thereof, which account shall be entered of record in his office, and a certified transcript thereof shall be filed for record in the office of the recorder of land titles of the county or counties within which the land is situated, which shall operate as a lien upon the land so surveyed for the amount of the said account; and if such lien shall not have been satisfied or discharged within five years from the date of the filing of said account for record as aforesaid, the Commissioner of the General Land Office may direct the necessary proceedings to be instituted in the proper United States district court to enforce said lien; and said court shall have power to issue suitable process for the enforcement of such lien, and by sale or otherwise compel the payment of all costs incident thereto, which proceedings shall be instituted by the United States district attorney for the district where the land is located, and summary judgment shall be rendered on his motion made to the court, after ten days' notice in writing to the grant claimant, his heirs or assigns: *Provided*, That in the location and survey of said claims the decree of confirmation shall be followed as closely as practicable whenever such decree designates the specific boundaries of the claim; but when such decree designates only the out-boundaries within which the quantity confirmed is to be taken, the location of such quantity shall be made, as near as practicable, in one tract and in compact form; but if intervening grants render the location in one tract impracticable, then each separate location shall be made, as near as practicable, in compact form; and it shall be the duty of the Commissioner of the General Land Office to require a substantial compliance with the directions of this proviso.

SEC. 11. That whenever either of the surveyors-general as aforesaid shall, in compliance with the provisions of this act, have caused any claim to land as aforesaid to be surveyed, and a plat thereof to be made, he shall give notice that the same has been done, by a publication, once a week for four consecutive weeks, in two newspapers having a general circulation, one published at the capital of the State or Territory in which the land surveyed is situated and one published nearest the land thus surveyed, and shall retain in his office, for public inspection, the survey and plat for the period of ninety days from the date of the first publication at the capital of the State or Territory aforesaid; and if no objections are made to said survey, he shall approve the same, and transmit a plat and descriptive notes thereof to the Commissioner of the General Land Office, for his approval; but if objections are made to said survey within the said ninety days, by any party claiming to have an interest in the tract embraced by the survey, or any part thereof, such objections shall be reduced to writing, stating distinctly the interest of the objector, and signed by him or his attorney, and filed with the surveyor-general, together with such affidavits or other proofs as he may produce in support of the objections. At the expiration of the said ninety days, if the objections and prima facie showing above prescribed have been filed, the surveyor-general shall give notice thereof to the United States district attorney in whose district said lands are situated; and, upon the receipt of such notice, said district attorney shall appear and examine the objections and proof filed in support thereof; and if, in his opinion, the same are not sufficient to warrant the ordering of a hearing to determine the correctness of said survey, he shall file his reasons therefor with the surveyor-general, whereupon the surveyor-general shall determine whether a hearing should be ordered, subject to an appeal therefrom to the Commissioner of the General Land Office; and if a hearing shall be ordered by the Commissioner, the surveyor-general shall give due notice thereof to all parties in interest, and to the said United States district attorney, whose duty it shall be to be present at such hearing for the purpose of representing the interests of the United States; and after such hearing shall have been had, the surveyor-general shall transmit a plat and descriptive notes of such survey, together with the objections and all the evidence relating thereto, with his opinion thereon, to the Commissioner of the General Land Office; and if the survey is approved by the said Commissioner of the General Land Office, he shall indorse upon the plat thereof his certificate of approval. If disapproved by him, or if, in his opinion, the ends of justice would be subserved thereby, he may require a further report from the surveyor-general touching the matters indicated by him or proofs to be taken thereon, or may direct a new survey and plat to be made. Whenever the objections are disposed of, or the survey and plat are corrected, or a new survey and plat are made in conformity with his directions, the said Commissioner of the General Land Office shall indorse upon the plat of the survey adopted his certificate of approval; and after the survey shall have been approved by the said Commissioner, as

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hereinbefore provided, and the expenses of such survey shall have been reimbursed to the United States, it shall be the duty of the said Commissioner to cause a patent to issue to the confirmee of such claim as soon as practicable after such approval and payment for survey.

SEC. 12. That the provisions of this act shall not extend to any city lot, town lot, village lot, farm lot, or pasture lot held under a grant from any corporation or town to which lands may have been granted for the establishment of a city, town or village by the Spanish or Mexican Government, or the lawful authorities thereof; but the claim for said city, town, or village shall be presented by the corporate authorities of the said city, town, or village, or, where the land upon which said city, town, or village is situated was originally granted to an individual, the claim shall be presented by or in the name of said individual.

SEC. 13. That the final decrees rendered by the said commissioners, and by the district courts, or by the Supreme Court of the United States, or any patent that may be issued under this act, shall be conclusive between the United States and the said claimants only, and shall not affect the interests of third persons.

SEC. 14. That each commissioner appointed under this act shall be allowed and paid at the rate of five thousand dollars per annum; that the secretary of the commission shall be allowed and paid at the rate of three thousand dollars per annum; and three of the clerks hereinbefore provided for shall be allowed and paid at the rate of one thousand eight hundred dollars per annum; and such additional number of clerks, not exceeding two, as the commissioners may deem necessary, shall be allowed and paid at the rate of one thousand six hundred dollars per annum; the aforesaid salaries to commence from the day of the notification by the commissioners of the first meeting of the commission; and all salaries herein provided for shall be paid monthly.

SEC. 15. That the actual traveling expenses of the commisioners, law agents, secretary, and clerks hereinbefore provided for, in traveling from place to place where the sessions of the commission may be directed by the Commissioner of the General Land Office to be held, and the traveling expenses of the law agents incurred in the performance of their duties relating to the collection of testimony on behalf of the United States, shall be paid by the United States upon vouchers approved by the commission.

SEC. 16. That the secretary of the commission shall receive for furnishing certified copies of any paper or record fifteen cents for every hundred words, which fees shall be accounted for and paid over to the United States.

SEC. 17. That all laws or parts of laws authorizing the surveyor-general of any State or Territory mentioned in this act to examine and report upon the title of any unconfirmed private land-claim, and all laws and parts of laws inconsistent with the provisions of this act, are hereby repealed.

SEC. 18. That the present custodians of all records or Spanish and Mexican archives relating to these titles shall be and remain the custodians thereof; and such custodian shall furnish the same, or any part thereof, for the use of said commission, when required.

FAILURE OF LEGISLATION.

This bill did not become a law.

LIMITATION AS TO TIME OF FILING AND SURVEY OF PRIVATE LAND CLAIMS.

STATUTE OF LIMITATION.

No limit is placed by law upon the time within which claimants in New Mexico and Arizona shall present their claims. The Commissioner of the General Land Office in his report for 1882, says, speaking of the absence of a statute of limitation applying to these cases:

The result is that claims which may be only simulated operate to prevent surveys and settlements of tracts which are really public lands of the United States. It is suggested that if no other than the present system for ascertaining the validity of foreign claims within the Territories mentioned is likely soon to be adopted, a law requiring all such claims to be presented for adjudication within a certain reasonable time or be thereafter held to be invalid, would be a just provision and one of great public utility.

CONFIRMATION AND SURVEYS OF PRIVATE LAND CLAIMS.

[See page 410.]

Three separate methods of confirmations of these claims have been recognized by law:

1. By boards of commissioners.

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2. By Congress, upon reports of boards of commissioners.

3. By the Federal courts.

Preliminary to confirmation is the survey.—On pages 394–398 can be found the instructions issued by the Commissioner of the General Land Office to the surveyor-general of New Mexico, August 25, 1854, for the survey of such claims in New Mexico, Arizona, and Colorado.

INSTRUCTIONS AS TO SURVEYS, MAY 3, 1881.

IN EFFECT DECEMBER 1. 1883.

The following instructions in regard to the survey of private land claims are embodied in the new manual of instructions to surveyors-general, issued under date of May 3, 1881 (see page 575 herein) [Congress having, on March 3, 1881, appropriated $26,000 for the survey of private land claims in Arizona, New Mexico, and California]:

1. The instruments used in the survey of private land claims must be the same as those required for the survey of public lands, and must be registered and tested in like manner at the surveyor-general's office previous to the deputy's commencing work; and the instructions for the survey of public lands must, as far as applicable, be strictly observed in the survey of private land claims.

2. The surveyor-general will furnish to the deputy surveyor a full description of the boundary calls of each grant and special instructions for its survey, which description and instructions must be entered *in extenso* at the commencement of the field-notes of such survey.

3. The true magnetic variation must be noted at the beginning point of each survey and at each angle thereof, and wherever the variation of the needle is observed to change along the line the same must be noted and the reasons therefor stated, if known.

4. At the end of each mile along a boundary the character of the soil and amount of timber, grass, &c., will be stated; and the date of each day's work in the field must be noted at the end of the record thereof.

5. The requirements in the "Summary of objects and data required to be noted," as set forth in the instructions for the survey of public lands, must be observed by the deputy in the survey of private land claims. Where practicable, bearings must be taken from at least two points on the line to all prominent or otherwise notable objects in the vicinity, and where only one bearing can be taken the estimated distance must be noted.

6. Where the natural objects constituting a boundary call of a grant have become obliterated, or are difficult to recognize and identify, or where there may be a doubt as to the identity of the same, the deputy will request the parties interested, or others having knowledge thereof, to furnish disinterested and credible witnesses, whom he shall cause to be examined under oath, and whose testimony shall be written out in full in his presence and that of the officer administering the oath, and subscribed and sworn to before such officer duly authorized to administer oaths. The wording of the testimony so taken must be clear, precise, and definite, in order that the location of the natural objects constituting the boundary calls may be as clearly understood both in the General Land Office and the surveyor-general's office, as by the deputy in the field.

7. The testimony of interested parties relative to the location of boundary calls or objects may be taken, but should not be relied on as conclusive. The evidence as to such locations should be obtained, when practicable, from parties having no interest in the grant to be surveyed, and the deputy should thoroughly satisfy himself in every case as to the correct identification and location of the natural objects constituting boundary calls.

8. Where a grant call is a point or object still notorious under the name used in the original muniments of title, the additional testimony above provided for will not be required, but in such cases the deputy must state in his notes the fact of its being well known by such name, and that he is satisfied that it is the one described in the grant.

9. At the beginning point upon the out boundaries of each grant survey a corner must be established of the same character, size, and materials as prescribed for township corners upon the lines of the survey of public lands, except that only two pits will be dug, one on each side of the corner on the line. Upon the side of such corner facing the claim the initial letters of the name of the grant, and immediately under the same, the letters "Beg. Cor., 1" (for beginning corner one), must be neatly cut, chiseled, or affixed.

10. Each of the mile corners or stations of survey must be established in the manner prescribed for the establishment of section corners upon the lines of public surveys, except that they will be marked on the side facing the grant with the initials

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of the grant and the number of the station or mile, as the case may be; and only two pits will be dug, one on each side of the corner, on the line.

11. Where mile corners are established, except upon meandered portions of the line, half-mile corners will also be established in the manner prescribed for the establishment of quarter-section corners upon the lines of public surveys, except that they will be marked upon the side facing the grant with the initials of the grant.

12. Such other marks, in addition to those above described, will be placed upon the corners as may be required by the surveyor-general in his special written instructions.

13. As far as practicable, bearings and distances must be taken from each of the corners or stations to two or more trees or prominent natural objects, if any, within a convenient distance, in the same manner as required in the instructions for the survey of public lands, and such trees or objects must be marked with the initials of the grant, and underneath same the letters "B. T.," or "B. O.," as the case may be.

14. Witness corners will be established, where necessary, in the same manner as required in the instructions for the survey of public lands.

15. In all cases where the lines of the grant boundary surveys intersect the established lines of survey of public lands or private land claims, the course and distance from such point of intersection to the nearest corner on the line of the prior survey must be carefully run, measured, and noted, and, wherever necessary, such corner must be re-established.

16. The survey of a private land claim must always be connected by a line actually run and measured in the field with some corner of the public surveys, if any such have been established within a distance not exceeding two miles from any point on the boundary lines of the private land claim.

17. Boundaries or portions of boundaries of previously established grant surveys, which also form a portion of the boundaries of the claim to be surveyed, will be adopted so far as common to both grants, but no payment will be made for such common boundaries unless it is necessary to re-establish same.

18. Before commencing the survey of any private land claim the deputy surveyor will be furnished from the records of the surveyor-general's office with descriptive diagrams of such lines and corners as it is supposed his survey will intersect, or with which it may be necessary to connect same.

19. In the case of confirmed grants the boundary lines must be surveyed and established in strict accordance with the confirmatory decree; and in the case of unconfirmed grants, with the grant calls, and the terms of concession. The field-notes must embrace a full, clear, and concise statement of the reasons why each boundary is so established, in order that the theory of the deputy may appear plain to any one reading the same.

20. The deputy surveyor must return with the field-notes a topographical map or plat of the survey. As far as practicable, all objects described in field-notes, and the main features of the tract surveyed, including towns, streams, mountains, roads &c., must be protracted on such plat as accurately as possible.

21. A general description of each tract must be given at the end of the field-notes of the survey of same, which description must embrace a brief statement of the main features of the tract surveyed, character of the land, timber and other natural growth, kinds of mineral, if any, population of towns and settlements, characteristics of mountains, streams, springs, &c., and such other data as may be of importance.

22. The field-note books must embrace a list of assistants, and preliminary and final oaths, as required in the instructions for the survey of public lands.

23. Official plats of the survey of private land claims will not be furnished to any person until the cost of surveying and platting same shall have been paid to the United States.

24. All protests against the manner of survey of any particular grant must be made in writing, setting forth fully the grounds of objections, and addressed to the surveyor-general of the district within which such survey was made, who will take testimony thereon, if necessary, in accordance with the "Rules of Practice" adopted by the Department of the Interior, and forward same, together with his recommendation in the premises, to the Commissioner of the General Land Office.

25. The survey of each private land claim must be made by the deputy surveyor in strict accordance with the instructions herein contained, and such special instructions as may be given him in each particular case.

SURVEY OF PRIVATE LAND CLAIMS IN NEW MEXICO, COLORADO, AND ARIZONA, AND AS TO THE VALIDITY OF SAID CLAIMS.

No one can estimate the number of private land claims yet to be filed. The Commissioner of the General Land Office, in his report for 1882, speaking of the survey and confirmation of private land claims in the above-named States and Territories, says:

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The act of July 22, 1854, relative to private claims in New Mexico, the provisions of which were extended to Colorado by act of February 28, 1861, and to Arizona by the act of July 15, 1870, devolves upon the surveyors-general of those districts the jurisdiction to determine the validity or invalidity of claims presented to them for adjudication, which claims are afterwards reported to Congress for its action.

The vast power thus conferred upon subordinate officers of this Department has been the subject of judicial notice in cases coming before the courts.

Upon assuming the duties of this office I found the practice had been to transmit to Congress, without examination or remark, the reports of surveyors-general with copies of the title papers and proofs upon which the claims were approved. While it has been held that this office has no authority to review the proceedings of the surveyors-general, or even to call for or to examine the original muniments of title, I have nevertheless deemed it my duty, with the concurrence of the Department, to consider their reports, and in event of any obvious error to call the attention of Congress thereto.

In my last annual report I referred to the pressing necessity for some legislation that will facilitate the early adjudication of these claims, and I would again call attention to this subject.

PRIVATE LAND CLAIMS IN NEW MEXICO, COLORADO, AND ARIZONA.

TO JUNE 30, 1883.

Mr. Harrison's statement before the Senate Committee given on pages 1112 to 1116 herein, shows the condition of private land claims in the Department and in Congress to the date of his testimony.

The three subdivisions above set out are of most interest by reason of no statute of limitation as to the time of filing such claims and from the uncertainty as to whether the Nation owns any lands of value in New Mexico not covered by a grant or for which a grant, not now in sight, may have been issued by the authorities, or manufactured or is being manufactured by individuals.

MAP OF CONFIRMED AND UNCONFIRMED PRIVATE LAND CLAIMS IN NEW MEXICO, COLORADO, AND ARIZONA.

TO JUNE 30, 1883.

The map facing page 1155 shows the location of private land claims in the subdivisions above named. It is to June 30, 1883, and was prepared by William H. Walker, esq., principal clerk of private land claims in the General Land Office. The text on pages 1151 to 1155 shows whether claims are confirmed, unconfirmed, or patented.

AREA EMBRACED IN ENUMERATED CLAIMS.

	Acres.
48 confirmed in New Mexico and Colorado	7,732,890.00
25 pending in General Land Office in New Mexico and Colorado	1,913,301.91
68 pending in Congress from New Mexico and Colorado	5,345,053.13
12 pending in Congress from Arizona	188,179.16
Total	15,179,424.20

AREA (ESTIMATED) NECESSARY TO FILL ALL GRANTS OR PRIVATE LAND CLAIMS.

It was estimated June 30, 1880, which estimate has not been changed, that the area of lands embraced within the limits of private land claims on the public domain, patented and unpatented, was about 80,000,000 acres, an area almost equal to the land surface of the States of New York, Pennsylvania, Delaware, Maryland, Connecticut, Massachusetts, and New Hampshire.

PRVATE LAND CLAIMS (GRANTS AND INDIAN PUEBLOS) PATENTED BY THE UNITED STATES IN NEW MEXICO AND COLORADO.

TO JUNE 30, 1883.

As shown by the following statement forty-eight private land claims have been patented in New Mexico and Colorado, containing 7,732,890.00 acres.

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LIST OF PATENTED INDIAN PUEBLOS AND PRIVATE LAND CLAIMS IN NEW MEXICO AND COLORADO.

TO JUNE 30, 1883.

[See page 405.]

	Acres.
Pueblo de Tesuque	17,471.12
Pueblo de Pojoaque	13,520.38
Pueblo of Nambe	13,586.33
Pueblo of San Ildefonso	17,292.64
Pueblo of Santa Clara	17,368.52
Pueblo of San Juan	17,544.77
Pueblo of Picuris	17,460.69
Pueblo of Taos	17,360.55
Pueblo of Pecos	18,763.33
Pueblo of Zia	17,514.63
Pueblo of Jemez	17,510.45
Pueblo of Cochiti	24,256.50
Pueblo of Isleta	110,080.31
Pueblo of Sandia	24,187.29
Pueblo of Santo Domingo	74,743.11
Pueblo of San Felipe	34,766.86
Pueblo of Acoma	95,791.66
Pueblo of Santa Ana	17,360.56
Tome claim	121,594.53
Belan	194,663.75
Nuestra Señora de la Luz	16,546.85
Nolan grant	48,778.25
San Pedro grant	35,911.63
Cañon del Agua grant	3,501.21
Ortiz Mine grant	69,458.33
Mora grant	827,621.01
Antonio Ortiz	163,921.68
Perea grant	17,712.00
Bosque del Apache	60,117.39
Pablo Montoya grant	655,468.07
Armendaris grant or Valverde and Fray Cristobal	352,504.51
Las Animas (Wm. Craig)	73,251.55
Las Animas (Geo. W. Schofield)	3,592.06
Las Animas (John M. Francisco & Henry Daigre)	1,720.00
Armendaris grant No. 2, tract opposite Valverde	95,030.67
Beaubien and Miranda claim, or Maxwell land grant	1,714,764.94
E. W. Eaton grant	81,032.67
Sangre de Cristo	998,780.46
Tierra Amarilla	594,515.55
Town of Cebolleta	199,567.92
Cañon de San Diego	116,286.19
Town of Tejon	12,801.46
Anton Chico	378,537.50
Preston Beck	318,699.72
Las Animas (Chas. Antobees)	686.17
Las Animas (Estefana Hicklin)	5,118.72
Las Animas (W. W. Bent)	2,085.51
Las Animas Romalda Luna Boggs	2,040.00
Total area	7,732,890.00

Official: General Land Office, June 30, 1883.

CONFIRMED PRIVATE LAND CLAIMS IN NEW MEXICO AND COLORADO, NOW PENDING IN THE GENERAL LAND OFFICE, TO JUNE 30, 1883.

Twenty-five claims for private land grants in New Mexico and Colorado, containing 1,913,301.91 acres, were pending in the General Land Office June 30, 1883. These claims are from the surveyor-general's office, and have not as yet been transmitted to Congress.

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LIST OF CONFIRMED PRIVATE LAND CLAIMS IN NEW MEXICO AND COLORADO, PENDING IN THE GENERAL LAND OFFICE.

TO JUNE 30, 1883.

[Supplants pages 406, 407.]

	Acres.
Town of Casa Colorada	131,779.87
Brazito	10,612.57
Town of Tecolote	21,636.83
Las Trigos	9,646.56
Junta de las Rios	108,507.64
Town of Chilili	23,626.22
Agua Negra	17,361.11
Las Animas, parts of	17,087.35
Cañon de Pecos	574.34
Las Vegas	496,446.96
Baca, location Nos. 1, 2, 3, 4, and 5	496,446.96
Town of Tejique	7,185.55
Town of Torreon	14,146.11
Town of Manzano	17,360.97
Town of San Ysidro	11,476.68
Town of Las Trampas	46,461.22
Sebastian Martin grant	51,387 80
Indian Pueblo of Laguna	101,510 78
Vicente Duran Armijo grant	57.18
Town of Chamito	1,636.29
Pedro Sanchez grant	31,802.92
Antoine Leroux grant	126,024.50
Mesita de Juan Lopez	42,022.85
Ojo del Espirita Santo	127,875.86
Benjamin E. Edwards	626.79
Total area	1,913,301.91

Official: General Land Office, June 30, 1883.

PRIVATE LAND CLAIMS IN NEW MEXICO AND COLORADO REPORTED TO CONGRESS AND NOW AWAITING ACTION, JUNE 30, 1883.

June 30, 1883, there were sixty-eight private land claims from New Mexico and Colorado reported from the General Land Office, containing 5,345,053.103 acres, waiting Congressional confirmation. Delay in these cases is frequently injurious to owners or intending purchasers.

LIST OF PRIVATE LAND CLAIMS IN NEW MEXICO AND COLORADO REPORTED TO CONGRESS AND NOW AWAITING ACTION.

TO JUNE 30, 1883.

[Supplants pages 407, 408.]

	Acres.
Ojo del Añil. (See Report No. 71, House of Representatives, Fortieth Congress, second session)	69,445.55
B. M. Montana grant	151,056.97
Cañada de los Apaches	88,079.78
Nerio Antonio Montoya, jr	3,546.06
Rogue Lovato grant	1,619.86
Cañada de los Alamos	13,706.02
Bernardino de Sena. (No survey.)	
J. B. Valdez grant	6,583.29
Juan de Dios Peña	479.41
José F. Baca y Terrus	1,589.87
Rio Grande	109,043.80
Serrillos	2,287.41
Town of Galisteo. (No survey; rejected by surveyor-general.)	
Cebolla tract	17,159.57
Town of Cienequilla	43,961.54
Cojo del Rio	62,343.01
Cajon del Rio de Tesuque	11,619,56
San Joaquin del Nacimiento	131,725.87

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	Acres.
San Clemente tract	89,403.40
Grant to Luis de Armenta	444.24
Grant to Juan Salas	436.41
Grant to Antonio Sandoval	415,036.56
Cañon de Chama	472,736.95
Ojo del Apache. (No survey; rejected by surveyor-general.)	
Piedra Lumbre	48,336.12
Grant to Bartolome Marquez and Francisco Padilla	637.23
Sierra Mosca	33,250.39
Town of San Antonio del Colorado	18,955.22
Town of Ojo Caliente	38,590.20
San Miguel Spring tract	25,176.39
Arroyo de San Lorenzo	130,138.98
Grant of Juan de Mestas	1,686.47
Cuyamunque Pueblo tract. (No survey.)	
Grant to Salvador Gonzales	103,959.31
Town of Bernalillo	11,674.37
Angustura tract	2,319.04
Doña Anna Bend	19,323.57
Mesilla Colony grant	33,960.33
Grant to Gaspar Ortiz. (No survey on file in General Land Office.)	
Santa Fé City land claim	17,361.11
Talaya tract	1,003.55
Refugio Colony grant	26,130.19
Grant to F. M. Vigil	106,274.87
Ignacio de Roival and Jacinto Palaez	46,341.48
Grant to Antonio E. Armenta	42,939.21
Town of Cevilleta	224,770.13
Grant to Ignacio Chaves	243,036.43
Grant to Mestas Joaquin	3,632.94
Bernardo de Miera y Pacheco	148,862.945
Felipe Tafoya *et al*	22,578.12
Miguel Montoya	3,253.09
Antonio Baca	43,653.03
Montano	1,890.62
Luis Jaramillo	18,046.59
Baltazat Baca & Sons	12,207.408
Petaca grant	186,977.11
Ojo de la Cabra	4,340.26
Town of Socorro	843,259.59
Vallicito grant	114,400.54
Anaya Almazon	45,244.73
Antonio Martinez grant	67,480.20
Ojo de Borrego tract	60,214.13
San Miguel del Bado tract	315,300.80
Tract of land in Taos County. (No survey.)	
Cañon de San Diego tract	9,572.570
Santisima Trinidad or Rancho de Galvan, Bernalillo County	
Town of Peña Blanca	
Gervacio Nolan	575,968.71
Total	5,345,053.103

Official: General Land Office, June 30, 1883.

PRIVATE LAND CLAIMS IN ARIZONA, REPORTED TO CONGRESS AND NOW AWAITING ACTION, JUNE 30, 1883.

Twelve private land claims in Arizona were within the register of Congress June 30, 1883, waiting acts of confirmation. They contain 188,179.169 acres.

LIST OF PRIVATE LAND CLAIMS IN THE TERRITORY OF ARIZONA, REPORTED TO CONGRESS AND NOW AWAITING ACTION.

TO JUNE 30, 1883.

[Supplants page 409.]

	Acres.
Rancho San Rafael del Valle	17,360.76
Rancho San Ignacio del Babocomori	34,722.028

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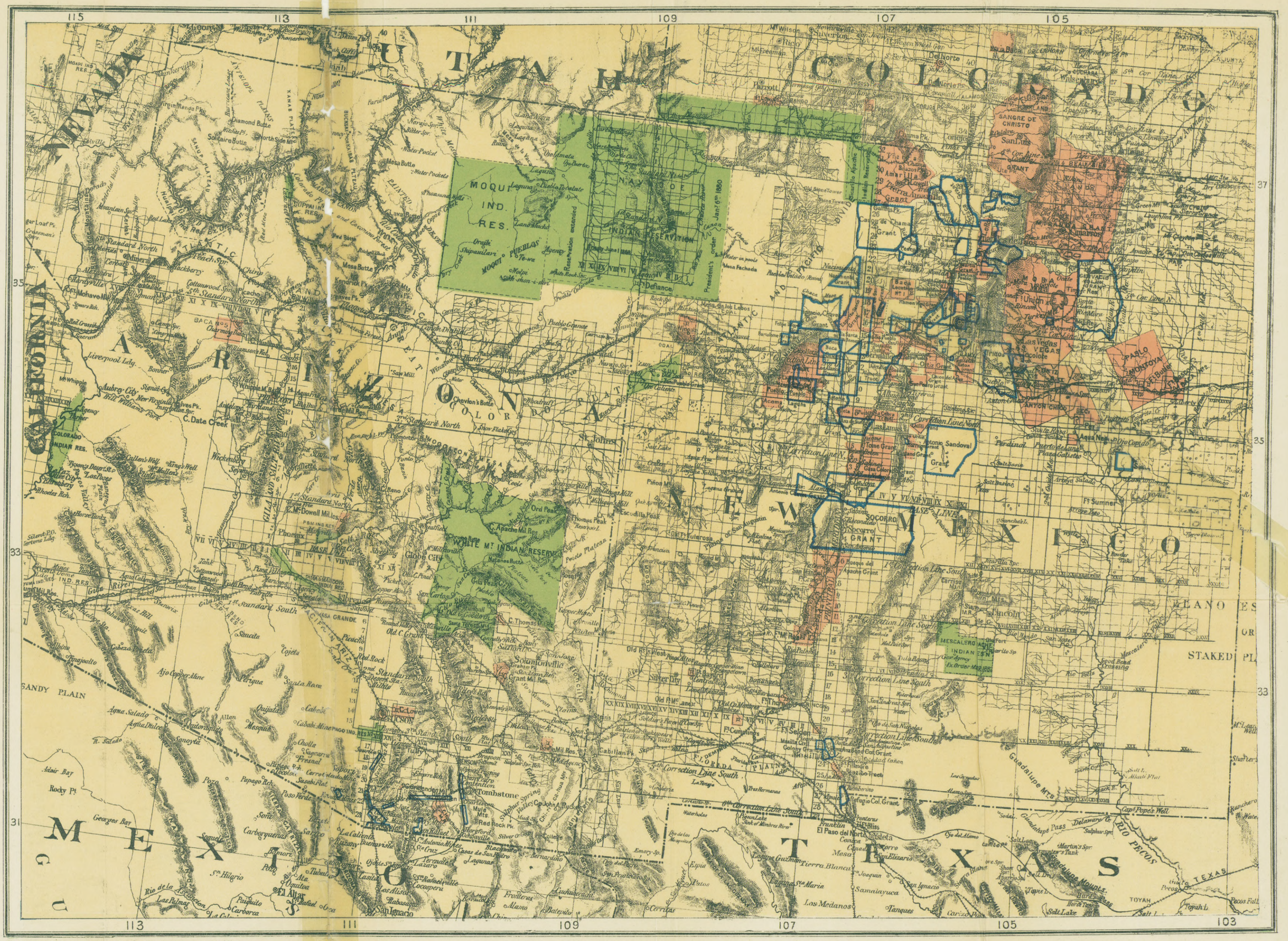

TO ACCOMPANY "PUBLIC DOMAIN" BY THOS. DONALDSON.

MAP SHOWING PRIVATE LAND CLAIMS,

PATENTED OR UNPATENTED OR CONFIRMED, IN NEW MEXICO, COLORADO AND ARIZONA,

To June 30, 1883.

The area and condition of these grants is shown by the text on the page opposite. They contain 15,179,427.20 acres.

It was estimated June 30, 1880, that it would require about 80,000,000 of acres of Public Lands to satisfy this class of claims, including those which had been already patented. See chapter XXXI, pages 365 to 410, and addenda to chapter, for confirmatory text.

In Colorado the Nolan grant and derivative claims under the Las Animas (or Vigil and St. Vrain) grant are not noted on the map. The two last were located by legal sub-divisions of the public surveys, and cannot be correctly represented on the scale of this map. No survey of their exterior limits has been made by the United States.

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	Acres.
Rancho San Ignacio de la Canoa	17,208.333
Rancho Tumacacori and Calabazas	52,007.95
Rancho San José de Sanvita	7,598.07
Rancho San Rafael de la Sanja	17,361.108
Aribac	8,680.52
Rancho San Juan de las Boquillas y Nogales	17,355.86
Rancho Los Nogales de Elias	10,638.68
Rancho de Otero and House Lot	185.70
El Sapori	
Maria Santisima del Carmenor Buena Vista	5,360.16
Total	188,179.169

Official: General Land Office, June 30, 1883.

LEGISLATION RECOMMENDED JUNE 30, 1883.

The Commissioner of the General Land Office, in his annual report for the fiscal year ending June 30, 1883, makes the following statement and recommendations as to private land claims:

PRIVATE LAND CLAIMS.

Eight confirmed private land claims in California have been patented, and nineteen others docketed, but not finally disposed of.

Twenty-six private claims in Louisiana, Florida, and Illinois, and three in New Mexico, have been passed to patent. One in Louisiana and one in New Mexico presented for recognition have been rejected. Twenty-seven confirmed claims in New Mexico and Colorado, and forty-one in Louisiana and Florida, are awaiting final action. Three claims within the Las Animas grant in Colorado have been adjudicated. Six approved and twenty-four rejected claims within the same grant remain to be considered.

Scrip has been issued for two claims in Louisiana under the act of June 22, 1860, and subsequent acts. Three have been reported to Congress. Three hundred and six entries have been allowed on private land-scrip locations, and ninety-three are pending

Thirty-nine donation claims in Oregon and Washington Territory have been patented, twenty-six in New Mexico rejected, and five hundred and forty-seven in Oregon, Washington Territory, and New Mexico remain to be adjudicated. Eighty-four Indian claims have been patented.

Several thousand private land claims in Florida and Louisiana, and a smaller number in the several States of Missouri, Alabama, Mississippi, Arkansas, Illinois, Indiana, and Michigan, which have been confirmed by Congress, by various boards of commissioners, or by the courts, still remain undisposed of.

In Florida.—Plats of confirmed claims in Florida which have been surveyed by the United States are on file in this office, but it is found in many instances that the subsisting surveys embrace more land than was included in the confirmations.

All lands within the lines of these surveys are regarded as reserved until the claims are finally adjudicated. Meanwhile claimants treat the whole as their private property and make sales and conveyances. Numerous conflicts between settlers seeking title under the public land laws, and grant claimants or their assignees, arise from this unsettled condition.

It is desirable and important that sufficient provision be made by Congress for an investigation of these surveys in the field, and for such examination and investigation of the titles and claims in other respects as may be required in the public interests.

In New Mexico, Colorado, and Arizona.—Attention is again called to the condition of private land claims in New Mexico, Colorado, and Arizona. Nearly thirty years have elapsed since the passage of the act of July 22, 1854 (10 Stat., 308), providing for the settlement of these claims through their presentation to the surveyor-general and the submission of his reports to Congress.

About seventy claims have been confirmed by Congress. Ninety-four are pending before that body, while an unknown number remains on the files of the surveyors-general.

The claims presented under the act of 1854 (and subsequent acts, extending the provisions of that act to Arizona and Colorado) are chiefly in New Mexico and Arizona, a few only being in Colorado.

The presentation to surveyors-general of claims for confirmation, whether the same are finally confirmed or not, operates as a statutory reservation of the land claimed, although the situation of the land and the quantity embraced in the claims are ill-defined and uncertain.

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The existence of these undetermined and unsettled claims is a perpetual menace to the industrial occupation of the soil. Settlements are retarded and to a large degree practically inhibited owing to the liability that the land upon which a settlement is made may fall within the limits of some unconfirmed and unsurveyed grant. There is a further liability of the assertion of claims heretofore unknown. The increasing value of land, owing to increased facilities of communication and the general settlement of all the Territories, invites the assertion of such claims, and is an incentive to the manufacture of fraudulent titles. The lapse of time favors claims of a doubtful character, and especially favors a broad expansion of original claims. Complaints have been made that grants have been confirmed by Congress, or surveyed and patented under Congressional confirmations, for a far greater quantity of land than is embraced in the grants.

The inadequacy of the present system of adjustment is shown by the statement just made that only seventy claims out of a possible thousand have been settled, while less than one hundred more have been in any manner reported for action, and this, as to number, is the result of thirty years' operation of the system. In other respects the results of the system are even less satisfactory. Repeated applications have been made for the institution of judicial proceedings to set aside patents already issued, either on the ground of fraud in original titles or of a fraudulent enlargement of boundaries. A suit is now pending for the recovery to the United States of nearly 2,000,000 acres embraced in a single confirmation by Congress upon a surveyor-general's report. This situation illustrates a more fundamental defect in the present system than that of mere interminable delay. It is that the machinery employed does not admit either of that scrutiny of title or of that accuracy in the determination of boundaries which the public safety demands. The surveyor-general is fully occupied with the ordinary duties of his office. He cannot give the time required for a thorough investigation of these cases even if he were always qualified for the duty and interests of such magnitude could properly be confided to the intelligence, discretion, or integrity of a single individual.

The determination of the boundaries and extent of claims rests almost wholly with deputy surveyors. They are only nominally officers of the United States. Actually, they are contractors. They are not required to exercise judicial functions, and cannot be expected to devote much of their own time to a critical investigation of boundaries shown them by interested claimants. For several years past, and until the beginning of the present fiscal year, after a claim had been favorably reported by the surveyor-general, the first step was to make what is called a "preliminary survey." This was not considered a finality. It did not purport to be founded upon any accurate basis. It purported only to describe boundaries which parties interested in extending claimed limits had pointed out. When a claim is confirmed by Congress, the confirmation may carry the survey as reported, and thus the merely preliminary survey becomes a Congressional grant.

These preliminary surveys were not required to be examined by this office, but in contemplation of law were simply transmitted to Congress as exhibits to the surveyor-general's reports. But if they had been examined here, such examination would, of necessity, have been a superficial one. Under the present system this office is without proper means to judge of the substantial correctness of surveys of private land claims. Minor errors, incident to any survey, may be detected. But whether the deputy surveyor found the true boundaries of the grant, or whether the monuments accepted as being the monuments called for by the grant, were such in fact, are matters wholly beyond the facilities of this Department to ascertain from any data furnished by the surveyor-general's reports.

The unauthoritative character of preliminary surveys has repeatedly been stated to Congress in my annual reports and in reports upon special cases.

An instance has been called to my attention where the original claim was for a quantity of land shown upon a plat presented to the surveyor-general as containing one square league, or less than 5,000 acres, and described as having fixed natural boundaries which claimants stated were well known and easily identified. And yet, upon the assignment of this claim to other parties a preliminary survey was obtained purporting to show identically the same boundaries, but embracing an area exceeding 300,000 acres.

The title papers transmitted to Congress for its judgment upon the validity of claims are not the originals or purported originals on file in the surveyor-general's office, but are copies merely. It is manifestly impossible for an opinion to be formed upon the authenticity of papers by an inspection of copies. Moreover, the organization and duties of legislative committees do not admit of that kind of scrutiny and investigation which claims of this character should receive before a confirmation of title to unknown quantities of land is made.

The reluctance of Congress to continue the confirmation of private land claims in New Mexico and Arizona, in view of the difficulties and uncertainties involved in such procedure, has been marked by its omission in late years to take action upon such claims, and by various propositions looking to some different mode of settlement.

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I have heretofore been disposed to regard with favor the proposition of sending these claims to the courts, but upon a more mature consideration I am satisfied that the courts, with their present organization, would be unable to cope with the vast volume of additional business which would be thrown upon already overcrowded dockets. It is also doubtful if methods of judicial procedure are adequate to the proper investigation of such claims. The evidence to be produced is generally *ex parte*. Conflicting interests are apt to be removed, or a confirmation effected, through which the demands of all parties are satisfied out of a larger portion of the public domain. Settlers having adverse claims are not usually able to pay the expenses of a legal contest with wealthy grant claimants. The United States attorneys are occupied with their general duties, and provision is not made by which they can be compensated for the special and extraordinary labor that would be entailed by the proper defense of the public interests in such suits. The appropriations for special counsel do not permit the payment of fees approximate to those which experienced and able lawyers can obtain from private claimants of great bodies of the public lands.

The examination of these claimed titles is a work of protracted and patient labor, requiring in many cases detective experience and skill as well as legal acumen and learning, and in all cases close and painstaking individual effort. The nature and validity of claims being settled, questions of boundary and extent are to be determined, and such properly require investigations in the field. Usually testimony upon these points is furnished chiefly or wholly by claimants. It is obvious that a better knowledge of facts than can be obtained from such sources is essential to a just adjudication.

The old population of New Mexico and Arizona is permanent in its character. The lands occupied and cultivated by these people for generations are well known. The location of original claims in their neighborhood is ascertainable. I believe it possible, through a personal examination of monuments and boundaries by responsible officers of the Government, and by taking testimony in the neighborhood, to establish the limits of grants with a greater degree of accuracy than has yet been attained or that can be attained in any other manner.

My best conclusion is that a commission should be appointed for each of the Territories named, the duties of which should embrace a thorough examination and investigation of the foundations of all alleged private land claims in these Territories, together with an actual investigation of boundaries and limits, and that all claims before Congress or this office, as well as those depending before the surveyors-general, should be remanded to such commission for examination and decision with proper appeal for review upon error of law.

Much care would be requisite in framing such measure, which should not, I think, invest the commissioners with so great or irresponsible powers of confirmation as given to previous boards, but should require as preliminary to any result the most thorough research and exhaustive practical investigation.

The obligations of treaty stipulations are apt to be magnified into a recognition of property rights that had no existence under Spanish or Mexican law, and into the support of speculative schemes to dispossess the United States of its own property. The time has come when, in my opinion, the rights and interests of the United States should be faithfully and vigorously defended against unjustifiable assaults under cover of pretended foreign titles.

I further deem it a matter of great importance that the time within which claims not heretofore presented to surveyors-general may be filed before any tribunal should be limited to a brief period, and that all claims not presented within such period should be definitely barred.

In view of the great length of time that has already been allowed for this purpose, I think that further time should be limited to two years.

EXISTING METHODS OF SALE AND DISPOSITION OF PUBLIC LANDS.

To December 1, 1883.

[See Chapter XXXII, pages 411 to 415.]

CIRCULARS, METHODS OF PROCEDURE, AND REGULATIONS.

In Effect December 1, 1883.

The circulars, regulations, and details of procedure to acquire title to the public lands under the several laws as set out in the "addenda," from pages 517 to —— herein, and noted as "In effect June 30, 1883," are in effect December 31, 1883, with slight modifications, resulting from departmental and court rulings, which cannot be obtained in time for insertion here.

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REFERENCES.

For decisions as to existing laws see the several chapters herein; also, "The existing laws of the United States of a general and permanent character relating to the public domain to December 1, 1880"; Public Land Commission, 1880, Ex. Doc. 47, Part I, Forty-sixth Congress, third session. See also "Decisions of the Department of the Interior and General Land Office, in cases relating to lands and land claims from July, 1881, to June, 1883"; also, see annual reports of Commissioner of General Land Office for the years 1880, 1881, 1882, and 1883—and regulations issued by that office.

THE PUBLIC LANDS OF THE UNITED STATES, WHICH ARE, AND LOCATION OF.

THE NATIONAL DOMAIN.

The national domain is the whole area, land and water, lying within the national boundaries known as the United States. (See pages 1 to 10 herein.)

THE PUBLIC DOMAIN, OR PUBLIC LANDS.

The public domain, or public lands—the property of the nation, and subject to legislative control and disposition by Congress alone—is the area known as public lands acquired by treaty, capture, cession by States, conquest, or other acquisition and purchase, and lying and being in the States and Territories below enumerated. (See also pages 10 to 29 herein.) The fact of the nation owning land within any of the other States not enumerated below does not make them "public lands"; such lands, used for forts, arsenals, dock-yards, post-offices, court-houses, hospitals, or any other purpose of government, are not public lands or domain.

NAMES OF PUBLIC LAND STATES AND TERRITORIES.

The public lands are included only within the States of Alabama, Arkansas, California, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, Ohio, Oregon, Wisconsin, and the Territories of Arizona, Dakota, Idaho, Montana, New Mexico, Utah, Washington, and Wyoming, and the "Public Land Strip." Alaska, although public domain, has not as yet had the land laws extended over it by Congress. These States and Territories, with the exception of Ohio, Indiana, Illinois,* the "Land strip", and Alaska, are divided into land districts, in each of which there is a land office established by law, with a register and a receiver in attendance for the sale or other disposal of the public lands therein. (See sections 2234 to 2247 of the Revised Statutes of the United States; also list of land offices on page 554.) Information regarding public lands may be obtained at these offices.

PUBLIC LANDS—TITLE TO, HOW ACQUIRED.

DECEMBER, 1, 1883.

(Reference.)

The text on pages 411 to 415 is still in effect, December 1, 1883. The details as to who can enter, and qualifications, and the tables of fees, are the law, December 1, 1883.

WHO MAY ENTER PUBLIC LANDS.

A single man, a married man, a single woman, or a married woman, if (legally) the head of a family, citizens of the United States, or have declared their intentions to become such, can have the benefits of the several settlement laws.

The American citizen (male or female) must be over twenty-one years of age before he or she can have the benefits of the settlement laws, but the foreigner can have these benefits the moment after he files his or her declaration of intention to become a citizen.

THREE HUNDRED AND TWENTY ACRES [IN THEORY] THE UNIT OF PUBLIC LAND ACQUIREMENT BY ANY ONE PERSON.

Under the homestead act a person can acquire 160 acres by settlement and residence; under the pre-emption act 160 acres by settlement and purchase, or 320 acres. This was intended to be the limit of acquirement by any one person of public lands, but—

*No land offices in Ohio, Indiana, or Illinois. Any Government lands therein are entered on application at the General Land Office, Washington, D. C.

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In fact, under the existing laws, *a person* can legally acquire *eleven hundred and twenty* acres, viz:

	Acres.
Under the homestead act	160
Under the pre-emption act	160
Under the timber-culture act	160
Under the desert-land act	640
Total	1,120

(See page 411 herein.)

METHODS OF ACQUIRING TITLE.

Title may be acquired by sale at auction, private entry or location, cash purchase, or entry under the several settlement and disposition laws by persons, associations, or corporations.

BY PURCHASE AT PUBLIC SALE.

This may be done where the lands are "offered" at public auction to the highest bidder, either pursuant to proclamation by the President or public notice given in accordance with directions from the General Land Office.

BY "PRIVATE ENTRY" OR LOCATION.

The lands liable to disposal in this manner are those which have been offered at public sale, which were not then sold, and which have not since been reserved or otherwise withdrawn from market. The area of such lands is small in the West, but almost the whole of the surveyed agricultural and other public lands lying in Alabama, Mississippi, Florida, Arkansas, and Louisiana can be purchased under the act of June 22, 1876. For details as to how public lands are proclaimed and offered, and how rendered subject to private sale or entry, see pages 206 and 207 herein. In this class of offered and unreserved public lands the following steps must be taken to acquire title:

METHOD OF PRIVATE (CASH) ENTRY OR PURCHASE.

CASH PURCHASE.

The applicant will first present a written application to the register for the district in which the land desired is situated, describing the tract he wishes to purchase, giving its area, form [No. 4-001.]

[No. 4-001.]

Cash application.

No. ——. LAND OFFICE, AT ——,
(*Date*) ——, 18—.

I, —— ——, of —— county, ——, do hereby apply to purchase the —— of section ——, in township ——, of range ——, containing —— acres, according to the returns of the surveyor general, for which I have agreed with the register to give at the rate of —— per acre.

—— ——.

I, —— ——, register of the land office at ——, do hereby certify that the lot above described contains —— acres, as mentioned above, and that the price agreed upon is —— per acre.

—— ——, *Register.*

Thereupon the register, if the tract is vacant, will so certify (see bottom of blank above) to the receiver, stating the price, and the applicant must then pay the amount of the purchase money.

RECEIVER'S RECEIPT.

The receiver will then issue his receipt for the money paid, in duplicate, giving to the purchaser a duplicate receipt, form No. [4-131.]

[No. 4-131.]

RECEIVER'S CASH RECEIPT.

(*Issued in duplicate, one for the files.*)

No. ——. RECEIVER'S OFFICE AT ——,
(*Date*) ——, 18—.

Received from —— ——, of —— county, ——, the sum of —— dollars and —— cents, being in full for the —— quarter of section No. ——, in township No. ——, of range No. ——, containing —— acres and —— hundredths, at $—— per acre $——

—— ——, *Receiver.*

The register will then issue his certificate of purchase, form [No. 4-189.]

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REGISTER'S CASH CERTIFICATE.

(*Issued in duplicate, one for the files, one for purchaser.*)

On this patent is issued.

[No. 4-189.]

CASH CERTIFICATE.

No. ——. LAND OFFICE AT ——,
(*Date*) ——, 18—.

It is hereby certified that, in pursuance of law, —— ——, of —— county, State of ——, on this day purchased of the register of this office the lot or —— of section No. ——, in township No. ——, of range No.——, containing —— acres, at the rate of —— dollars and —— cents per acre, amounting to —— dollars and —— cents, for which the said —— —— ha— made payment in full as required by law.

Now, therefore, be it known, that on presentation of this certificate to the Commissioner of the General Land Office, the said —— —— shall be entitled to receive a patent for the lot above described.

——, *Register*.

At the close of the month the register and receiver will make returns of the sale to the General Land Office, from which, when the proceedings are found regular, a patent or complete title will be issued; and on surrender of the duplicate receipt such patent will be delivered, at the option of the patentee, either by the Commissioner at Washington or by the register at the district land office.

LOCATIONS WITH WARRANTS.

(See pages 712 herein, 715, and 721 *et seq.*)

Application must be made as in cash cases, forms as above, but must be accompanied by a warrant duly assigned as the consideration for the land; yet where the tract is $2.50 per acre, the party, in addition to the surrendered warrant, must pay in *cash* $1.25 per acre, as the warrant is in satisfaction of only so many acres at $1.25 per acre, or furnish a warrant of such denomination as will, at the legal value of $1.25 per acre, cover the rated price of the land. For example: A tract of 40 acres of land, held at $2.50 per acre, can be paid for with a warrant calling for 40 acres and the payment of $50 in cash, or by surrendering an eighty-acre warrant for the same—the 40 acres to be in full satisfaction for the said location; or a tract of 80 acres, rated at $2.50 per acre, can be paid for by the surrender of two eighty-acre warrants. If there is a small excess in the area of the tract over the quantity called for on the face of the warrant in any case, such excess may be paid for in money.

A duplicate certificate of location will then be furnished the party, to be held until the patent is delivered, as in cases of cash sales.

For fees chargeable by the land officers, and the several amounts to be *paid at the time of location*, see page 716.

NO LAND BOUNTIES GIVEN BY CONGRESS TO UNION SOLDIERS OR SAILORS IN THE WAR OF THE REBELLION.

By warrants is meant certain warrants issued under the act of Congress of March 3, 1855, and previous acts, giving public land as a bounty for military services rendered prior to the passage of the acts in former wars of the republic. The bounties given by law for military services in the late war, 1861 to 1865, were not given in *land*, but in *money*. The only privileges granted to soldiers and sailors on account of military services rendered by them during the late war, in connection with the public lands, are provided for in sections 2304 to 2309 of the Revised Statutes, allowing homestead entries to be made by them on condition of residence on the entered tracts, with cultivation of the soil, for a prescribed period.

AGRICULTURAL-COLLEGE SCRIP.

Application will be made as in cash cases. Same forms are used. Can be used as cash in private entry. For details see page 711.

CLOSE OF CASES AND PATENTS.

In all cases of cash entry, or location (or any other class of location or entry of public lands), the papers will be forwarded at end of the current month to the General Land Office at Washington for examination and approval. If all is found regular, a patent or title will be given.

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PATENTS.

When patents are ready for delivery, they will in all cases be transmitted to the local office at which the location or entry was made, where they can be obtained by the party entitled thereto, upon surrender of the duplicate receipt or certificate, as the case may be, unless the duplicate shall have been previously filed in the General Land Office with a request that the patent be delivered as requested by the person sending the same; and in no case will the patent be delivered either from the general or the local office except upon receipt of such duplicate, or, in case of its loss from any cause, upon the filing in lieu of the same of an affidavit made by the present *bona fide* owner of the land, accounting for the loss of the same, and also showing ownership of the tracts or a portion thereof embraced in the patent.

In case the duplicate has been duly assigned by the locator, by a valid transfer in accordance with the laws governing transfers of realty in the State where the land is situated, such assignment will be recognized by the General Land Office and patent issued accordingly, provided the duplicate with the assignment thereon shall be filed in that office prior to the issuing of patent; but in no case will a patent be canceled for the purpose of making a reissue in the name of the assignee, where such assignment is not in possession of the General Land Office prior to date of the patent. Transfers of this kind must in all cases comply strictly with the law of the place, and if the assignor be a married man, and the statute requires the wife to join in the deed, it must be complied with, and in case of failure in this or other vital point the patent will follow strictly there cital of the certificate and issue only in the name of the original purchaser.

CLASSIFICATION AND METHOD—DISPOSITION OF PUBLIC LANDS.

DECEMBER 1, 1883.

No change in method or manner of disposition of the public lands or classification of them has taken place to December 1, 1883, except in the matter of the public lands in the State of Alabama, where a radical departure from existing laws and methods has taken place in the disposition of mineral lands, copper, coal, or iron, the property of the nation.

The act of March 3, 1883, given in full on page 980 herein, related to these lands. An enormous area of public lands, agricultural (in most instances) on the surface, containing valuable mineral deposits, coal and iron (which in most of the other land States are guarded by the law and land department with scrupulous care), and valued at millions of dollars, was, by the terms of this act, thrown into open market, after public offering, to be sold at private sale, in unlimited quantities, at $1.25 per acre.

The law in its title and upon its face does not convey its full force and effect.

If this policy is to be followed in the future in the legislation of Congress in relation to the mineral lands, gold, silver, copper, iron, and coal, in the remaining public-land States and Territories, the present seven grades of public lands, necessarily differing in value by reason of actual value, will be materially changed.

CLASSIFICATION—GRADES OF PUBLIC LANDS.

Mineral.—"In all cases 'lands valuable for minerals' shall be reserved from sale, except as otherwise expressly directed by law." (Section 2318, R. S.) Sold at from $2.50 to $5 per acre, except in Alabama, where they are sold for $1.25 per acre, either gold, silver, or iron lands.

Timber and stone.—Lands valuable chiefly for timber and stone, unfit for cultivation. Sold at $2.50 per acre, except in Alabama, where offered lands are sold for $1.25 per acre.

Saline.—Salt springs, sold at agricultural price, $1.25 per acre.

Town-site lands.—Sold at agricultural price, $1.25 per acre.

Desert.—Sold at $1.25 per acre.

Coal lands.—In all land States and Territories these lands are sold at $10 per acre when situated "more than 15 miles from any completed railroad, and $20 per acre when situated within 15 miles of a completed railroad, in limited quantities," except in the State of Alabama, where coal lands, public domain, under the existing law specially applicable to that State, can be purchased at private entry by any person or persons, in unlimited quantities, at $1.25 an acre.

Agricultural lands.—In all land States and Territories, at $1.25 per acre.

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THE SEVERAL SETTLEMENT AND DISPOSITION LAWS.

DECEMBER 1, 1883.

The data on pages 411 to 415 is correct to December 1, 1883, with the addition of a class of entries known as the timber-culture entries. (See chapter XXIX, pages 360 to 362, and also page 1088 herein.

THE TIMBER-CULTURE LAW.

Under this law an applicant, male or female, head of a family, citizens of the United States, or those who have declared their intention to become such, can apply at any United States district land office and enter one quarter section (160 acres), of public lands, not mineral or otherwise reserved, as a timber-culture claim. Residence on the land is not requisite. Claimant need not make his affidavit for entry at the district land office. Fees are $14 at time of entry of a quarter-section tract and $9 for the entry of an 80-acre tract. For an exhibit of the method of entry under this law, see page 1091 herein, and also Mr. Commissioner McFarland's statement of the abuses under this system, pages 682, 683, and page 1164.

GREAT NUMBER OF EXISTING LAWS FOR SETTLEMENT AND DISPOSITION.

For the purpose of giving an idea of the complex and difficult public land system, the several settlement and disposition laws are detailed at length as in force and effect December 1, 1883. Persons, associations, or corporations can acquire title under these. The methods of locating military and naval land bounty warrants, agricultural college or other scrip, is also noted. Educational and railroad grants are not noted, as the gross area of these is fixed by law. In the matter of railroad grants the segregation of the lands decreases rather than increases the area of lands stated as being granted.

THE SETTLEMENT LAWS.

DECEMBER 1, 1883.

BY PERSONS.

Pre-emption acts 1841 and sections 2257 to 2288 Revised Statutes United States. See pages 685 to 688 herein. For forms used in entry, see page 688 and following.

Homestead. Original act of May 20, 1862. See page 1022 and following. For forms used in entry, see page 1031 and following.

Homestead. Adjoining farms. Section 229 Revised Statutes United States. See pages 1022, 1027. For forms used in entry, see page 1040.

Homestead additional act, March 3, 1879. See pages 1022, 1028. For forms used in entry, see page 1044.

Soldiers' and sailors' homestead act of June 8, 1872. See pages 1022, 1029, 1030. For forms used in entry, see page 1042.

Soldiers' and sailors' additional homestead act of June 8, 1872. See pages 1022, 1030. For forms used in entry, see page 1045.

Indian homestead act, March 3, 1875. See pages 1022 and 1031. For forms used in entry, see page 1045.

Desert-land act of March 3, 1877. See page 1103 to 1111. For forms used in entry, see page 1106.

Donation act, New Mexico, July 22, 1859. See page 969. Special forms used, only applicable to New Mexico.

THE DISPOSITION LAWS.

DECEMBER 1, 1883.

Cash, pre-emptor's private entry or purchase. For forms, see pages 1159 to 1160.

Timber-culture act. For forms see pages 1093 to 1103.

Stone and timber act. For forms, see pages 1086 to 1088.

Coal-land law of March 3, 1866. For form, see page 967.

Town-site and county-seat acts. See page 970.

Mineral-land laws. Acts of July 9 and 26, 1866, July 9, 1870, and May 10, 1872, and amendments. See page 978. For forms and procedure in entry, see page 1012.

Saline lands, act of July 12, 1877. See page 696.

Swamp and overflowed lands, page 676. For forms and procedure, see page 698.

Private land claims. For history of and details as to, see pages 365 to 410, and pages 1111 to 1157. A constant drain on the public lands; guarded by no adequate law as to limitation of time of filing.

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LOCATION WITH WARRANTS AND SCRIP.

For methods of location with bounty-land warrants, see pages 711 and 715. These are located upon any vacant public lands subject to sale at *private entry*, or as cash in pre-emption or commuted homesteads—the last on offered or unoffered lands. Agricultural-college scrip, as above, with restrictions as to quantity locatable in township, and in any one State, see pages 710, 711. Scrip (see pages 289, 290, and 949 and following) can be used as cash in paying for cash, pre-emption, or commuted homestead entries the same as military and bounty-land warrants and scrip.

CHANGES NECESSARY IN EXISTING LAWS.

The following recommendations for changes and amendments made by the Commissioner of the General Land Office in his report for 1883 are given in full, together with references to recommendations of former years. This officer is charged by law with the care and custody of the public lands. His recommendations are the result of experience and investigation. The present laws, as detailed in the first part of this chapter, do not meet the requirements of the nation or the wants of the settler. Prompt and immediate legislation is necessary to preserve the remaining public lands and to so dispose of them that they will benefit actual settlers and persons desiring to found homes.

RECOMMENDATIONS OF THE COMMISSIONER OF THE GENERAL LAND OFFICE, 1883.

THE PRE-EMPTION LAW.

The general disproportion running through terms of years between the number of claims initiated and the number perfected, and the volume of relinquishments of such claims which are apparently purchased by *bona fide* entrymen or others, satisfy me that pre-emption filings are made, or procured to be made, to a great extent, for speculative purposes, and with no intention on the part of the person in whose name the filing is made to perfect the entry, or in any manner to comply with the law.

REPEAL OF THE PRE-EMPTION LAW.

[See pages 678 to 682.]

In my last annual report I renewed the recommendation, frequently made by my predecessors, that the pre-emption law be repealed. Continued experience demonstrates the advisability and necessity of such repeal. The objection that much good has heretofore resulted from the pre-emption system, and that it should not be discontinued because abused, appears to me without good foundation under the changed conditions created by the homestead law.

Before the homestead system was adopted the only method by which unoffered public lands could be obtained by settlers was by pre-emption. All the advantages of the pre-emption system are now embraced in the homestead laws. The same lands can be entered upon the same conditions and proofs and the payment of the same price under the homestead law as under the pre-emption law. We have simply a double system for the same purpose, employing two sets of machinery, two agencies of adjustment, and a duplication of records, when only one is required. The administration of the law would be simplified and the labor and expense lessened by a discontinuance of the now unnecessary system of pre-emption.

THE HOMESTEAD LAWS—SOLDIERS' HOMESTEAD DECLARATORY STATEMENTS.

[See pages 679 to 683.]

These declarations are in the nature of pre-emption filings. The present laws authorize their presentation by agent or attorney. Advantage is taken of this provision to obtain the authorization of soldiers to make filings which are used for speculative purposes by the agent or attorney. The soldier receives no benefit in such cases, but generally pays a fee which he is given to understand will procure for him 160 acres of land that he can sell without going upon it or even seeing it. I have made special effort to check the spread of this fraud upon soldiers of the country and upon the public land laws.

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AMENDMENT OF THE HOMESTEAD LAWS.

The present laws and regulations permit settlers on unsurveyed lands, who have maintained a residence of five years, to make entry and give notice of final proof simultaneously after survey.

Parties who desire to obtain large quantities of land employ men to make entries on newly surveyed land, alleging residence long anterior to the survey. Notice of intention to make proof in thirty days is published, affidavits filed, final certificates issued, and the land patented before an opportunity is had to develop the facts and prevent the consummation of the illegal entry. Special agents report valuable lands in whole ranges of townships in certain districts to have been entered in this manner, when the land shows no evidence of settlement at any time, but is held as portions of large estates.

Notice to the world of claims to public land is a fundamental principle of the land laws. Thirty days' publication, which is frequently made in a distant or obscure newspaper, is insufficient notice for any practical purpose, especially when no entry has previously been recorded.

I think it important that provision be made by statute, fixing a period of not less than six months after a settlement claim has been placed on record before final proof shall be admitted, irrespective of alleged time of residence prior to entry.

COMMUTED HOMESTEADS.

The commutation feature of the homestead law is open to the same abuses as the pre-emption law. The alleged commutation settler is frequently a person employed at so much a month to sign entry papers and hold the claim long enough to enable his employer to secure title by commutation.

This system of illegal appropriation, which is especially made use of in obtaining title to lands of selected value and in large quantities, could be materially checked by an extension of the time within which a homestead entry may be commuted. The actual settler does not usually prefer to pay for his land when by continuing his residence upon it he can obtain title without price. It would be no hardship to require a period of residence sufficient to prevent the present easy evasion of the law. No time is fixed by statute as a condition of residence before commutation, but the same proof and payment may be made as in pre-emption cases. In these cases the regulations of this office require as a general rule that residence of six months shall be shown, and the same rule is, under the law, applied in commuted homestead cases.

I deem it a matter not less important than the repeal of the pre-emption law that the homestead laws should be amended so as to require proof of actual residence and improvement for a period of not less than two years before a homestead entry may be commuted by cash payment.

REPEAL OF THE TIMBER-CULTURE LAW.

[See pages 681, 683, and 1088.]

In my last annual report I called attention to the abuses flowing from the operations of this act. Continued experience has demonstrated that these abuses are inherent in the law, and beyond the reach of administrative methods for their correction. Settlement on the land is not required. Even residence within the State or Territory in which the land is situated is not a condition to an entry. A mere entry of record holds the land for one year without the performance of any act of cultivation. The meager act of breaking five acres, which can be done at the close of the year as well as at the beginning, holds the land for the second year. Comparatively trivial acts hold it for a third year. During these periods relinquishments of the entries are sold to homestead or other settlers at such price as the land may command.

My information leads me to the conclusion that a majority of entries under the timber-culture act are made for speculative purposes and not for the cultivation of timber. Compliance with law in these cases is a mere pretence and does not result in the production of timber. On the contrary, as one entry in a section exhausts the timber-culture right in that section, it follows that every fraudulent entry prevents a *bona fide* one on any portion of the section within which the fraudulent entry is made. My information is that no trees are to be seen over vast regions of country where timber-culture entries have been most numerous.

Again, under the operation of the pre-emption, homestead, and timber-culture laws, any one person may enter 160 acres in each class of entry, making a total of 480 acres which may be taken by one person. The power to acquire that quantity of public land by single individuals, while so many of the citizens of the country are landless,

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is contrary to the general spirit of the public land laws, and, I think, not in consonance with approved public policy.

This objection would hold to the timber-culture act if the law was generally complied with in good faith, or if its provisions requiring the planting and cultivation of timber were capable of enforcement. I am convinced that the public interests will be served by a total repeal of the law, and I recommend such repeal.

DESERT-LAND ACT.

[See pages 684 and 1104.]

The desert-land act provides that proof of reclamation and final payment shall be made within three years from date of entry. A large number of cases is on the files of this office in which the time has passed and proof has not been made as required. At the expiration of the three years the parties were called upon to show cause why their entries should not be canceled. Such showing was made in but few instances. With a view to saving the equities of those who may have attempted in good faith to reclaim the lands entered, but may have been prevented from so doing by the great expense of obtaining water, or other good cause, it has been determined, with your concurrence, to make another call, and give to entrymen a further opportunity to make proof or to show cause for failure.

It has been represented that desert-land entries have largely been made for speculative purposes, in violation of the restrictions of the act, and in many instances upon lands naturally productive, and that lands are held fraudulently under the entry without attempt or intention of reclamation, but are occupied or leased for grazing and other purposes. Investigations so far made of alleged illegal entry under the desert-land act tend to confirm these allegations.

The theory of the desert-land law is, that the encouragement of irrigation required the disposal of land in larger quantities than 160 acres. This theory has not been sustained, as general systems of irrigation are adopted for the distribution of water, which are equally as available to the owners of small tracts as of large ones. The practical operation of the desert-land law has heretofore been to enable land to be purchased without settlement, and in quantities in excess of the limit established by the settlement laws, thus resulting in the encouragement of monopoly rather than the encouragement of reclamation.

TIMBER AND STONE ACT.

[See pages 684, and 1046 to 1086.]

This law applies to the States of California, Oregon, and Nevada, and Washington Territory.

It is a condition of this act that the land shall be valuable chiefly for timber, but unfit for cultivation. Entries are restricted to 160 acres for any one person or association of persons.

The restrictions and limitations of the act are flagrantly violated. Information is in my possession that much of the most valuable timber land remaining in the possession of the Government on the Pacific coast is being taken up by home and foreign companies and capitalists through the medium of entries made by persons hired for that purpose.

I have found it necessary to suspend all entries of this class and to direct an investigation in the field with a view to the procurement of evidence in specific cases to authorize the cancellation of illegal entries and the prosecution of guilty parties.

TIMBER LANDS.

[See pages 1049, 1081.]

The rapid decrease in the timber areas of the country invites attention to present methods of appropriation of public timber lands, and suggests the expediency of some modification of the laws by which remaining forests may be better preserved, or a more adequate revenue derived from their sale.

The present and increasing value of timber is an inducement to individuals and companies to make large investments with a view to the control of the timber product, and the further enhancement of prices resulting from such control. The facilit with which the restrictions of the public land laws are evaded is a temptation to the illegal acquirement of title for the purpose of such investments.

It would, perhaps, be of little moment how soon the public title to lands should pass to private holders, since that is the ultimate purpose of the laws, if the further

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purpose of the laws that public lands should in the original instance be widely distributed among the people could also be secured. But if this cannot be done, and the systems of public disposal are to result, as they now do, in permitting capitalists to indirectly obtain great bodies of public land, it is certainly but provident for the United States to require a price to be paid for its timber lands somewhat commensurate to their value.

Several propositions have been presented in Congress looking to a change in the methods of disposing of lands valuable chiefly for timber. The subject is one of difficulty, and it is important that the wisest action be taken. I am of opinion that such lands should be reserved by law from ordinary disposal, and sold only after appraisement and upon sealed bids, at not less than the appraised price. It would be proper that an act to such effect should not deprive settlers on the public lands of the right to take timber for domestic purposes or the support of their improvements.

SWAMP LANDS INDEMNITY.

[See page 696]

The act of March, 1855, extended to March 3, 1857, confirmed all swamp selections previously made, whether or not properly so made, for lands intended to be granted, and also provided indemnity in lands or money for tracts disposed of by the United States subsequent to the swamp-land grant and prior to March 3, 1857, which should be found to have been swampy in character at the date of the swamp-land act.

The effect of the indemnity provision has been to incite claims by States or their agents or assigns for land or cash indemnity for a large quantity of the public land disposed of under general laws between 1850 and 1857 in the swamp-grant States. The validity of these claims is in many cases of a questionable character, and the allowance of them is a considerable and constant draft upon the Treasury. I have been compelled to reject probably the larger portions of the selections presented. If the State agents would exercise more discrimination in presenting cases much labor would be saved. The appropriation available for the examination of claims for swamp lands and swamp indemnity has permitted the employment during the year of but four special agents for this important service. The Southern States, to which the swamp grant in part applies, are urging the adjustment of their claims, and much progress has been made during the past year in their settlement. A portion of the force of the swamp division has been engaged in perfecting the records of the office, and preparing indexes, a fact not elsewhere referred to in this report.

RELINQUISHMENTS OF LAND ENTRIES.

[See page 683.]

The first section of the act of May 14, 1880 (21 Stat., 140), provides that when a relinquishment of any pre-emption, homestead, or timber-culture claim is filed in the local land office the land covered by such claim shall immediately become subject to entry by any other person, without awaiting the formal cancellation by this office of the relinquished entry.

The effect of this statute is to invite speculative entries for the purpose of selling relinquishments. The practical result is that when a new township is surveyed large portions of the land are at once covered with filings and entries, relinquishments of which are then offered for sale like stocks in the market. To such an extent is this proceeding carried that it is becoming difficult for an actual settler to obtain access to a quarter-section of public land in desirable agricultural localities without buying off a pretended claim that has no foundation other than the facility added by this statute for making and relinquishing it. The section facilitates this practice, and should be repealed.

FORFEITURE OF RAILROAD LAND GRANTS.

[See pages 788 to 933, and Chapter XXXVI.]

[See pages 1264, 1265.]

The question of declaring a forfeiture of the railroad land grants hereinafter noted or of any of them, is deemed an appropriate one for legislative consideration.

The time fixed in the granting acts for the completion of these roads expired in some instances in 1866, and in other cases at later periods down to 1882.

In the absence of Congressional action, lands have been certified or patented accordingly as roads have been constructed whether within or out of the time prescribed. Your immediate predecessor (Secretary of the Interior) suspended this practice prior to the meeting of Congress in December, 1880, but as no legislative action was taken

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you (the Secretary of the Interior) have held that under the decision of the Supreme Court of the United States you (the Secretary of the Interior) had no right to declare a forfeiture or to further suspend the issue of patents for lands along the constructed portions of roads even if the same had not been built within the prescribed time. The remaining lands are continued in the reservations established by law or under withdrawals made for the protection of the grants. Meanwhile settlers have entered upon some of these lands and are anxious to know whether they must look to the railroad companies or to the United States for their titles. The public demand for a definite settlement of the question whether a forfeiture is to be enforced in any of these cases is constantly pressed upon my attention. I consider it of very great importance that the earliest possible action should be taken either to revive the grants or to declare them forfeited. If it be the judgment of Congress that the grants should be revived, Congress may unquestionably prescribe the conditions of such revival; and if such action should be taken I suggest that all actual settlers on the land be saved and secured in their rights and claims to land embraced in their settlements and improvements at the date of any such revival of the railroad grant.

SURVEYS.

[See page 567.]

DESTRUCTION OF MONUMENTS.

The frequent removal or destruction of corners marking the public surveys renders it necessary for me to call attention to the absence of any statute bearing upon the matter in cases where the surveys have been completed.

The protection of these monuments is of great importance both to settlers and the Government, and I recommend the passage of an act by Congress making the willful removal or destruction of monuments or corners of public surveys an offense, and providing proper penalties therefor.

FALSE AND FRAUDULENT SURVEYS.

Under existing laws deputy surveyors are liable on their bonds for the execution of false or fraudulent surveys, and are also liable to the penalties of perjury for falsely taking and subscribing an oath that surveys have been faithfully and correctly made. These penalties are ineffective to prevent gross frauds in the surveying service. Recoveries upon bonds are rarely possible, and the difficulty in obtaining convictions for perjury in general cases is well known.

I am of the opinion that punishment by fine and imprisonment for making false and fraudulent returns of public surveys is a matter of necessity for the better protection of the public interests, and I recommend the passage of an act to that effect.

RESURVEYS.

It often becomes necessary to resurvey townships which have been erroneously surveyed, or where the corners marking the surveys have become obliterated. The annual appropriations for the surveying service are not deemed applicable to such resurveys. Frequent applications are also made for the survey of beds of meandered lakes, sloughs, and ponds, and for the extension of surveys over tracts omitted from survey for some cause in the progress of the general survey of townships. It was formerly the practice to survey and dispose of tracts falling within the above-named classes and which were considered public land of the United States, but owing to the difficulty of determining questions of title, and doubt as to the authority for making surveys under current appropriations, such practice was discontinued by my immediate predecessor, and I have not felt authorized to renew it without legislative sanction.

There are many cases of this character in which, for the purpose of adjudicating the swamp grant to States, or other administrative purposes, it is the duty of this office to determine questions involved, and to this end an examination of the land, and its survey, become necessary.

I recommend that authority be given the Commissioner of the General Land Office for the resurvey of townships erroneously surveyed, or where corners have become obliterated, and for the examination and survey of the beds of meandered lakes, sloughs, and ponds, and for tracts omitted from previous surveys; such surveys or resurveys to be made under general appropriations or the individual deposit system.

PUBLIC LAND STRIP.

[See also pages 462 and 1187.]

The boundaries of the tract of unorganized territory south of the Kansas and Colorado State lines, and between the Indian Territory and New Mexico, have been established and exterior township lines surveyed. Subdivisional township surveys yet remain to be made.

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Settlers are commencing to enter this territory, and means should be provided by which they may be enabled to secure titles under the public land laws and also to be protected in person and property by the laws of the land. The territory is not at present attached to any judicial district. In my last annual report I recommended that it be attached to the surveying district of New Mexico for the purpose of subdivisional township surveys and the disposal of the land. The land is, however, nearer the recently established Southwestern land district in the State of Kansas, and it would be more convenient for settlers to make their entries at Garden City, in that district, than at the Santa Fé land office in New Mexico. I recommend, therefore, the attachment of this public land strip to the Southwestern land district in Kansas, and, as there is no surveyor-general in Kansas, I also recommend that authority be given the Secretary of the Interior to cause the subdivisional surveys to be made under the general appropriation for the surveying service.

UNLAWFUL OCCUPATION OF THE PUBLIC LANDS.

[See page 539.]

DIFFICULTY OF OBTAINING PROPER LAND LEGISLATION.

It is almost impossible to obtain remedial legislation in the matter of public lands; as an illustration, see pages 678 to 675, herein, where details are given of attempts to repeal the pre-emption laws and amend the homestead and timber-culture acts. The Commissioner of the General Land Office, in his annual report for 1882, makes the following suggestions in regard to the—

UNLAWFUL OCCUPATION OF THE PUBLIC LANDS.

The illegal inclosure of the public lands in certain States and Territories, and the exclusive occupation of large tracts by private parties to the deprivation of the rights of others and the impediment of settlement and intercourse, have become matters of serious complaint.

A usual method of proceeding is that title is legitimately or otherwise obtained to the streams or water rights, and then the surrounding country, frequently for many miles in extent, is inclosed with fences, and all citizens warned off and their stock driven away.

In other cases the public lands are inclosed in this manner where no pretext of ownership or of legal claim to any part of the land exists. The usual routes of travel are also cut off by these inclosures, and the inhabitants of the country are in many instances compelled to go a great way around or to tear down the fences, thus incurring the risk of disturbance and perhaps bloodshed.

Letters received at this office from many persons, and reports made by officers and agents of this Department, disclose the fact that unlawful proceedings of this character are carried on to a great extent, and future serious trouble is apprehended between settlers and residents and the "cow boys," as employés of the stockmen are led.

It appears also that in some cases State laws have provided for a nominal tax upon "possessory rights," the effect of which is represented to be to locally legalize this infringement upon the laws of the United States; and citizens who have attempted to make settlements and entries within the limits of these ranges in accordance with the land laws of the United States have been ousted by judicial decree.

It is manifest that some decisive action on the part of the Federal Government is necessary for the maintenance of the supremacy of the laws and to preserve the integrity of the public domain.

It is undoubtedly true that the vast plains and mountain ranges west of the Mississippi River must be relied upon for an important proportion of the sheep and cattle husbandry required by the necessities of national consumption, but it does not therefore follow that this industry should be the subject of individual or corporate monopoly any more than that other agricultural pursuits should be so controlled.

The unimpeded progress of settlement will in due time bring the whole of the territory of the United States within the compass of private ownership. Meanwhile the unappropriated public lands suitable for grazing herds of cattle should be equally free to the enterprise of all citizens unembarrassed by attempts at exclusive occupation.

Existing laws (act March 3, 1807, 2 Stat., 445) authorize the President to direct the marshal of the proper district to remove unlawful boundaries placed on the public lands, and to remove persons unlawfully in possession thereof, and further authorize the employment of military force when necessary for this purpose. A forfeiture of any and all rights to land so occupied is also declared.

I have hesitated to recommend the summary exercise of the power vested in the Executive by this act, although it may yet become necessary to invoke that authority.

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It is my opinion that a statute is required imposing penalties for the unlawful inclosure of the public lands, and for preventing by force or intimidation legal settlement and entry.

I respectfully recommend that the attention of Congress be invited to this subject.

ACTION OF CONGRESS.

August 7, 1882, Mr. T. M. Rice of Missouri, from the Committee on Public Lands, submitted the following:

REPORT.

[To accompany bill H. R. 3560.]

UNLAWFUL OCCUPATION OF THE PUBLIC LANDS.

[House report No. 1809, Forty-seventh Congress, first session.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 3560) to prevent the unlawful occupation of the public lands, have had the same under consideration, and report the same back to the House, with the following amendments, viz:

1. Insert in the third line, after the word "the" and before the word "occupation," the word "appropriation."
2. In the sixth and seventh lines, strike out the words "the pre-emption or homestead laws," and insert in lieu thereof the words "any law of the United States."
3. In the eighth line insert the word "appropriated" before the word "inclosed."
4. In the eighteenth and nineteenth lines strike out the words "the homestead and pre-emption laws," and insert in lieu thereof the words "any law of the United States."
5. Add to the first section the proviso: "*Provided*, That this act shall not apply to school selections or lands taken in good faith under any grant of the United States to a State."
6. Strike out the second section of the bill.

This legislation is necessary for the following reasons:

In the State of California, and in others of the States and Territories, many ranchers or herders have settled on the public lands without claim or pretense, or title or possessory right, and have inclosed large tracts of the same with fences. Such lands, if vacant and unoccupied, would be eagerly sought for homestead and pre-emption purposes. But the fact of their occupation, though unlawful, and though in legal contemplation they are vacant and subject to homestead and pre-emption entry, deters the settlers from making entry thereon.

The Supreme Court of the United States in the case of Atherton *vs.* Fowler (6 Otto, 513), and the subsequent cases of Hosmer *vs.* Wallace (7 Otto, 575), and Trenouth *vs.* San Francisco (10 Otto, 251), has held that no right of pre-emption can be established by a settlement and improvement on a tract of public land which is in the possession of one who has inclosed, settled upon, and improved it.

In Hosmer *vs.* Wallace, the court says:

"To create a right of pre-emption, there must be settlement, inhabitation, and improvement by the pre-emptor, conditions which cannot be met when the land is in the occupation of another. * * * Under the pre-emption laws, as held in Atherton *vs.* Fowler, the right to make a settlement is to be exercised on unsettled land; the right to make improvements is to be exercised on unimproved land; and the right to erect a dwelling house is to be exercised on vacant land. None of these things can be done on land when it is occupied and used by others."

In Trenouth *vs.* San Francisco the court says:

"The right of pre-emption, under the laws of the United States, cannot be acquired by intrusion and trespass upon lands in the actual possession of others."

From these quotations, it is apparent that the Supreme Court intended to deny the right to pre-empt when there was *actual* possession in another, without regard to the character of the possession, whether lawful or not.

And so the supreme court of California understands those decisions, as will be seen from their language in the case of Davis *vs.* Scott:

"As the land was in the *actual* possession and occupation of the plaintiff at the time defendant attempted to locate a pre-emption claim thereon, it was not, therefore, subject to pre-emption."

The operation of these decisions is to permit the unlawful occupant to remain in possession. If the homesteader or pre-emptor attempts to locate on the lands, he is sued as a trespasser by the occupant, under the "possessory act" of California. If he defend under his homestead or pre-emption claim, he is met with the rejoinder that as the lands were in the actual possession of another, his homestead or pre-emption claim

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is void. Thus he gets no standing in court to test the rights of the original trespasser. He can only enforce his claim by a contest and protracted litigation, which few settlers can afford.

It is believed that this bill affords an adequate, summary, and easily enforced remedy, and the passage of the bill so amended is recommended by your committee.

The bill with proposed amendments is as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 30, 1882.

A BILL to prevent the unlawful occupation of the public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the appropriation, occupation, or inclosure of any tract of the surveyed or unsurveyed public lands in larger quantity than authorized by law shall not prevent the entry thereon by any one duly qualified and intending in good faith to acquire title under any law of the United States; but where such tract has been inclosed, appropriated, or is occupied for the purpose of acquiring title thereto under any of the laws of the United States, the occupation shall be held valid for such lesser quantity as the occupant is authorized by law to acquire title to: *Provided,* That the occupant, or several occupants, if more than one, shall, within ten days after written demand, designate the metes and bounds of such lesser quantity by well-defined marks. In case of neglect or refusal to do so, such occupant or occupants shall be deemed trespassers, and the whole tract may be entered on by persons duly qualified and intending in good faith to acquire title under any law of the United States; and such demand and neglect or refusal shall be held to bar a recovery in any action brought against any person so entering: *Provided,* That this act shall not apply to school selections or lands taken in good faith under any grant by the United States to a State.

FAILURE OF LEGISLATION.

Congress failed to pass the proposed law, and did not legislate in regard to grazing or arid lands, so that stockmen or cattle owners could get lands by authority of law.

The Commissioner was compelled to issue in pursuance of law and for the protection of actual settlers, the following:

P.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 5, 1883.

TO REGISTERS AND RECEIVERS UNITED STATES LAND OFFICES, AND SPECIAL AGENTS:

GENTLEMEN: You are instructed to circulate the following notice in your district:

NOTICE RELATIVE TO UNLAWFUL INCLOSURES OF PUBLIC LANDS.

In view of the numerous complaints of the unlawful inclosures of public lands for stock range purposes, and consequent impediment to settlements, all persons are hereby notified as follows:

The public lands are open to settlement and occupation only under the public land laws of the United States, and any unauthorized appropriation of the same is trespass.

Such trespass is equally offensive to law and morals as if upon private property.

The fencing of large bodies of public land beyond that allowed by law is illegal, and against the right of others who desire to settle or graze their cattle on the inclosed tracts.

Until settlement is made, there is no objection to grazing cattle or cutting hay on Government land, provided the lands are left open to all alike.

Graziers will not be allowed, on any pretext whatever, to fence the public lands and thus practically withdraw them from the operation of the settlement laws.

This Department will interpose no objections to the destruction of these fences by persons who desire to make *bona fide* settlement on the inclosed tracts, but are prevented by the fences, or by threats or violence, from doing so.

The Government will take proper proceedings against persons unlawfully inclosing tracts of public land whenever, after this notice, it shall appear that by such inclosures they prevent settlements on such lands by others who are entitled to make settlement under the public land laws of the United States.

Very respectfully,

N. C. McFARLAND,
Commissioner.

DEPARTMENT OF THE INTERIOR,
April 5, 1883.

Approved:

H. M. TELLER,
Secretary.

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COMMISSIONER'S RECOMMENDATION FOR 1883.

[From annual report.]

FENCING THE PUBLIC LANDS.

The practice of inclosing public lands by private persons and companies for exclusive use as stock ranges is extensively continued in States and Territories west of the Mississippi River. These ranges sometimes cover several hundred thousand acres. Special agents report that they have ridden many miles through single inclosures, and that the same often contain much fine farming land.

Summer and winter ranges in different sections of country are frequently controlled in the same manner by the same persons, who cause their cattle to be driven from one to the other, according to the season, keeping the whole of the land under fence and preventing the stock of smaller ranchmen from feeding upon any portion of it.

Foreign as well as American capital is understood to be largely invested in stock-raising enterprises involving unlawful appropriation of the public lands. Legal settlement by citizens of the country are arbitrarily prohibited, public travel is interrupted, and complaints have been made of the detention of the mails through the existence of these inclosures. Reports have been received of the use of violence to intimidate settlers or expel them from the inclosed lands.

A frequent incident to this control of large bodies of land is the acquirement of title by stock owners to the valleys, water-courses, and other especially valuable lands within the inclosures by means of fraudulent or fictitious entries caused to be made under the pre-emption, homestead, and desert-land laws. Investigations of such entries are in progress in several districts.

In April last a circular was issued by your direction giving notice as follows: (See circular, page—.)

This notice has been widely distributed in grazing districts by special agents and officers of this Department, and a number of cases of fencing trespass examined and reported upon by the special agents have been submitted to you for transmittal to the Department of Justice for appropriate action.

A recent decision by the district court of Wyoming Territory (see page —) affirming the right of the Government to cause the removal of fences from the public lands by proper judicial proceeding, has strengthened the Executive Department in its efforts to abate the evils complained of. Proceedings in equity, however, involve much time and delay, and I regard it expedient that some remedy at law should also be provided.

I renew the recommendation that an act be passed imposing penalties for the unlawful inclosures of public lands, and preventing by force and intimidation legal settlement and entry.

DECISION OF UNITED STATES COURTS AS TO UNLAWFUL OCCUPATION OF PUBLIC LANDS AND AS TO THE PRE-EMPTION ACT.

The two following decisions are of interest and value. The decision of Judge Sawyer is of great moment, and if it is to become the law for other courts it will be useless to attempt to set aside a patent obtained by fraud under the pre-emption act. The necessity for the immediate repeal of this law in the interest of morality and fair dealing is apparent in the light of this decision.

PRE-EMPTION PATENT.

IS PERJURY AND FALSE TESTIMONY IN OBTAINING PATENT IN PRE-EMPTION A CAUSE FOR SETTING IT ASIDE?

In the circuit court of the United States, ninth circuit, district of California, July, 1883.

United States *vs.* Geo. E. White et al.

1. *Jurisdiction.—Fraud.*—The United States courts have jurisdiction to vacate a patent to lands, in a proper case, on the ground of fraud.
2. *Fraud in procuring patent.*—The frauds for which courts will set aside a patent, granted by the United States, in the regular course of proceedings in the Land Office, are frauds extrinsic, or collateral to the matter tried and determined, upon which the patent issued; and not fraud, consisting of perjury in the matter on which the determination was made.
3. Perjury and false testimony in the proceeding by means of which a patent is secured by fraud is not fraud extrinsic, or collateral to the matter tried and determined in the Land Office, within the meaning of the rule, and a patent will not be set aside on that ground alone.
4. *Perjury.—Injury.*—Where no pecuniary injury to the United States is shown by the bill, and it does not appear that there is any other right in the land against the Government, whether a court of equity should set aside a patent obtained on false testimony, if otherwise proper, query?

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5, *Return of purchase-money.*—Where the United States files a bill to set aside a patent on the ground that it was obtained upon false testimony, it should, at least, offer to return the purchase-money paid by the patentee for the land.
6. *Equity.*—When the United States comes into a court of equity, asking equity, like a private person, it should do equity.
7. *Forfeiture.—Equity.*—Courts of equity never enforce penalties or forfeitures.
8. *Forfeitures.*—If the United States desires to enforce the penalties and forfeitures imposed by section 2262 of the Revised Statutes for obtaining a patent to land upon false affidavits, it must do so by a proper proceeding at law, where the party charged will be entitled to a trial of the charge by a jury.

Before Sawyer, circuit judge.
A. P. Van Duzer for the United States.
L. D. Latimer and Barclay Henley, for defendants. Sawyer, circuit judge.

The first of these cases, United States *vs.* Geo. E. White, is a bill in equity to vacate a United States patent, issued to the defendant, on the ground that it was obtained upon false and fraudulent affidavits, and proofs, made under the pre-emption laws.

It is alleged that on May 6, 1876, the defendant filed a declaratory statement under the pre-emption laws upon a quarter-section of land situate in Humboldt County, described in the bill, and an affidavit stating that he had settled upon the land on November 5, 1873, and resided thereon ever since; that he had cultivated a portion as a garden, built a fence around about an acre, and built a house 9 by 12; that the improvements were of the value of $100, and that he was not the owner of 320 acres of land elsewhere. It is further alleged, that he paid the sum of $200, and thereupon, and upon the making of said proofs, a certificate of purchase in due form was issued to said defendant; and afterward, in pursuance of said certificate of purchase, a patent was issued on December 13, 1876. It is further alleged, *upon information and belief*, that said affidavits and proof were false; that defendant did not make the settlement as stated; did not reside upon said lands, and that he did own 320 acres of land elsewhere. And as the grounds of these false representations and proofs, the complainants ask that the patent be vacated and canceled; and that the money paid be adjudged forfeited to the United States.

There are numerous cases wherein the Supreme Court of the United States has said, in general terms, that a patent might be vacated for fraud on a bill of equity filed by the United States—as Moore *vs.* Robbins, 96 U. S., 533; Shipley *vs.* Cowan, 9 U. S., 330; and numerous others too familiar for citation. There can, therefore, be no question as to the jurisdiction of the court to entertain such a bill, where a proper case is presented. But it was never determined what kind of fraud, or in what form perpetrated, would furnish a proper case for the relief sought in this case, till the case of the United States *vs.* Flint, and United States *vs.* Throckmorton, in this court, 4 Saw., 51-3, affirmed in United States *vs.* Throckmorton, 98 U. S., 68. These were cases wherein a petition was filed under the act of 1851, before the Board of Land Commissioners, for confirmation of a Mexican grant, which had been confirmed. It was alleged in the bill that the grant presented was a fraud; that it had been perfected in Mexico, after the transfer of California to the United States; that the fraud was concealed from the Government officers and the Board of Land Commissioners; and that the confirmation was obtained upon false and perjured testimony. On these grounds it was sought to vacate the patent in the first case, and the confirmation in the second, and annul the title. But the court decided that the confirmation could not be vacated on the ground that it was obtained wholly upon false or perjured testimony, or for the palpable frauds alleged. The court held (affirming the views expressed by the circuit court in 4 Saw., 51-3), that the frauds for which the judgment of tribunals could be impeached are "frauds extrinsic, or collateral to the matter tried by the first court, and do not extend 'to a fraud in the matter on which the decision is rendered.'" Said the court, after citing and commenting on the authorities:

"We think these decisions establish the doctrine on which we decide the present case, namely, that the acts for which a court of equity will, on account of fraud, set aside or annul a judgment or decree, between the same parties, rendered by a court of competent jurisdiction, have relation to frauds, extrinsic or collateral, to the matter tried by the first court, and not to a fraud in the matter on which the decree was rendered.

"That the mischief of retrying every case in which the judgment or decree rendered on false testimony, given by perjured witnesses, or on contracts or documents whose genuineness or validity was in issue, and which are afterwards ascertained to be forged or fraudulent, would be greater, by reason of the endless nature of the strife, than any compensation arising from doing justice in individual cases." (98 U. S., 68.)

The same rule was adopted in Vance *vs.* Burbank, which also went up from this circuit, and the principle applied to the decision on a question of residence, and of fraud, decided by the United States Land Office, where one private party sought to control, for his own use, the title granted to another, upon alleged frauds practiced while obtaining the patent. Said the court, by the Chief Justice: "The appropriate

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officers of the Land Department have been constituted a special tribunal to decide such questions, and their decisions are final to the same extent that those of other judicial, or quasi-judicial, tribunals are.

"It has also been settled, that the fraud in respect to which relief will be granted in this class of cases must be such as has been practiced on the unsuccessful party, and prevented him from exhibiting his case fully to the Department, so that it may properly be said, there never has been a decision in a real contest about the subject-matter of inquiry. False testimony or forged documents, even, are not enough, if the disputed matter has actually been presented to, or considered by, the appropriate tribunal. (United States *vs.* Throckmorton, 98 U. S., 61; Marques *vs.* Frisby, *supra.*) The decision of the proper officers of the Department is in the nature of a judicial determination of the matter in dispute.

"The operative allegation in this bill is of false testimony only. * * * * No fraud is charged on the register and receiver, or on the heirs of Perkins, in respect to the keeping back of evidence." (Vance *vs.* Burbank, 101 U. S., 519.)

Thus the decisions of the Land Office on application for patents were put upon the same footing as judgments and decisions of courts, and other tribunals like the Board of Land Commissioners. The only difference between this case and the other is, that in the first the United States and in the other the complaint, actually appeared—the United States not appearing—and were heard, while in this the United States did not formally appear as a contestant. But the principle is the same, only the mode of proceeding being different. In the Flint and Throckmorton cases the claimant under his grant, the treaty with Mexico, and the statutes of the United States, petitioned the Board for a confirmation of his grant. In this, the purchaser, under and in conformity to the statutes, applied to the Land Office for leave to purchase, as did the party in Vance *vs.* Burbank, and the Land Office, representing the United States, in due form heard the proofs, and determined the question of the right to purchase. In Vance *vs.* Burbank, the complainant intervened in fact, as he had a right to do under the law, and contested the right of his opponent. But the United States was not a party in any sense other than reported in this case. So in the present case anybody claiming an adverse interest had a right to intervene, but nobody seems to have done so. The proceeding was in the nature of a proceeding *in rem*, of which everybody takes notice. The hearing was regularly had, and decided in favor of complainant White, and the only fraud, if any there was, "was in the matter on which the decision was rendered," and not "extrinsic or collateral to the matter tried" and determined in the Land Office. The action of the Land Office is judicial in its nature. (Smelting Co. *vs.* Kemp, 104 U. S., 640.)

I can perceive no good reason why the principle should not apply to this case as well as to the others, and especially to the case of Vance *vs.* Burbank. That is the logical result of the principle established by the decisions cited, and I think the principle sound, and upon the whole, safe. Again, it is a principle, that, with reference to private parties, a court of equity will not grant relief against a fraud, unless it appears that some damage or injury has been sustained by reason of the fraud; for "courts of equity do not, any more than courts of law, sit for the purpose of enforcing moral obligations, or correcting unconscientious acts, which are followed by no loss or damages." (1 Sto. Eq. Ju., 203.) And when the United States enters the court as a litigant. * * * "it stands upon the same footing with private individuals." (U. S. *vs.* Throckmorton, 4 Saw., 43. It does not appear that the United States has been pecuniarily injured by the alleged fraud. No injury or damage is alleged, or in any way shown. The land was for sale to any authorized pre-emptioner, at $1.25 per acre. Defendant paid the full amount of the purchase-money, and it went into the United States treasury. The Government got all it would have obtained from any other party. It does not appear that anybody else had any rights, or wanted to purchase, or that the United States was under any obligation to patent the land to any other person. There is no possible pecuniary injury to complainant. The most that can be said is, that a principle of public policy was violated, and thereby a moral wrong resulted by reason of the legal disqualification, under the pre-emption act, of complainant to purchase. But the wrong was only *malum prohibitum*, not *malum per se.* It is by no means clear that the demurrer ought not to be sustained on this ground, but it is unnecessary to so decide now, for in my judgment it is not a case to be taken out of the rule established in the cases cited, of Throckmorton and Vance. In view of the notorious liberality in favor of purchasers, not to say looseness, with which the pre-emption laws have, ever since their adoption, been administered all over the Western States, to relax the rules referred to in the authorities cited, especially where no actual pecuniary damage or injury has resulted, either to the Government or private parties, and "retry every case in which" the action of the Land Office, as well as "judgments or decrees, rendered on false testimony given by perjured witnesses, or on contracts or documents whose genuineness or validity was in issue, and which are afterwards ascertained to be forged or fraudulent," would open a Pandora's box of evils "far greater than any compensation

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arising from doing justice in individual cases." It would open the door to any party stimulated by malice or other unworthy motive, who could, upon *ex parte* and false statements, obtain the ear of the Attorney-General to promote suit in the name of the United States to the great vexation of honest as well as dishonest pre-emptors, and to the great detriment of the public peace and prosperity.

Again, the claim is stale, although statutes of limitation do not run against the Government, yet the staleness of the claim may be taken into consideration in determining the question, whether a court of equity should interfere and grant relief, where the United States, as well as a natural person, is the complainant. When the United States comes into a court of equity as a suitor, it is subject to the defenses peculiar to that court. (U. S. *vs.* Tichnor, 8 Saw., 156; U. S. *vs.* Flint, 4 Saw., 58–9; Badger *vs.* Badger, 2 Wall., 94; Stearns *vs.* Page, 7 How., 829.) Under the State law, this suit, if between private parties alone, would be barred within three years. (Manning *vs.* San Jacinto Tin Co., 7 Saw., 430.) Six years elapsed between the issue of the patent and the filing of the bill, and no averment is made to show that the fraud was not discovered, or by the exercise of ordinary diligence in the Land Office might not have been discovered, immediately after its consummation.

The money received is retained, and no tender appears to have been made, nor is any offer to refund the money made in the bill. The United States, like an individual, when it comes into court and demands equity, must do equity, or at least offer to do equity. It has received the full value of the land in money—the same amount that it would have received had the land been sold and patented to an admittedly qualified purchaser. It cannot keep the money and in a court of equity demand and receive a return of the land.

To meet this point, and as a basis for a decree of forfeiture of the money, as a part of the relief demanded in the bill, the United States attorney relies on Section 2262, R. S., which provides that, "if any person taking such oath swears falsely in the premises he shall forfeit the money which he may have paid for such land, and all right and title to the same."

This is highly penal and the only remedy, or rather punishment, other than an indictment for perjury, that appears to be provided by law for the wrong sought to be redressed.

But the United States has come into the wrong forum to enforce this penalty. "It is a universal rule in equity never to enforce either a penalty or forfeiture. (2 Sto. Eq. Ju., Sections 1319, 1494, 1509.) So a bill of discovery will not lie in a case which involves a penalty or forfeiture. (Ib.) As an answer on oath is not waived this bill is, in that particular, a bill of discovery and demurrable on that ground also. If the United States desires to enforce the penalties—the forfeiture of the money paid and the land patented—provided for in section 2262, R. S., cited, it must proceed in some appropriate mode at law, where the defendant will be entitled to a trial by a jury of the question as to giving false testimony.

In my judgment, the demurrer should be sustained and the bill dismissed; and it is so ordered.—*Pacific Coast Law Journal.*

UNLAWFUL OCCUPATION (FENCING) OF PUBLIC LANDS.

The decision referred to on page 1172 by Mr. Commissioner McFarland, in the matter of fencing public lands, was made by Chief Justice J. B. Sener in the U. S. District court for the first district of Wyoming Territory at August term, 1883.

In district court of the United States for the first district of Wyoming Territory.

THE UNITED STATES *vs.* ALEXANDER SWAN, THOMAS SWAN, Z. THOMMASSON, AND C. E. ANTHONY.

Sener, judge:

This case is here upon the amended bill filed by the complainant on the 13th of June, to which the respondents filed a demurrer on the 25th day of July, 1883, and upon which demurrer argument was heard by the court on the 1st day of August, 1883. In view of the magnitude and novelty of the questions involved, time, care and study have been bestowed upon them, to the end that the best reflection and the best lights might be brought to bear for their solution.

The demurrer has been argued by the respondents from the standpoints that the bill of the complainant is deficient in form and substance. As to form, that it is uncertain and vague; as to substance, that it fails to state such a case, even in bad form, as to entitle the complainant either to the discovery or relief which it seeks. The respondents claim that the bill should with clearness and accuracy show title in the complainant, and that this should be coupled with an allegation that by reason of withdrawal from settlement these citizens have no right to go upon these lands under

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the laws of the United States as for mining and other proper purposes for which the laws provide.

This objection the court thinks not well taken, because the bill in its entirety shows for all the purposes of a demurrer that these parties are there wrongfully and unlawfully, which excludes the idea that these respondents have a right to be upon these lands.

Besides, the bill further alleges that all the even sections in two certain townships, except parts of two and twenty-two, are part of the public domain, and then proceeds to aver that said lands are now held for disposition under the land laws of the United States; and if they are open to settlement and disposition this excludes the idea that the respondents can be upon them lawfully, since the bill further charges the encroachment and intrusion upon these lands unlawfully.

The respondents claim that the bill is wholly uncertain in its meaning, in not showing what is meant by said lands as used in the charging part of the third clause of the amended bill, they claiming that, as used, the expression "said lands" is vague, uncertain, and indefinite.

Upon an amended bill the court thinks it would be better to make this averment clearer. The respondents also object that the bill is uncertain and vague, in not showing what parts of sections two and twenty-two the complainant has title to, the bill only claiming a part and not all of said section.

This objection is well taken. This bill is an application for an injunction order. Although there is a map filed with the bill and made a part of it as an exhibit, showing the land encroached upon, and intruded upon, yet the map is fatally defective as to section two, certainly in not showing how much of said section belongs to the United States and how much does not belong to the United States. As to section twenty-two, if the marks and letters "E" in the map are to be considered as the excepted parts, less trouble might be had as to this section, but in a bill of this importance, where an injunction is asked for, the court ought to have before it such a clear and indisputable showing as to what is complained of, as that in the event of its granting injunctive relief its order could plainly and with reasonable certainty point out what it is that should be abated, and what it is that should be restrained. In this bill this is not done. As is charged by the respondents, and as was admitted by the complainant in its argument, the bill in this respect is vague and uncertain, and for this reason the court thinks the demurrer ought to be sustained.

The respondents object that the bill wholly fails to show that the fence was built on or across the same sections of land before referred to. It alleges that it was built on certain even and odd numbered sections, in certain townships and ranges, but wholly fails to show that said districts were north, or that the ranges were west of the sixth principal meridian, or where the ranges are.

In an amended bill it might be well to show this; but the allegation contained in the bill that these sections in certain townships and ranges, are within Laramie County, and in the jurisdiction of the first judicial district of this territory, probably would be sufficient.

This case having been twice argued, both upon the structure of the bills and the sufficiency of any bill to give the United States the relief it seeks in this forum upon a proper bill, it seems to the court not just longer to withhold its opinion upon the right of the complainant to relief in cases like this in equity and by injunction. At the first argument the counsel for the Government, the able district attorney for Wyoming, held to the idea that it was a purpresture and not a public nuisance. In the latter argument the learned assistant for the Government, Judge Brazee, held to the theory that the acts charged were a public nuisance. This view was stoutly resisted by the counsel for respondents.

According to Lord Coke, purpresture was defined to be a close or inclosure, that is where one encroaches or makes that several to himself, which ought to be common to many. It is laid down by all the old writers that it might be committed either against the king, the lord of the fee, or any other subject.

In its common acceptation it has been applied to any encroachment upon the king, or any part of his domestic lands, or in the highways, rivers, harbors, or streets.

The distinguished counsel who argued for the respondents with so much learning and great zeal, contended that while there might be an appropriation of these lands by the respondents, so far as this bill shows, yet there was nothing in the bill, or deducible from it, to show that these lands are common to many, and that no adjudicated cases in this country on this question of purpresture went further than to apply the doctrine as Lord Coke applied it to encroachments upon highways, rivers, harbors, and streets.

In the view which we take of this case, it may be unnecessary in order to give the court jurisdiction, to refer it absolutely to either of these branches of equity jurisprudence. The doctrine of relief in equity is now applied both by the English and American courts to any case in which there is an abuse of power given for public purposes, or when there is acting adversely to public policy. It is true this doctrine in English

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and American chancery has grown up in the necessity of placing restraints on great corporations to prevent them from doing acts detrimental to the public welfare or hostile to the public policy. Lord Eldon, in Blackmore against Glamorgan Canal Navigation Company, stated it to be a sound and well-recognized equitable principle, "that parties shall do and forbear all that they are required to do, and forbear as well with reference to the interests of the public as with reference to the interests of the individual."

Quoting Lord Cottenham: "It is the duty of the chancery court to adapt its practice and course of proceedings as far as possible to the existing state of society and to apply its jurisdiction to all those new cases which from the progress daily making in the affairs of men must continually arise, and not from too strict adherence to forms and rules established under very different circumstances, decline to administer justice and enforce rights for which there is no other remedy." (1 Myhre & Co., 559, 4 idem, 141, 635.)

It is in this spirit that the supreme court of Pennsylvania spoke and acted in the case of Kerr *vs.* Frego, 47 Penn., 292, Chief Justice Lowry delivering the opinion of a unanimous court as far back as 1864, when he said:

"This remedy (meaning the remedy by injunction) extends to all acts that are contrary to law and prejudicial to the community, and for which there is no *adequate* remedy at law."

In this case, for all purposes of the demurrer, it is conceded that the respondents have, without authority of law, wrongfully taken possession of the public lands of the United States, fenced them in, and thus prevented the exercise, or the power, or the authority, or the enforcement of the homestead, pre-emption, and desert-land laws of the United States, as the case may be, within these lands so inclosed wrongfully and unlawfully, and so separated and fenced and converted to the wrongful and unlawful use of these respondents.

A specific injury to the public is averred in the bill, which is that the rights of the homesteaders, the pre-emptors, and parties lawfully seeking to reclaim the desert land of the United States, may be hindered and prevented, if not entirely denied their rights, by the building of these fences.

If it be answered that the parties who are fencing these lands unlawfully, may be doing a benefit to these lands, it is sufficient to say in reply that they are fencing and building more than the policy of the land laws of the United States allows to four people. As to what constitutes such an injury as gives a court of equity in such a case jurisdiction, we cannot do better than quote the language of Chief Justice Ryan in the case of the Attorney-General against the Railroad Companies, 35 Wisconsin, 552:

"The acts of the defendants charged give the jurisdiction, and it is for the court to judge of the consequent evil. It is not the averment of the pleaders, but the nature of the acts pleaded, which is material in the question of public injury. The conscience of the court must be satisfied, and may be satisfied or not, with or without averment."

If an information should aver public mischief where the court could see that there was none, the averment would go for nothing.

So without averment it suffices that the court can see the public injury. As in that case the court says: "It is hardly questioned that in these cases a public injury is apparent in the acts charged against these defendants." So may we repeat here: Directly or indirectly, this injury reaches many. Continuing, that able court says:

"We can only see the direct public injury, and the acts charged satisfy the conscience of the court of the public injury. If the acts be illegal, that is sufficient."

Upon the question of the right of a court of equity to enjoin a great public wrong the same supreme court (35 Wisconsin, page 534) further says, after speaking of the jurisdiction to enjoin private wrong at the suit of the person wronged: "It is almost a logical necessity to admit the other branch of the jurisdiction to enjoin at the suit of the State such a general wrong common to the whole public as interests the State, and could be remedied by private person only by a vast multitude of suits, only burthensome to each and impracticable for (their) very number, more conveniently, effectually and properly represented by the attorney-general as *parens patriæ*. But jurisdiction of informations of this nature has sometimes been denied here; courts of equity in this country, singularly enough, being sometimes more timid to control corporate power, and less willing to protect the public against corporate abuse than the English chancery. In both branches, says the court, of this jurisdiction, it proceeds as for *quasi* nuisance; and it is difficult to understand why the jurisdiction should be asserted as to private nuisance and denied as to public nuisance. But fortunately we find this wholesome jurisdiction sustained here by the great weight of authority, and with modern experience we deem it only a question of time when it must be universally asserted and exercised."

But do the acts charged in the bill of complaint, and for all the purposes of this hearing treated upon demurrer as true; constitute a public nuisance?

In 1837 the supreme court of Alabama, in the case of the State of Alabama against

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the mayor and aldermen of the city of Mobile (5 Porter, 299), Collier, chief justice, delivering the opinion of the court, hold the right of chancery to exercise its jurisdiction in case of a nuisance, in restraining the exercise or erection of, and in some instances to abate that from which irreparable damage to individuals or *great public injury would ensue.* The court further said: "Courts of equity can interpose to restrain and prevent such nuisances threatened, or in progress, as well as abate those already existing, and by perpetual injunction the remedy is made complete through all future time; whereas an information or indictment at common law can only dispose of the present nuisance, and for future acts new prosecutions must be brought; and in the next place remedial justice may be prompt and immediate before irreparable mischief is done; whereas at law nothing can be done except after trial and upon the award of judgment."

In 1860 the supreme court of Georgia cited with approval this case, and said, in Mayor and Council of the City of Columbus *vs.* Arnold (30 Georgia, 508): "It is claimed that no such jurisdiction exists because the remedy at common law is adequate and complete by indictment," etc. It answered by citing approvingly this statement in Story's equity: "The grounds of this jurisdiction of courts of equity in cases of purpresture, as well as of public nuisance, undoubtedly is their ability to give more complete and perfect remedy than is attainable at law," etc. And also Eden on Injunctions to this effect, "that the remedy for this species of injury is by information of intrusion at common law or by information of the attorney-general in equity."

In addition to the foregoing the supreme court of Georgia, in this case, added as a reason why a remedy by indictment might be unavailing, the influence and integrity of the gentlemen against whom an indictment might lie would more than likely protect them before a jury.

In regard to public nuisance, the supreme court of New Jersey (1 Stockton, page 523), Attorney-General against Hudson River Railroad Company, decided in 1853, state that the jurisdiction of the courts of equity in regard to public nuisances seems to be of very ancient date, and has been definitely traced back to the reign of Queen Elizabeth.

Is the building of such a fence on the public lands a public nuisance as well as a public wrong? Blackstone defines a nuisance to be anything that worketh hurt, inconvenience, or damage; and Bacon defines a nuisance as anything that annoys, incommodes, or offends—anything that renders the enjoyment of life and property uncomfortable; and Brown, "anything which unlawfully annoys or does damage to another." A nuisance is either public or private. A public or common nuisance is such as affects or interferes with the king's subjects in general. Tried by these definitions, can there be any doubt that an inclosure of the Government domain, held either for the benefit of all the people, or else under the terms of the bill, as admitted by the demurrer, held for disposition and sale for the benefit of the settler, whether in his character as a homesteader, pre-emptor, or as one reclaiming the waste lands of the desert, is a great public nuisance, is an infringement of public right, and as such can be relieved against, if not by abatement, action for damages, or criminal prosecution, certainly by the more speedy, powerful, and all-sufficient remedy of injunction? But it is contended by the learned counsel for the respondents that there may be a remedy at law, and therefore no remedy in equity lies.

Our answer to the learned counsel is in the language of Judge Collier, in Alabama, in the case hereinbefore cited: Not that there may not be a remedy at law, but that in such cases the jurisdiction of the courts of equity is predicated upon the ground of the ability of equity to give a more complete and perfect remedy than is attainable at law. The relief is not grantable because, *strictissimi jnris*, there may be no remedy at law, but is grantable because there is a remedy more adequate in equity.

While courts of equity will hesitate, and have hesitated in England and in this country, in cases of public nuisances to act except in strong cases, yet they will always speak with no uncertain sound, and should so speak, where the public rights are invaded or a great public nuisance is threatened or in existence.

Are the acts complained of a purpresture? The supreme court of Wisconsin, in the case of the Attorney-General *versus* the Railroad Company, before cited (35 Wisconsin page 532), going a step beyond the old-time technical definitions, perhaps, and applying the law to new necessities, after the spirit of Lord Cottenham, before quoted, says: "Any intrusion upon public right is in the nature of a purpresture." Such is, we think, sound equity at this day. That eminent jurist, Cooley, in the case of the Attorney-General against the Evarts Booming Company (34 Michigan, page 472), says: "A purpresture may be defined as an inclosure by a private party of *a part of that which belongs to and ought to be open* and free to the enjoyment of the public at large." Surely a better definition of the public domain of the United States could not be made; and, further, he says that "a purpresture is not necessarily a public nuisance."

A public nuisance is something which subjects the public to some degree of inconvenience or annoyance, but a purpresture may exist without putting the public to any inconvenience whatever.

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The fencing of these lands, their withdrawal from settlement under the homestead, pre-emption, and desert land laws, not only subjects the public to some degree of inconvenience and annoyance, but it is an inclosure of that which belongs to or ought to be left free to the public, so that all the public may go thereon until some one lawfully segregates it and makes it his own; and if it can be decided that such a remedy as injunction does not lie in a case like this, then, not only might these respondents fence up such large tracts of land as are mentioned in the bill and keep them fenced, as by their demurrer is admitted, but other citizens singly or in small groups might do likewise, and so the authority of the Government might be set at naught, and the rights of the immigrant and the citizen coming to these plains to take up small portions of land under the laws of the United States would be utterly unavailing.

The learned counsel for the respondents objects that the fourth clause of the bill, while alleging that the respondents have intruded and encroached upon a part of the public domain, does not show what part of the public domain they have intruded and encroached upon. To this it may be sufficient to reply that the map filed with and made a part of the bill would seem to point out the encroachment and intrusion, but lack of definiteness in this respect may be supplied in an amended bill by describing the fencing by words showing what line or lines on the map were intended to point out the fence or fences complained of.

To the argument of the learned counsel for the respondents that the act of so encroaching or intruding is not shown to be in any manner wrongful or unlawful, it seems only necessary to say that the words "intrusion" and "encroachment" of themselves mean an unlawful going upon the rights or possession of another, as when a man sets his fence beyond his line—*vide* Bouvier's Law Dictionary, "Encroachment."

To the objection that the United States is only entitled to the same remedies for the protection of its property as an individual, we think the best answer is to be found in the words of Justice Miller in the case of the United States against Duluth, First Dillon, 471: "If the allegations of this bill be true, we have no doubt of the right of the officers of the Federal Government to bring this suit in the name of the United States, and to protect her rights, and we deem it a much more appropriate mode of doing so than by the physical force of the War Department." Not only may equitable intervention on the part of the court prevent this, but any attempt at force by parties thinking themselves entitled to enter on these lands under the respective land laws of the United States.

To the suggestion that an individual could not maintain a suit for an injunction on a bill such as is filed in this case, it would be sufficient to say that no individual could stand in relation to any other individuals possibly as in this case, unless it might be that of a trustee holding for others; and surely it would not be denied that a trustee would have the right to resort to a court of equity to protect the lands of his *cestuis que trusts* from such intrusion and encroachment, if they were threatened or being persisted in by many parties, rather than to drive such *cestuis que trusts* to a multiplicity of actions on the law side of the court. May not the United States under their liberal land law system be deemed as but holding these lands in trust for those who under their laws are ultimately entitled to them, and so not only may not the United States, but ought not the United States to protect as well as defend these lands for those ultimately entitled to them?

To the objection that injunction will not lie in this as in a case of purpresture, because of the common law definition of purpresture, the answer is to be found in the decisions in which, in Wisconsin and elsewhere, it is held that a purpresture (already quoted) is any intrusion of public right. Any intrusion of public right, while not probably strictly a purpresture, is in the nature of purpresture and as such is enjoinable.

To the objection that irreparable injury must be shown to entitle the court to jurisdiction, we think we may only repeat the words of the supreme court of Wisconsin, 35 Wis., case hereinbefore quoted, page 552: "Such an inquiry in such a case is a conclusion of fact rather than a fact. The conscience of the court must be satisfied, and may be satisfied with or without averment." In this case a public injury is apparent in the acts charged against these defendants and admitted by the demurrer, in that eleven even-numbered sections, a part of the public domain, are withdrawn by the intrusions and encroachment of these defendants from settlement under the land laws of the United States. Leaving out of view the timber-culture laws, this intrusion and encroachment may deprive eleven persons of their rights to reclaim and settle upon this land if it be simply desert land. If it be such as is open to the homesteader, forty-four persons may be deprived of their rights under the laws of the United States, and if pre-emptors forty-four persons may be deprived. The character of the land is not shown in the averments of the bill. Surely this statement is sufficient to show the great public injury, the wrongfulness and unlawfulness of the inclosure being admitted by the demurrer. To the objection that injunction will not lie in any case of trespass with no other elements in the case than are contained in the amended bill, it may be sufficient to answer that this bill alleges not only a trespass and a wrong, but a con-

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tinuing wrong, against the Government of the United States and against such of its citizens as may be entitled to this land under the homestead, pre-emption, or desert-land acts, and that the ouster of the Government is not only a mere trespass, which is an unlawful act committed by violence by one private individual against another, but is in this case an act of disregard and of unlawful dispossession, encroachment, and intrusion upon the lawful power and authority of the Government of the United States, this additional element never being found where one individual trespasses upon another merely.

The learned counsel for the respondents maintained that as there was no right of common to the citizens of the public domain, the United States holds such public domain as property for disposition, and no prerogative remedy is given it to protect such property, citing several authorities, the last one being 37 Wisconsin, Attorney-General *versus* Eau Claire, 446, 447.

The learned counsel must have misconceived that reference. What the court there says we will quote; it was speaking of public rivers: "They are highways; they are in charge of the State, and the State cannot abdicate its charge of them. That charge is a duty to the Federal Government and a trust for the whole people, not of the State only, but of the several States. An unauthorized encroachment upon any of them is a violation of the duty assumed by the State in its aggregate and sovereign character to keep them forever open." "Every such encroachment is a purpresture which concerns the solemn prerogatives of the State and the prerogative jurisdiction of this court. Original jurisdiction of such cases here is too manifest for discussion." In Wisconsin, under their then constitution, the supreme court had original jurisdiction in cases of injunction, it is proper here to say.

It is true that none of the cases cited and relied on in this opinion are upon questions exactly such as that raised in the argument upon the bill and demurrer here.

But the doctrines enunciated and the language employed, even if it be conceded that they are in every case mere *obiter dicta,* which is not admitted, yet they are so convincingly persuasive and seem to the court so well in point in restraining what to the court seems to be so great a public wrong, that with becoming diffidence, and yet with sufficient confidence in their authority by persuasion, the court adopts them and makes them applicable to the case at bar.

Having answered all the objections of the counsel, and reached conclusions in this case, at least to its own satisfaction, the court proceeds now to say that upon the filing of an amended bill, for which on application leave will be given, and if an amended bill when so filed shall have the errors hereinbefore pointed out corrected, and shall show on its face that the United States district attorney for Wyoming acts under the direction of the Attorney-General of the United States in bringing such a bill, which statement this bill does not contain, this court will hold that a remedy by injunction does lie in such a case, provided the facts are such as are admitted by the demurrer to this bill, and are averred according to the well known rules of equity courts, and such bill shall be otherwise conformable to equity and the statutes of Wyoming governing equity practice. The demurrer to this bill must be sustained for the defects hereinbefore pointed out.

STATES AND TERRITORIES, 1776 TO DECEMBER 1, 1883.

[See Chapter XXXIII, pages 416 to 464.]

The Territories remain as on pages 452 to 464, no changes in boundaries except in the case of Dakota, where the southern boundary of that Territory, being the northern boundary of Nebraska, was changed so as to conform to natural boundaries. (See act approved March 28, 1882.)

AREA AND POPULATION.

The area as given on pages 28 and 29, and 452 to 464, is correct to December 1, 1883. The population as shown on pages 28 and 29 is correct to 1880, the date of the last national census.

NO NEW STATES SINCE 1880.

No State has been admitted into the Union since June 30, 1880. The matter on pages 416 and following is correct to December 1, 1883. The present Territories are New Mexico, Utah, Washington, Dakota, Arizona, Idaho, Montana, Wyoming. Alaska not organized. Indian Territory (not a political division under law of Congress as are the eight above mentioned), the "public land strip," and the District of Columbia.

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FUTURE STATES.

The eight organized Territories will probably be admitted into the Union as ten or eleven States—Dakota forming, with parts of Montana and Wyoming, four States, one of which will probably be called Lincoln, one Dakota, and one Pembina, and the other Garfield. The vast arid regions embraced within the lines of some of these Territories necessitate large State boundaries. Nomadic life is consequent upon an arid region, and no dense population can be sustained in many of the Territories. The precious metal mining regions, generally in the foot-hills or mountains, contain large populations, but in many instances the food and supplies used therein are transported from States of the arable region. The enormous area of some of the Territories might be a standing menace to the balance and perpetuity of the Union, were the lands agricultural without irrigation, as are the lands of the Mississippi Valley, and therefore capable of sustaining a population, as for illustration, equal in numbers per square mile to the population of the State of Illinois. They might become nurseries for future republics. But large areas in these regions are balanced by sterility. The Union when the present Territories are admitted into the Union will probably consist of the present thirty-eight States, an additional State, "Lower California," from the southern half of the present State, and two States perhaps Western and Northern Texas, from the State of that name, and in addition the States of New Mexico, Utah, Washington, Dakota (and from the remainder the States of Lincoln and Pembina and Garfield), Arizona, Idaho, Montana, Wyoming, Alaska (with another name perhaps), Indian Territory as Okolohoma; in all, fifty-four States. The "Public land strip" will become a part of Kansas or Indian Territory, and the District of Columbia be the one remaining Territory. New Mexico and Utah have been Territories for thirty-three years, Washington thirty years, Dakota twenty-two years, Arizona and Idaho twenty years, Montana nineteen years, and Wyoming fifteen years.

Before the end of the century it is probable that the nation will be completed, and all of the Territories rounded into States. The wants and necessities of political parties, however, frequently create or prevent the admission of States, and they may all be admitted before ten years. Alaska may not be the last admitted. The field of adventure is now so limited for prospectors and pioneers that her gold fields, furs, and timber wealth may induce a rush and consequent large population. A name, signifying something in the history of the United States, might be substituted for Alaska. In the naming of our States and Territories, with the exception of Washington, names connected with our National history have been carefully avoided. Why, will be a query for the future historian. A few Indian names have fortunately crept in, so that some of our States will have American or aboriginal names.

RATIO OF REPRESENTATION.

Each State in the Union is entitled to not less than one member of the House of Representatives. The following table will show the number of persons requisite for a Congressional district during the several decades to 1880. By reference to pages 28-29 and pages 416 to 452 the dates of admission of the several States will be found.

ENACTED BY CONGRESS AND BASED ON RETURNS OF THE NATIONAL CENSUS.

	Persons.
The ratio of representation from 1793 to 1803 was 1 Representative for every..	33,000
The ratio of representation from 1803 to 1813 was 1 Representative for every..	33,000
The ratio of representation from 1813 to 1823 was 1 Representative for every..	35,000
The ratio of representation from 1823 to 1833 was 1 Representative for every..	40,000
The ratio of representation from 1833 to 1843 was 1 Representative for every..	47,700
The ratio of representation from 1843 to 1853 was 1 Representative for every..	70,680
The ratio of representation from 1853 to 1863 was 1 Representative for every..	93,423
The ratio of representation from 1863 to 1873 was 1 Representative for every..	127,381
The ratio of representation from 1873 to 1883 was 1 Representative for every..	131,425
The ratio of representation from 1883 to 1893 is 1 Representative for every....	154,325

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POPULATION OF THE SEVERAL STATES AT DATE OF ADMISSION INTO THE UNION.

It will be noticed by the table below that several of the States, at the date of their admission, did not have the number of persons requisite to entitle them to a member of the House, based on the ratio of representation. The population of many of these States at the date of their admission is estimated, and the data used was undoubtedly the population reported by the preceding census:

State.	Admitted.	Population.
Vermont	1791	85,425
Kentucky	1792	73,677
Tennessee	1796	77,262
Ohio	1802	41,915
Louisiana	1812	76,556
Indiana	1816	63,897
Mississippi	1817	75,448
Illinois	1818	34,620
Alabama	1819	144,317
Maine	1820	298,269
Missouri	1821	66,557
Arkansas	1836	52,240
Michigan	1837	200,000
Florida	1845	54,477
Texas	1845	250,000
Iowa	1846	81,920
Wisconsin	1848	210,596
California	1850	107,000
Minnesota	1858	150,042
Oregon	1859	52,465
Kansas	1861	107,206
West Virginia	1863	376,683
Nevada*	1864	6,857
Nebraska (estimated)	1867	60,000
Colorado (estimated)	1876	150,000

*At the census of 1870, 42,491.

REPORTS AS TO RESOURCES OF THE TERRITORIES.

For a valuable series of reports as to the resources and wants of the several Territories see the reports of the surveyors-general of the several Territories made to and included in the annual reports of the Commissioner of the General Land Office for the years 1850 to 1883. Also see annual reports of agents and superintendents of the Indian service, in the reports of the Commissioner of Indian Affairs for 1850 to 1883. Also see annual reports of the governors of the several Territories to the Secretary of the Interior, included in the annual reports of the Secretary of the Interior from 1877 to 1883. This system of reports from governors of Territories was inaugurated by Secretary Schurz.

Officers of the Territories appointed by the President, confirmed by the Senate, and paid by the United States, December 1, 1883.

[Secretary acts as governor during absence of governor.]

GOVERNORS AND SECRETARIES.

Name and office.	Whence appointed.	Date of original appointment.	Date of present appointment.	Compensation.
ARIZONA.				
Frederick A. Tritle, governor	Nev	Feb. 6, 1882	Feb. 6, 1882	$2,000
Hiram M. Van Arman, secretary	Cal	Mar. 17, 1882	Mar. 17, 1882	1,800
DAKOTA.				
Nehemiah G. Ordway, governor	N. H	May 22, 1880	May 22, 1880	2,600
James H. Teller, secretary	Ohio	Feb. 21, 1883	Feb. 21, 1883	1,800

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Officers of the Territories appointed by the President, &c.—Continued.

GOVERNORS AND SECRETARIES—Continued.

Name and office.	Whence appointed.	Date of original appointment.	Date of present appointment.	Compensation.
IDAHO.				
John N. Irwin, governor	Iowa	Mar. 2, 1883	Mar. 2, 1883	$2,600
Edward L. Curtis, secretary	Idaho	Mar. 3, 1883	Mar. 3, 1883	1,800
MONTANA.				
J. Schuyler Crosby, governor	N. Y	Aug. 4, 1882	Aug. 4, 1882	2,600
Isaac D. McCutcheon, secretary	Mich	Apr. 21, 1832	Apr. 21, 1882	1,800
NEW MEXICO.				
Lionel A. Sheldon, governor	Ohio	May 5, 1881	May 5, 1881	2,600
William G. Ritch, secretary	Wis	Mar. 18, 1873	June 28, 1880	1,800
UTAH.				
Eli H. Murray, governor	Ky	Jan. 27, 1880	Jan. 27, 1880	2,600
Arthur L. Thomas, secretary	Pa	May 2, 1879	May 1, 1883	1,800
WASHINGTON.				
William A. Newell, governor	N. J	Apr. 26, 1880	Apr. 26, 1880	2,600
Nicholas H. Owings, secretary	Col	Feb. 5, 1877	Feb. 5, 1881	1,800
WYOMING.				
William Hale, governor	Iowa	Aug. 3, 1882	Aug. 3, 1882	2,600
Elliott S. N. Morgan, secretary	Pa	Mar. 10, 1880	Mar. 10, 1880	1,800

OTHER UNITED STATES OFFICERS IN THE TERRITORIES.

The judges, a chief justice and two associates, except in Dakota where there are three associates, are appointed by the President, confirmed by the Senate, and paid by the United States. The district attorney and United States marshal for each Territory are also appointed, confirmed, and paid in the same manner. These, with the executive officers above set out, are the United States officers for Territories. District land officers, collectors of customs, postmasters, and internal-revenue officers are appointed by the President as in the States, and under general laws relating to these different subjects.

LEGISLATION AS TO THE TERRITORIES.

[1876 to December 1, 1883.)

Much general legislation in relation to the several Territories was passed during the Forty-fourth, Forty-fifth, Forty-sixth, and Forty-seventh Congresses, generally in the matter of court terms, repeal of enactments of legislative assemblies of the Territories (the laws of such are reported to Congress after each assembly session for approval or rejection), and regulating the sessions of the legislative assemblies of the several Territories; this last in 1879–1880, also creating new land districts. The date of their creation is shown on pages 555, 556, and also the legisation making the commission to regulate elections in Utah in the Forty-seventh Congress, first session. The action of the Forty-sixth and Forty-seventh Congresses as to the admission of Territories into the Union as States is given in full.

NEW MEXICO.

(See page 452.)

In the Forty-fourth Congress, 1875–'76, the bill introduced by Hon. Stephen B. Elkins, the Delegate from the Territory of New Mexico, in the House of Representatives, for its admission into the Union, failed to become a law only by non-action of the Senate.

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Forty-sixth Congress, third session, Senate, December 21, 1880 (Congressional Record, page 286). Mr John J. Ingalls, of Kansas, introduced, by unanimous consent, bill S. No. 1949, to enable the people of New Mexico to form a constitution and for her admission into the Union. Read twice by its title, and referred to the Committee on Territories and ordered to be printed.

Forty-seventh Congress, first session, Sena'e, December 7, 1881 (Congressional Record, page 51). Mr. J. J. Ingalls, of Kansas, asked and obtained unanimous consent to introduce a bill for the admission of the Territory of New Mexico into the Union. Ordered to lie on the table subject to call of Mr. Senator Ingalls.

Forty-seventh Congress, first session, House of Representatives, December 19, 1881 (Congressional Record, page 207). Mr. T. Luna, of New Mexico, introduced bill H. R. No. 1922, for the admission of the Territory of New Mexico into the Union as a State. Read first and second times, ordered printed, and referred to the Committee on the Judiciary; reference changed to Committee on Territories January 24, 1882.

UTAH.

(See page 453.)

Forty-sixth Congress, first session, House of Representatives, May 6, 1880 (Congressional Record, page 1089). Mr. Geo. Q. Cannon, of Utah, introduced bill H. R. No. 1757, to enable the people of Utah Territory to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States. Read first and second times and referred to the Committee on Territories, and ordered to be printed.

Forty-seventh Congress, first session, House of Representatives, June 23, 1882 (Congressional Record, page 5282). The Speaker laid before the House a memorial from the delegate convention of the Territory of Utah, asking Congress to admit the Territory of Utah into the Union as a State, which memorial was accompanied by a draft of a constitution for said State, said to have been approved by the citizens of that Territory. Referred to Committee on Territories and ordered to be printed.

Petitions were filed during the session for and against the admission of Utah as a State.

Forty-seventh Congress, first session, Senate, February 20, 1882 (Congressional Record, page 1284). Mr. E. G. Lapham, of New York, introduced bill S. No. 1263, to amend the act establishing a Territorial government for Utah, passed September 9, 1850, and amendments, and to change the name to "Altamont". Read twice by its title, and referred to the Committee on the Judiciary.

Forty-seventh Congress, second session Senate, December 20, 1882 (Congressional Record, page 457). Mr. A. Saunders, of Nebraska, by request, asked and obtained leave to introduce a bill (S. No. 2272) for the admission of the State of Utah. Read twice by its title, and, with the accompanying papers, referred to the Committee on Territories.

The legislation for the suppression of polygamy in Utah during the first session Forty-seventh Congress is contained in "an act to amend section 5352 Revised Statutes" in reference to the suppression and punishment of polygamy, passed March 22, 1882. Under this law the President appointed commissioners, who were confirmed by the Senate. They supervise registration of voters and elections in Utah. They reside at Salt Lake City.

Board of registration and election in the Territory of Utah, December 1, 1883.

Name.	State.	Date of appointment.	Salary.
Alexander Ramsey, chairman	Minn	June 23, 1882	$5,000
Ambrose B. Carlton	Ind	June 23, 1882	5,000
George L. Godfrey	Iowa	June 23, 1882	5,000
Algernon S. Paddock	Neb	June 23, 1882	5,000
James R. Pettigrew	Ark	June 23, 1882	5,000

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WASHINGTON.

(See page 454.)

Forty-sixth Congress, first session, House of Representatives, April 11, 1879 (Congressional Record, page 644). Mr. T. H. Brents, of Washington Territory, introduced H. R. No. 1290, for the admission of the State of Washington into the Union. Read a first and second time, and referred to the Committee on Territories and ordered to be printed.

Forty-seventh Congress, first session, House of Representatives, December 19, 1881 (Congressional Record, page 207). Mr. T. H. Brents introduced bill H. R. No. 1926, for the formation of a State government therein and the admission of the Territory of Washington into the Union. Read first and second time, referred to the Committee on Territories, and ordered to be printed.

Forty-seventh Congress, first session, House of Representatives, March 9, 1882 (Congressional Record, page 1759). Mr. N. W. Aldrich, of Rhode Island, from the Committee on Territories, reported back, with amendments, H. R. No. 1925, bill and recommended its passage. Referred to the Committee of the Whole House, and accompanying report (No. 690, first session Forty-seventh Congress) ordered to be printed.

DAKOTA.

(See page 454.)

DAKOTA.

(Without division.)

Forty-sixth Congress, third session, House of Representatives, December 6, 1880 (Congressional Record, pages 11 and 12). Mr. G. G. Bennett, of Dakota, introduced bill H. R. No. 6512, providing for the admission of Dakota as a State. Read first and second time, and referred to Committee on Territories and ordered to be printed.

Forty-sixth Congress, third session, Senate, December 8, 1880 (Congressional Record, page 34). Mr. A. S. Paddock, of Nebraska, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1879) to enable the people of Dakota to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States. Read twice by its title, and referred to the Committee on Territories.

THE TERRITORY OF PEMBINA.

ALL THAT PORTION OF DAKOTA NORTH OF 46° NORTH LATITUDE.

Forty-sixth Congress, second session, House of Representatives, January 7, 1880 (Congressional Record, page 223). Mr. G. G. Bennett, Delegate from Dakota, introduced bill H. R. No. 3225, establishing the Territory of Pembina (from the northern portion of the Territory of Dakota north of latitude 46°) and to provide a temporary government therefor. Read a first and second time, and referred to the Committee on Territories.

Forty-sixth Congress, second session, Senate, March 22, 1880 (Congressional Record, page 1769). Mr. S. J. Kirkwood, of Iowa, introduced bill S. No. 1516, establishing the Territory of Pembina, and providing a temporary form of government therefor. Read first and second times by title, and referred to Committee on Territories.

Forty-seventh Congress, first session, Senate, December 5, 1881 (Congressional Record, page 3). Mr. A. Saunders, of Nebraska, introduced bill S. No. 18, establishing the Territory of Pembina, from that portion of Dakota Territory north of latitude 46°, and providing a temporary government therefor. Read first and second time and laid on the table, to be referred to the Committee on Territories when appointed.

NORTH DAKOTA.

The same area as Pembina, being the northern portion of the present Territory of Dakota.

Forty-seventh Congress, first session, Senate, December 6, 1881 (Congressional Record, page 21). Mr. W. Windom, of Minnesota, introduced bill S. No. 158, establishing

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the Territory of North Dakota and providing a temporary government therefor (being all of Dakota north of 46° latitude). Read first and second time by its title and ordered to lie on the table, to be referred to the Committee on Territories when appointed.

Forty-seventh Congress, first session, House of Representatives, December 19, 1881 (Congressional Record, page 206). Mr. R. F. Pettigrew, of Dakota, introduced bill H. R. No. 1889 (same text as bill S. 158, above), establishing the Territory of North Dakota.

Read first and second time, referred to the Committee on Territories, and ordered to be printed.

Forty-seventh Congress, first session, House of Representatives, February 25, 1882 (Congressional Reccord, page 1449). Mr. W. W. Grout, of Vermont, from the Committee on Territories, reported as a substitute for bill H. R. No. 1889 (bill above) bill H. R. No. 4672, establishing the Territory of North Dakota and providing a temporary government therefor. Read a first and second time, referred to the House Calendar, with accompanying report, and ordered to be printed. (See House Mis. Doc., first sess. Forty-seventh Congress, No. 552).

For petitions for admission of North Dakota, see Congressional Record, first session Forty-seventh Congress, pages 264, 303, and 401.

Forty-seventh Congress, second session, House of Representatives, February 5, 1883 (Congressional Record, page 2105). Mr. W. W. Grout, of Vermont, moved to suspend the rules to take from the House Calendar bill H. R. 4672, establishing the Territory of North Dakota and providing a temporary government therefor. A discussion followed. On the call of the ayes and nays, the ayes were 151; nays, 110; not voting, 30. Two-thirds of the members not having voted in favor of the motion, it was lost, and the rules were not suspended.

SOUTHERN PORTION OF DAKOTA.

SOUTH OF 46° NORTH LATITUDE.

Forty-seventh Congress, first session, Senate, December 6, 1881 (Congressional Record, page 190). Mr. A. Saunders, of Nebraska, introduced bill S. No. 112, to enable the people of Dakota to form a State government and for her admission into the Union. Read first and second time; referred to Committee on Territories when appointed.

Forty-seventh Congress, first session, Senate, December 6, 1881 (Congressional Record, page 21). Mr. William Windom, of Minnesota, introduced bill S. No. 157, same text as above bill S. No. 112, same order and reference. (Dakota south of 46° north latitude.)

Forty-seventh Congress, first session, House of Representatives, December 19, 1881 (Congressional Record, page 206). Mr. R. F. Petigrew, of Dakota, introduced bill H. R. No. 1886, for the admission of Dakota (south of 46°) into the Union. Read first and second time, and referred to the Committee on Territories.

Forty-seventh Congress, first session, House of Representatives, February 3, 1881 (Congressional Record, page 1199). Petition of citizens of Pembina County, Dakota, praying for the division of the Territory of Dakota on the forty-sixth parallel of north latitude, the north half to be organized as the Territory of Pembina, and the admission of the south half as the State of Dakota. Petitions for the admission of Dakota, first session Forty-seventh Congress. (Congressional Record, pages 18, 486, and 501.)

Forty-seventh Congress, first session, House of Representatives, February 16, 1882 (Congression Record, page 1220). Mr. J. C. Burrows, of Michigan, from the Committee on Territories, reported as a substitute for bill H. R. No. 1886 a bill, H. R. No. 4456, for the admission of the southern portion of Dakota as a State. Read a first and second time, and referred to the Committee of the Whole House, and with the report ordered to be printed. (See H. R. Mis. Doc., first session, Forty-seventh Congress, No. 450.)

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Forty-seventh Congress, first session, Senate, March 20, 1882 (Congressional Record, page 2045). Mr. A. Saunders, of Nebraska, from the Committee on Territories, reported bill S. 1514, as a substitute for bills S. No. 112 and 157, for the admission of the southern portion of the Territory of Dakota into the Union as a State. (See Senate Report, Mis., first session Forty-seventh Congress, No. 271.)

Forty-seventh Congress, first session, Senate, March 21, 1882 (Congressional Record page 2097). Mr. Eugene Hale, of Maine, presented the protest of N. T. Palmer and others, remonstrating against the admission of Dakota as a State, alleging repudiation or attempted repudiations by the county of Yankton and the Territorial assembly of certain railroad bonds purchased by petitioners in good faith. Ordered to be printed and to lie on the table. (See first session Forty-seventh Congress, Senate Mis. Doc., No. 68.)

Forty-seventh Congress, first session, House of Representatives, March 22 (Congressional Record, page 2140). Mr. J. P. Leedom, of Ohio, presented the views of a minority of the Committee on Territories against bill H. R. No. 4456, reported by a majority of the committee for the admission of Dakota as a State. Ordered to be printed with the report of the majority. (See first session Forty-seventh Congress, House Representatives Mis. Doc. No. 450, part 2.)

For petitions against the admission of Dakota as a State unless woman suffrage was recognized in the constitution, see Congressional Record, first session Forty-seventh Congress, pages 2040 and 3493.

Forty-seventh Congress, first session, Senate, March 27, 1882 (Congressional Record page 2276). Mr. George G. Vest, of Missouri, moved to recommit bill S. No. 1514 to Committee on Territories, alleging that the report accompanying said bill S. No. 271 was said to be the unanimous report of the committee, which was not the fact. A discussion followed, participated in by Senators Butler, Garland, Harrison, Saunders, Plumb, and McMillan. Mr. Hale favored the recommitment, so that the protest filed by him March 21 might be considered. It was so ordered.

Forty-seventh Congress, first session, Senate, April 5, 1882 (Congressional Record, page 2598). Mr. A. Saunders, of Nebraska, from the majority of the Committee on Territories, reported back bill S. No. 1514, for the admission of the southern part of Dakota as a State, with the recommendation that it be passed. Placed on the Calendar.

Forty-seventh Congress, first session, Senate, April 10, 1882 (Congressional Record, page 2725). Mr. George G. Vest, of Missouri, for a minority of the Committee on Territories, submitted views against the admission of the State of Dakota. (See S. Mis. Report, first session Forty-seventh Congress, No. 271, part 2.)

Forty-seventh Congress, first session, House of Representatives, July 17, 1882 (Congressional Record, page 6150). Mr. J. C. Burrows, of Michigan, by direction of the Committee on Territories, moved the suspension of the rules and the adoption of a resolution discharging the Committee of the Whole House from the consideration of bill H. R. No. 4456 for the admission of the State of Dakota into the Union, and making the same a special order for December 13, 1882. On the call of the roll for the suspension of the rules the yeas were 102, nays 76, not voting 112; so (two-thirds not having voted in the affirmative) the motion was lost.

Forty-seventh Congress, second session, Senate, January 5, 1883 (Congressional Record, page 870). Mr. J. J. Ingalls, of Kansas, presented a petition of James Finley and others, of Brown County, Dakota, praying that Dakota be admitted into the Union.

ARIZONA.

(See page 455.)

Forty-seventh Congress, first session, House of Representatives, January 31, 1882 (Congressional Record, page 743). Mr. G. H. Ouray, Delegate for Arizona, introduced a bill (H. R. No. 3808) for the admission of the Territory of Arizona into the Union. Read first and second time, and referred to the Committee on Territories and ordered to be printed.

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IDAHO.

(See page 456.)

Forty-seventh Congress, first session, House of Representatives, January 31, 1882 (Congressional Record, page 743). Mr. George Ainslie, Delegate for Idaho, introduced a bill (H. R. No. 3809), for the admission of the Territory of Idaho into the Union. Read first and second time, and referred to the Committee on Territories and ordered to be printed.

ALASKA AND INDIAN TERRITORY.

DECEMBER 1, 1883.

(See pages 457 to 462.)

No change in the legislation affecting the status of Alaska or Indian Territory has taken place since June 30, 1880.

The map of the tribal holdings and surveys in Indian Territory, facing page 462, has been added. It is correct to June 30, 1883, and, in fact, to December 1, 1883, as no changes whatever in surveys or buildings have occurred since 1879, the date of the map.

This map gives in detail the status of the land claim of each tribe of Indians, showing holdings, area, and dates of treaty. The text on pages 459 to 462 is explanatory of this map.

PUBLIC LAND STRIP.

(See page 462.)

[TO JUNE 30, 1883, see page 1167.]

(Area, about 5,738 square miles, or 3,672,640 acres.)

The entire area of this tract is public domain. The lands embraced therein are not included within any surveying or land district, and while public domain cannot be entered as public land under settlement or other land laws, as a specific act of Congress is necessary to open them to the public.

By the act of Congress approved March 3, 1881, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1882, there was appropriated the sum of $18,000 for the survey of "correction lines, guide meridians, and township lines in the strip of public land north of Texas, and bounded on the north by the States of Colorado and Kansas."

Under this act a contract was made with deputy surveyors August 26, 1881, by the Commissioner of the General Land Office, for the following surveys:

Establish, astronomically, a base line on the parallel of 36° 30′ north latitude, which is coincident with the north boundary of Texas, between the 100th and 103d meridians of longitude west from Greenwich; also, establish, astronomically, and by telegraphic time signals, a principal meridian of surveys, to be known as the Cimarron meridian on the 103d meridian of longitude west from Greenwich, being the eastern boundary of New Mexico, said meridian to be extended from the north boundary of the State of Texas to its intersection with the south boundary of the State of Colorado; also, to establish the necessary standard, guide meridian, and township exterior lines within the said public land strip, provided that the township lines first located shall be within such part of said public land as is most eligible for settlement or occupation, and that the gross mileage shall not exceed the sum of $18,000. Certain metallic corner monuments to be planted at the end of each second linear mile of the respective lines named.

The returns of these surveys were made direct to the General Land Office.

In his report for 1882 the Commissioner of the General Land Office recommends "the passage of an act to provide for attaching the lands to the Territory of New Mexico for the purposes of subdivisional surveys under the United States surveyor-general, and the disposal of lands thereafter at the United States land office in that Territory."

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CENSUS APPROXIMATE ESTIMATE OF AREAS OF STATES, TERRITORIES, AND COUNTIES IN 1880.

The following area estimate for the United States, as reported by the Census Bureau September 30, 1881, is inserted for general information. Besides, the areas of all counties are given. The General Land Office does not estimate the area of counties. Townships six miles square are the unit in land parceling surveys. It will be noted that Mr. Henry Gannett, the accomplished topographer, who prepared the census estimate of areas, frequently uses and refers to the land office maps for data, and that coast-lines and boundaries along rivers, harbors, bays, and other bodies of water are estimated in the census estimate. The General Land Office surveys meander along streams, etc., to obtain actual land surface adjacent. The estimates of the General Land Office, pages 28 and 29 herein, are used in the preparation of this work as being accurate enough for all practical purposes, and as having been used for more than thirty years past, being corrected from year to year. The system of public land surveys, laying the land States and Territories off in sections six miles square, must surely give a reasonably correct area. For instance, the whole surface of the States of Ohio, Indiana, Illinois, Iowa, Alabama, Arkansas, Kansas, Mississippi, Missouri, and Wisconsin has been surveyed under the rectangular system used by the General Land Office. While the areas are not exact and are constantly being changed by new discoveries of small parcels of unsurveyed land, for all statistical and historical purposes they are accurate enough. It can be said that an exactly accurate area or surface survey is about equal to an impossibility.

THE CENSUS ESTIMATE OF AREAS OF STATES, TERRITORIES, AND COUNTIES IN 1880.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., September 30, 1881.

SIR: I have the honor to transmit to you herewith, for publication as an Extra Census Bulletin, tables showing the approximate areas of the United States, the several States, and their counties.

The necessity for revising the figures which have popularly passed as the areas of the States presented itself early in the progress of my geographical work in connection with the census. Of several States a number of estimates of area have been in use differing from one another by thousands of square miles, and none of them, perhaps, traceable to any authentic source. Many of the results were palpably wrong, being so far from the truth that it is a source of surprise that they were not corrected before.

The methods by which I have obtained the areas are fully set forth in the body of the bulletin. I may say, however, that while most of the areas can be considered as only approximations, yet they are as close approximations as the maps and the determinations of geographical positions of boundary lines, &c., will permit.

The details of this work were carried out by Mr. F. DeY. Carpenter, to whom I am also indebted for the formula for the area of a "square degree," the unit of computation.

Very respectfully yours,

HENRY GANNETT, E. M.,
Geographer Tenth Census.

Hon. FRANCIS A. WALKER,
Superintendent of Census.

APPROXIMATE AREAS OF THE UNITED STATES, THE SEVERAL STATES, AND THE TERRITORIES.

The question, What constitutes the area of the United States? is by no means a simple one. Our jurisdiction extends to a line three nautical miles from the shore, but this strip of sea cannot properly be regarded as a portion of the country. Supposing our boundary to be restricted to the sea-coast, there remains a question regarding the bays and estuaries of the sea. To what extent should the coast line be followed strictly, and where should we begin to jump across the indentations made by the sea? In this matter one can only follow his own judgment, making in each case

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as natural a decision as possible, as no criterion whatever can be established. In this way [see Census Report] I have defined the coast limits, showing by the red line on the accompanying map what I have taken as the *gross area* of the country and of the States, severally.

Method of measurement.

Taking first the United States (with the exception of Alaska) as a whole, its area was determined by summing up the square degrees, *i. e.*, the regions comprised between consecutive parallels and meridians. Along the coast and the boundary lines of the country the areas of the fractional square degrees were obtained by direct measurement by means of scales, in every case measuring the smaller portion, whether land or water, to avoid, as far as possible, the errors incident to the projections and scales of the maps.

The Atlantic, Pacific, and Gulf coasts were measured on charts of the Coast Survey; the shore lines of the great lakes on those of the United States Lake Survey; and the boundary with Mexico on the maps of the Mexican Boundary Commission. The northern boundary follows the parallel of 49° to the Lake of the Woods. Thence to Lake Superior is a weak place where we are dependent upon the map of Hind's exploration. The northern boundary, east of the portion covered by the charts of the Lake Survey, was measured on the maps of the several international boundary commissions. A second weak spot exists on the eastern boundary of Maine, from Schoodic Lake to the Atlantic coast. This is covered by no *authentic* map, but measurements made on several different maps agree very closely.

We find, then, that the whole contour of the country is given by surveys whose accuracy is unquestioned, excepting in the two spots above mentioned, *i. e.*, from Lake of the Woods to Lake Superior, and from Schoodic Lake to the Atlantic. The measurements, made with the utmost care and several times repeated, can embody but very slight errors, and it is not probable that the two weak places in the boundary allow any considerable error.

The areas of the square degrees were computed by the following formula, derived by Mr. F. DeY. Carpenter:

$$\text{Area} = \frac{\pi}{90}\,(M'-M)\,NRm \sin\frac{1}{2}\,(L'-L)\cos\frac{1}{2}\,(L'+L),$$

in which M′ and M are the longitudes of the limited meridians, M′—M being in degrees or fractions of a degree; N is the normal to the middle latitude, in miles; R, the radius of curvature of the meridian at the middle latitude, in miles; L′ and L, the limiting latitudes; and $m = 1.004285$. The resulting area is in square miles.*

The areas of the square degrees entirely comprised within the limits of the country, and of those whose areas are more than one-half within, were computed by the above formula. From the latter were subtracted the portions lying without our limits, as determined by direct measurement, and to the whole were added the results of measurements of the remaining portions, *i. e.*, those not included in the computed square degrees.

The areas of the several States and Territories were determined in a similar manner. In cases such as those of Colorado, Wyoming, and Utah, where a State or Territory is limited on all sides by parallels and meridians, the exact determination of its area is an easy matter. In cases where the square degree is divided by the boundary line into two or more parts, these parts were distributed between or among the States by direct measurement from the best available maps, the sum of the parts being made to equal the whole, as determined by computation. The great source of error in the areas of the States is due, not to errors of measurement, which may be regarded as trifling, but to uncertainty in the location of the boundary lines between them. Until these shall have been accurately established, all measurements of certain States can be regarded as only approximations. Thus the position of the boundary between Virginia and West Virginia is not known within several miles, leaving sufficient latitude for an error of several hundred square miles in each State. Whatever may ultimately be taken from the area of one, by a correct location of this boundary, will be added to the other.

Another point to be considered is that of errors in surveying and marking those boundaries which, by law, have been established on certain lines, such as parallels or meridians. It is well known that many State and Territorial boundaries have been very badly surveyed, in some cases the errors amounting to miles. In such cases I have accepted as the boundary that established by law, as it is, of course, impossible to define the locations of the boundary stakes.

*For a full discussion of this formula, see article by Mr. Carpenter, in Van Nostrand's Engineering Magazine, for December, 1880, p. 457.

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The following table gives the total areas of the States and Territories, as defined on the map and in the notes following the table, the area of coast waters, of rivers, &c., of lakes and ponds, of total water area, and the net land surface of the States and Territories:

Summary of areas of States, Territories, &c.

[In square miles.]

	Gross areas.	Coast waters (bays, gulfs, sounds, &c.)	Rivers and smaller streams.	Lakes and ponds.	Total water surface.	Total land surface.
Total	3,025,600	17,200	14,500	23,900	55,600	2,970,000
Alabama	52,250	440	260	10	710	51,540
Arizona	113,020	.....	80	20	100	112,920
Arkansas	53,850	.....	540	265	805	53,045
California	158,360	540	240	1,600	2,380	155,980
Colorado	103,925	.....	270	10	280	103,645
Connecticut	4,990	25	80	40	145	4,845
Dakota	149,100	.....	610	790	1,400	147,700
Delaware	2,050	30	60	.....	90	1,960
District of Columbia	70	.....	10	.....	10	60
Florida	58,680	1,800	390	2,250	4,440	54,240
Georgia	59,475	150	300	45	495	58,980
Idaho	84,800	.....	200	310	510	84,290
Illinois	56,650	.....	515	135	650	56,000
Indiana	36,350	.....	330	110	440	35,910
Indian Territory	64,690	.....	600	.....	600	64,090
Iowa	56,025	.....	450	100	550	55,475
Kansas	82,080	.....	380	.....	380	81,700
Kentucky	40,400	.....	375	25	400	40,000
Louisiana	48,720	1,060	540	1,700	3,300	45,420
Maine	33,040	545	300	2,300	3,145	29,895
Maryland	12,210	1,850	500	.....	2,350	9,860
Massachusetts	8,315	125	60	90	275	8,040
Michigan	58,915	.....	260	1,225	1,485	57,430
Minnesota	83,365	.....	360	3,800	4,160	79,205
Mississippi	46,810	30	340	100	470	46,340
Missouri	69,415	.....	630	50	680	68,735
Montana	146,080	.....	410	360	770	145,310
Nebraska	76,855	.....	630	40	670	76,185
Nevada	110,700	.....	35	925	960	109,740
New Hampshire	9,305	.....	80	220	300	9,005
New Jersey	7,815	205	120	35	360	7,455
New Mexico	122,580	.....	115	5	120	122,460
New York	49,170	350	300	900	1,550	47,620
North Carolina	52,250	3,260	250	160	3,670	48,580
Ohio	41,060	.....	140	160	300	40,760
Oregon	96,030	50	500	920	1,470	94,560
Pennsylvania	45,215	.....	200	30	230	44,985
Rhode Island	1,250	135	10	20	165	1,085
South Carolina	30,570	215	180	5	400	30,170
Tennessee	42,050	.....	200	100	300	41,750
Texas	265,780	2,510	800	180	3,490	262,290
Utah	84,970	.....	80	2,700	2,780	82,190
Vermont	9,565	.....	50	380	430	9,135
Virginia	42,450	1,780	520	25	2,325	40,125
Washington	69,180	1,380	560	360	2,300	66,880
West Virginia	24,780	.....	135	.....	135	24,645
Wisconsin	56,040	.....	420	1,170	1,590	54,450
Wyoming	97,890	.....	85	230	315	97,575
Unorganized territory	5,740	.....	.....	.....	.....	5,740
Delaware Bay	620	620	.....	.....	620	.....
Raritan Bay and lower New York Bay	100	100	.....	.....	100	.....

ALABAMA.

Includes Mobile Bay, half of Perdido Bay, and half of the boundary portions of the Perdido and Chattahoochee Rivers.

Authorities.—For Gulf coast, Coast Survey maps; for east and west boundaries, Land Office maps, Coast Survey "sketches," and Engineer Office maps. The north boundary is taken at latitude 35°. The south boundary, from Perdido River to Chattahoochee River, follows the parallel of 31°.

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ARIZONA.

Includes half of boundary portion of Colorado River.

Authorities.—For the Colorado River, Wheeler's maps; for the Mexican boundary, maps of the Mexican Boundary Survey.

ARKANSAS.

Includes half of boundary portion of Red River, Mississippi River, and Saint Francis River.

Authorities.—South boundary taken at 33° 00′; north boundary taken at 36° 30′. For the east boundary, Land Office maps and Coast Survey "sketches," after comparison with Engineer Office maps; for Red River, Texas land office maps; for boundary with Indian Territory, Ruffner's map of Indian Territory.

CALIFORNIA.

Includes bays of San Francisco, False, and San Diego. Includes half of boundary portion of Colorado River. Includes the portion of Lake Tahoe within State line.

Authorities.—For the Pacific coast, Coast Survey maps; for the Nevada boundary south of latitude 39°, Wheeler's maps; for the Colorado River, Wheeler's maps; for the boundary with Lower California, Mexican Boundary Survey.

COLORADO.

Is limited on all sides by parallels of latitude and meridians of longitude, and its area is simply a matter of computation.

CONNECTICUT.

Includes the various inlets and river-mouths along the shores of Long Island Sound.

Authorities.—For Long Island Sound, the Coast Survey maps; for the west boundary, French's map of New York and Colton's map of Connecticut; for the north boundary, Walling and Gray's atlas of Massachusetts; for the east boundary, Colton's map of Connecticut and Thompson's map of Rhode Island.

DISTRICT OF COLUMBIA.

Includes boundary portion of the Potomac River.

Authority.—McClelland's map of the District of Columbia.

DAKOTA.

Includes half of boundary rivers and lakes.

Authority.—For boundary rivers and lakes, Land Office map of Dakota, after comparison with Engineer Office map.

DELAWARE.

Includes half of the boundary portion of the Delaware River as far south as Cohansey Creek; also Rehoboth Bay and Indian River.

Authorities.—For the Atlantic coast, Delaware Bay, and the Delaware River south of latitude 39° 30′, the Coast Survey maps; for the Delaware River north of 39° 30′, the Geological Survey map of New Jersey; for the remaining boundaries, Colton's maps and the Eclectic Geography maps.

FLORIDA.

Includes half of Perdido Bay and half of the boundary portions of Perdido, Chattahoochee, and Saint Mary's Rivers; also Pensacola Bay, Santa Rosa Sound, Choctawhatchee Bay, Saint Andrew's Bay, Saint Joseph's Bay, Apalachicola Bay, Oklokonee Bay, Tampa Bay, Charlotte Harbor, Oyster Bay, and the inlets, lagoons, and sounds of the Atlantic coast.

Authorities.—For the coast line, the Coast Survey maps; for the north boundary, the Land Office maps and the Coast Survey "sketches."

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GEORGIA.

Includes half of the boundary portions of Chattahoochee, Saint Mary's and Savannah Rivers, and half of Cumberland Sound and Tybee Roads; also Saint Andrews Sound, Saint Simon's Sound, Altamaha Sound, Doboy Sound, Sapelo Sound, Saint Catherine Sound, Ossabaw Sound, and Warsaw Sound.

Authorities.—For south and west boundaries, the Land Office maps and Coast Survey "sketches"; for the Atlantic coast, the Coast Survey charts; for the boundary with South Carolina, the Coast Survey "sketches." The north boundary is taken at latitude 35°.

IDAHO.

For west boundary and authorities, see Oregon and Washington. Boundary with Montana, summit of Bitter Root Mountains.

Authority.—Engineer Office map.

ILLINOIS.

Includes half of boundary portion of Mississippi and Wabash Rivers, but none of Ohio River.

Authorities.—The north boundary is taken at latitude 42° 29′ 30″; for the Lake Michigan coast, the Lake Survey maps; for the other boundaries, the Land Office and Engineer Office maps.

INDIANA.

Includes half of boundary portion of Wabash River, but none of the Ohio River.

Authorities.—For the shore of Lake Michigan, the Lake Survey maps; for the remaining boundaries, the Land Office and Engineer Office maps.

INDIAN TERRITORY.

Includes half of boundary portion of Red River.

Authority.—Ruffner's map of Indian Territory.

(Includes "Greer County," disputed territory with Texas.)

IOWA.

Includes half of boundary rivers.

Authorities.—For the east, south, and west boundaries, the Land Office and Engineer Office maps. The north boundary is taken at latitude 43° 30′.

KANSAS.

Includes half of boundary portion of Missouri River.

Authority.—Land Office map, checked by Engineer Office map.

KENTUCKY.

Includes half of boundary portion of Mississippi and Big Sandy Rivers and all of boundary portion of the Ohio River.

Authorities.—For the south boundary, the Coast Survey "sketches" and Killebrew's map of Tennessee; for the north and west boundaries, the Land Office and Engineer Office maps; for the east boundary, Colton's maps and the Eclectic Geography maps.

LOUISIANA.

Includes half of Sabine Lake and half of the boundary portions of Sabine, Mississippi, and Pearl Rivers. Includes the bays of Vermillion, Cote Blanche, Terrebonne, Timbalier, and Barataria, and the lakes of Calcasieu, Pontchartrain, and Borgne.

Authorities.—For the western boundary, the Texas land office map; for the Gulf coast, the Coast Survey maps; for Pearl River, the Land Office maps, checked by the Engineer Office map; for the Mississippi River, the Land Office maps and Coast Survey "sketches," checked by Engineer Office maps.

MAINE.

Includes half of the boundary portions of the Saint John, Saint Croix, and Piscataqua Rivers. Includes only such arms of the sea as are decidedly landlocked.

Authorities.—For the coast, the Coast Survey maps; for the eastern boundary, the

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maps of the British Boundary Survey and Walker and Miles's atlas of Canada; for the northern and northwestern boundaries, the maps of the British Boundary Survey; for the boundary with New Hampshire, Walling and Hitchcock's atlas of New Hampshire.

MARYLAND.

Includes Assateague Bay, Isle of Wight Bay, Tangier Sound, the interior portion of Chesapeake Bay, and the boundary portion of the Potomac River.

Authorities.—For the Atlantic coast, Chesapeake Bay, the Potomac River south of the District of Columbia, and the boundary with Southern Delaware, the Coast Survey maps; the north boundary taken at latitude 39° 43′ 26″; for the remaining boundaries, Colton's maps and the maps of the Eclectic Geography.

MASSACHUSETTS.

Includes Boston Harbor.

Authorities.—For the coast, the Coast Survey maps; for the north boundary, Walling and Gray's atlas of Massachusetts and Walling and Hitchcock's atlas of New Hampshire; for the remaining boundaries, Walling and Gray's atlas of Massachusetts.

MICHIGAN.

Includes half of Montreal and Menominee Rivers; includes half of Saint Mary's, Saint Clair, and Detroit Rivers; includes Anchor Bay and Huron Bay, but no other portion of Lake Saint Clair, the Great Lakes, or their tributary bays. The Straits of Mackinac are not included.

Authorities.—For the Great Lakes and their connecting waters, the Lake Survey maps; for the Wisconsin boundary, the Land Office maps; for the south boundary, the Land Office, Engineer Office, and Lake Survey maps.

MINNESOTA.

Includes half of the lakes, straits, and rivers along the British boundary, except Rainy Lake and Lake of the Woods; includes half of Lake Travers, Big Stone Lake, Lake Pepin, Lake Saint Croix, and Saint Louis Bay; includes half of the boundary portions of Red River, Mississippi River, and Saint Croix River.

Authorities.—For the coast of Lake Superior, the Lake Survey maps; for the British boundary, Hinds's maps and the maps of the Northern Boundary Survey; for the east and west boundaries, the Land Office and Engineer Office maps. The south boundary is taken at latitude 43° 30′.

MISSISSIPPI.

Includes half of boundary portions of Mississippi and Pearl Rivers; includes Bay of Saint Louis.

Authorities.—For the Gulf coast, Coast Survey maps; for east and west boundaries, the Land Office maps and Coast Survey "sketches" in connection with the Engineer Office maps. The north boundary is taken at latitude 35°.

MISSOURI.

Includes half of all boundary rivers.

Authority.—Land Office maps, after comparison with the Engineer Office map and Killebrew's map of Tennessee.

MONTANA.

Authority.—For boundary with Idaho (summit of Bitter Root Mountains), Engineer Office map.

NEBRASKA.

Includes half of boundary rivers.

Authority.—For natural boundaries, Land Office maps, in connection with Engineer Office map.

NEVADA.

Includes half of boundary portion of Colorado River. Includes the portion of Lake Tahoe within State line.

Authorities.—For southwest and south boundaries, Wheeler's maps.

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NEW HAMPSHIRE.

Includes all of boundary portion of the Connecticut River and half of Piscataqua River.

Authorities.—For the north boundary, the maps of the British Boundary Survey; for the south boundary, Walling and Hitchcock's atlas of New Hampshire, and Walling and Gray's atlas of Massachusetts; for the east and west boundaries, Walling and Hitchcock's atlas of New Hampshire.

NEW JERSEY.

Includes all bays and inlets of the Atlantic between Cape May and Sandy Hook; also Newark Bay and half of the boundary portions of the Delaware and Hudson Rivers, half of New York Bay, and half of Kill Von Kull and Staten Island Sound. No portion of Delaware Bay, Raritan Bay, or Sandy Hook Bay is included.

Authorities.—For Delaware Bay, the Atlantic coast, Raritan Bay, Staten Island Sound, and New York Harbor, the Coast Survey maps; for the Hudson River and the boundary with New York, the map of the New Jersey Geological Survey, and French's map of New York; for the Delaware River, the New Jersey Geological Survey map, and Colton's maps.

NEW MEXICO.

Includes half of boundary portion of Rio Grande.

Authority.—For the boundary with Mexico, Mexican Boundary Survey.

The remainder of the territory is limited by parallels and meridians.

NEW YORK.

Includes half of Niagara River and of the boundary portions of the Saint Lawrence and Hudson Rivers, and of Staten Island Sound. Includes Chaumont Bay, the New York portion of Lake Champlain, the Narrows, East River, and half of New York Bay. Includes, on Long Island, Jamaica Bay, Hempstead Bay, South Oyster Bay, Great South Bay, Belleport Bay, Moriche's Bay, Shinnicock Bay, Peconic Bay, Huntington Bay, Oyster Bay, and Flushing Bay.

Authorities.—For Lake Erie and Lake Ontario, the Lake Survey maps; for the northern boundary, the maps of the British Boundary Survey; for the eastern boundary, the Coast Survey maps of Lake Champlain, Walling and Gray's atlas of Massachusetts, French's map of New York, and Colton's maps; for the Atlantic coast and Long Island Sound, the Coast Survey maps; for the boundary with New Jersey, the New Jersey Geological Survey map. The south boundary is taken at latitude 42°.

NORTH CAROLINA.

Includes Pamlico Sound, Albemarle Sound, and Currituck Sound.

Authorities.—For the Atlantic coast, the Coast Survey charts; for the north, south, and west boundaries, the Coast Survey "sketches."

NOTE.—The north and south boundaries have been surveyed at different times, but have not been permanently marked. On the Coast Survey maps they appear to follow, as closely as possible, the route of the most recent survey, and this location has been accepted in determining the area of the State.

OHIO.

Includes none of boundary portion of Ohio River. Includes Maumee Bay and Sandusky Bay.

Authorities.—For the Lake Erie shore, the Lake Survey maps; for the other boundaries, the Land Office maps, the Engineer Office maps, Colton's maps, and Von Steinwehr's map of West Virginia.

OREGON.

Includes the bays of Nehalem, Tillamook, Oyster, Yaquina, Coos. Includes half of boundary rivers of Columbia and Snake. East boundary, south of the mouth of Owyhee River, is supposed to follow the meridian of 117° 01′ 30″.

Authorities.—For the coast line, the Coast Survey maps; for the Snake River boundary, the Land Office maps; for Columbia River boundary, the Land Office maps.

PENNSYLVANIA.

Includes half of boundary portion of Delaware River.

Authorities.—For the east boundary, the Geological Survey map of New Jersey and French's map of New York. The south boundary taken at latitude 39° 43′ 26″.

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For the west boundary, the Land Office map of Ohio, Colton's maps, and the Eclectic Geography maps; for the Lake Erie coast, the Lake Survey maps. The north boundary is taken at latitude 42°.

RHODE ISLAND.

Includes Narragansett Bay and Jakonnet River.

Authorities.—For the coast line, the Coast Survey maps; for the boundary with Massachusetts, Walling and Gray's atlas of Massachusetts; for the boundary with Connecticut, Thompson's map of Rhode Island and Colton's map of Connecticut.

SOUTH CAROLINA.

Includes half of Savannah River and Tybee Roads. Includes Port Royal Sound, Saint Helena Sound, and Charleston Harbor.

Authorities.—For the coast line, the Coast Survey maps; for the boundaries with Georgia and North Carolina, the Coast Survey "sketches."

TENNESSEE.

Includes half of boundary portion of Mississippi River.

Authorities.—The south boundary is taken at latitude 35°. For the east boundary, the Coast Survey "sketches"; for the north boundary, the Coast Survey "sketches" and Killebrew's map of Tennessee; for the west boundary, the Land Office maps and Killebrew's map of Tennessee, in connection with the Engineer Office map.

TEXAS.

(Greer County not included.)

Includes half of boundary portions of the Rio Grande, Sabine River, and Red River, and half of Sabine Lake. Includes Laguna del Madre, Corpus Christi Bay, Aransas Bay, San Antonio Bay, Matagorda Bay, Galveston Bay, and other coast lakes and bays.

Authorities.—For the Rio Grande, the maps of the Mexican Boundary Survey; for the Gulf Coast, the maps of the Coast Survey; for the eastern boundary, from Red River to Sabine Pass, the Texas land office map; for the Red River boundary, Ruffner's map of Indian Territory.

AREAS OF TEXAS.

Texas land office map, 1879, 269,694 square miles (this includes Greer County, 2,622 square miles); Roessle's map, 268,684 square miles; Land Office report, 1878, 274,356 square miles; Census of 1870, 274,356 square miles; Census of 1880, 265,780 square miles, excluding Greer County.

UTAH.

Is limited on all sides by parallels and meridians; hence its area is a simple matter of computation.

VERMONT.

Includes the Vermont portion of Lake Champlain and none of the boundary portion of the Connecticut River.

Authorities.—For the north boundary, the maps of the British Boundary Survey; for the east boundary, Walling and Hitchcock's atlas of New Hampshire; for the south boundary, Walling and Gray's atlas of Massachusetts; for the west boundary, the Coast Survey maps of Lake Champlain, French's map of New York, Colton's map of Vermont, and Walling and Hitchcock's atlas of New Hampshire.

VIRGINIA.

Includes no portion of the Potomac River. Includes the various inlets along the Atlantic coast and the interior portion of Chesapeake Bay, from Smith's Island to the sea.

Authorities.—For the boundary with North Carolina, the Coast Survey sketch maps; for the Atlantic coast, Chesapeake Bay, and the Potomac River below Washington, the Coast Survey maps; for the remaining boundaries, Colton's maps and the Eclectic Geography maps.

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WASHINGTON.

Strait of Juan de Fuca and Gulf of Georgia are excluded, but the islands in the same are included. The waters of Puget Sound, Admiralty Inlet, Hood's Canal, Gray's Harbor, and Shoalwater Bay are included. Half of the boundary portions of Columbia and Snake Rivers are included. The east boundary, north of the mouth of Clearwater River, is supposed to follow the meridian of 117° 01′ 30″.

Authorities.—For the coast line, the Coast Survey maps; for Snake River boundary, the Land office maps; for Columbia River boundary, the Land Office maps.

WEST VIRGINIA.

Includes half of the boundary portion of the Big Sandy River and all of the boundary portion of the Ohio River.

Authorities.—Colton's maps, the Eclectic Geography maps, and the Land Office map of Ohio.

WISCONSIN.

Includes half of Lake Pepin, Lake Saint Croix, Lac Desert, and Saint Louis Bay, and half of the boundary portions of the Mississippi, Saint Croix, Montreal, and Menominee Rivers. Includes Chaquamegon Bay. Does not include any portion of Green Bay or Sturgeon Bay.

Authorities.—For the shores of the Great Lakes and Green Bay, the Lake Survey maps; for the west boundary, the Land Office and Engineer Office maps; for the boundary with Michigan, the Land Office maps; the south boundary is taken at latitude 42° 29′ 30″.

WYOMING.

Is limited on all sides by parallels and meridians; hence its area is a simple matter of computation.

"PUBLIC LANDS."

(Unattached territory.)

Longitude, 100°–103°; latitude, 30° 30′–37° 00′.

Is limited on all sides by parallels and meridians, and its area is therefore a matter of computation.

WATER AREAS.

The areas of included bodies of water, as bays and other inlets of the sea, lakes, ponds, &c., were, in most cases, determined by direct measurement from maps.

The accuracy and completeness of this statement of water areas differs in different States with the scale and general correctness of the maps used. In a few cases they were found in print in such form as to show that they had been carefully determined.

The water surface of Maine has been carefully measured by Mr. Walter Welis, and the results are published in "Water Power of Maine." That of New Jersey has been measured with great care by Professor Cooke, the State geologist, who has published the measurements in his report on "Geology of New Jersey," 1868. In all States surveyed by the General Land Office, these areas were taken from the plats on file in the Land Office. In cases of these States the results are to be regarded as excellent.

In the unsettled portions of the West, where the land surveys have not yet extended, the areas were taken from the best maps to be had. The maps of Hayden's, King's, Powell's, and Wheeler's surveys have assisted greatly in completing the work.

The area of river surface has proved a very difficult matter to determine, even approximately. In case of States which have been entirely surveyed by the General Land Office, and of which the plats, on a large scale, are accessible, the areas of the larger streams were measured from them by taking the mean breadth and the length. This, of course, ignores the stage of water, but, as the surveys were made at all times of the year, it may be assumed as "medium stage." From such material the river surface of these States has been determined, and was found to range from one square mile in 90 of total area to one in 3,163, but averaging for the States of the Mississippi Valley about one in 200. This has served as a basis for estimating that of the other States.

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Following is a list of the principal inland lakes of the United States, with their areas:

Lakes.	State.	Area in square miles.	Authority.
Abert	Oregon	73	Land Office maps.
Agogebic	Michigan	21	Land Office plats.
Apopka	Florida	53	Do.
Baskahegan	Maine	18	A.
Bayou Pierre	Louisiana	12	Land Office plats.
Bear	Utah and Idaho	58	Hayden.
Beaver	Indiana	23	Land Office plats.
Big	Arkansas	34	Do.
Big	Maine	14	A.
Big Stone	Dakota and Minnesota	20	Land Office maps.
Bisteneau	Louisiana	36	Land Office plats.
Black	New York	12	French's map.
Bois Blanc	Minnesota	38	Land Office map.
Burt	Michigan	30	Land Office plats.
Calcasieu	Louisiana	88	Do.
Canandaigua	New York	18	French's map.
Cannisnia	Louisiana	19	Land Office plats.
Carp	Michigan	12	Do.
Carson	Nevada	77	Wheeler.
Carson Sink	do	225	Do.
Cass	Michigan	20	Land Office plats.
Cass	Minnesota	32	Do.
Catahoula	Louisiana	31	Do.
Cayuga	New York	63	French's map.
Chamberlain	Maine	20	A.
Champlain		488	Coast Survey charts.
Charley Apopka	Florida	22	Land Office plats.
Chautauqua	New York	17	French's map.
Cheboygan	Michigan	21	Land Office plats.
Chelan	Washington	114	Land Office maps.
Chesuncook	Maine	22	A.
Clear	California	60	
Cleaveland	Maine	19	A.
Cœur d'Alène	Idaho	40	Land Office map.
Crooked	Minnesota	45	Do.
Crooked	New York	19	French's map.
Cross	Louisiana	17	Land Office plat.
Cypress	Florida	15	Do.
Dead	Minnesota	14	Do.
Dennis	Florida	25	Do.
Devil's	Dakota	125	Land Office map.
Drummond	Virginia	16	Coast Survey map.
Eagle	California	42	
Eagle	Maine	22	A.
Eagle	Nevada	25	
Elk	Michigan	15	Land Office plats.
Eustis	Florida	24	Do.
Fauss Point	Louisiana	32	Do.
Flathead	Montana	318	Land Office maps.
Franklin	Nevada	40	King.
George	Florida	76	Land Office plats.
George	New York	46	French's map.
Goose	California and Oregon	201	Land Office map.
Gosiute	Nevada	18	King.
Grand	Louisiana	121	Land Office plats.
Grand	Maine	17	A.
Grand	Michigan	12	Land Office plats.
Green	Wisconsin	11	Do.
Griffin	Florida	16	Do.
Gull	Minnesota	16	Do.
Harney	Oregon	93	Land Office maps.
Heron	Minnesota	14	Do.
Higgins	Michigan	17	Land Office plats.
Honey	California	94	
Houghton	Michigan	33	Land Office plats.
Humboldt	Nevada	25	Wheeler.
Istokpoga	Florida	37	Land Office plats.
Kah-chess	Washington	18	Land Office map.
Kaniksu	Idaho	45	Do.
Kern and Buena Vista	California	44	Wheeler.
Kissimee	Florida	60	Land Office map.
Koshkonong	Wisconsin	15	Land Office plats.
Lac des Allemands	Louisiana	15	Do.
Lake of the Woods	Minnesota	612	
Leech	do	194	Land Office plat.
Lida	do	10	Do.
Little	Louisiana	19	Do.
Little Klamath	Oregon and California	73	Land Office map.
Long	Maine	12	A.

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Lakes.	State.	Area in square miles.	Authority.
Long	Michigan	24	Land Office plat.
Lower Klamath	Oregon	73	Land Office map.
Malheur	....do	117	Do.
Mattamuskee	North Carolina	75	Coast Survey map.
Meddybemps	Maine	15	A.
Memphremagog	Vermont	15	Colton's map.
Mendota	Wisconsin	14	Land Office plats.
Middle	California	47	
Mille Lacs	Minnesota	198	Land Office plats.
Millinoket	Maine	18	A.
Miltona	Minnesota	10	Land Office plats.
Minnetonka	....do	24	Do.
Manistique	Michigan	40	Do.
Mono	California	84	Wheeler.
Moosehead	Maine	120	A.
Mosquito Lagoon	Florida	43	Land Office plats.
Mullet	Michigan	45	Do.
Namekan	Minnesota	48	Land Office map.
Niccosukee	Florida	17	Land Office plat.
Oneida	New York	77	French's map.
Osakis	Minnesota	11	Land Office plat.
Otter Tail	....do	22	Do.
Owasco	New York	14	French's map.
Owens	California	115	Wheeler.
Paulina	Oregon	26	Land Office map.
Pelican	Minnesota	25	Do.
Panedumcook	Maine	16	A.
Pemidji	Minnesota	12	Land Office plat.
Pend d'Oreille	Idaho	130	Land Office map.
Pepin	Minnesota and Wisconsin	39	Land Office plat.
Phelps	North Carolina	25	Coast Survey map.
Poinsett	Dakota	17	Land Office map.
Pokegama	Minnesota	16	Do.
Portage	Michigan	21	Land Office plats.
Poygan	Wisconsin	15	Do.
Pyramid	Nevada	205	Wheeler.
Racquet	New York	16	French's map.
Rainy	Minnesota	146	Approximate Land Office map.
Rangeley	Maine	14	A.
Red	Minnesota	342	Land Office map.
Rice	....do	11	Do.
Ruby	Nevada	30	Wheeler.
Rush	Minnesota	13	Land Office plats.
Saint Croix	Minnesota and Wisconsin	16	Do.
Saint Francis	Arkansas	61	Do.
Salvador	Louisiana	70	Do.
Sebago	Maine	50	A.
Sebec	....do	14	A.
Sedgwick	....do	15	A.
Seneca	New York	64	French's map.
Shoshone	Wyoming	12	Hayden.
Silver	Oregon	14	Land Office map.
Skaneateles	New York	12	French's map.
Spanish	Louisiana	12	Land Office plats.
Summer	Oregon	77	Land Office map.
Swan	Minnesota	16	Land Office plats.
Tahoe	California and Nevada	135	Wheeler.
Thompson	Dakota	14	Land Office map.
Tohopekaliga	Florida	53	Do.
Torch	Michigan	34	Land Office plats.
Traverse	Minnesota and Dakota	30	Do.
Tulare	California	650	
Tpronza	Arkansas	12	Land Office plats.
Umbagog	Maine	18	A.
Upper	California	61	
Upper Klamath	Oregon	163	Land Office map.
Vermillion	Minnesota	63	Do.
Verret	Louisiana	27	Land Office plats.
Walker	Nevada	110	King.
Warners	Oregon	108	Land Office map.
Wenatchee	Washington	11	Do.
White Bear	Minnesota	12	Land Office plats.
Whitefish	....do	10	Do.
Winnebago	Wisconsin	197	Do.
Winnebigoshish	Minnesota	78	Do.
Winnemucca	Nevada	85	King.
Worth	Florida	14	Land Office plats.
Wright	California	14	Land Office map.
Yellowstone	Wyoming	130	Hayden.

"A" refers to Water-Power of Maine, by Mer W. Waltrells.

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AREAS OF COUNTIES.

The areas of counties given in the following table are the results of direct measurements from the best county maps, corrected arbitrarily in order to make them add up to the areas of the States. In the States surveyed by the General Land Office, in which county lines follow the boundaries of survey townships, the areas are susceptible of being deduced with a great degree of accuracy. In other States, where the county lines are located by minor natural or artificial points, such as houses, fences, roads, or small streams, the probabilities are against their being correctly drawn on even the best maps, and the areas are correspondingly uncertain. This is the case in most of the States on the Atlantic border, with West Virginia, Kentucky, and Tennessee in the interior.

Areas of the States and Territories, by counties.

ALABAMA.

Counties.	Area in square miles.	Counties.	Area in square miles.	Counties.	Area in square miles.
The State	51,540	Cullman	590	Marengo	960
		Dale	650	Marion	810
Autauga	660	Dallas	980	Marshall	560
Baldwin	1,620	De Kalb	740	Mobile	1,290
Barbour	860	Elmore	630	Monroe	1,030
Bibb	610	Escambia	1,000	Montgomery	740
Blount	700	Etowah	520	Morgan	700
Bullock	660	Fayette	660	Perry	790
Butler	800	Franklin	610	Pickens	1,000
Calhoun	640	Geneva	590	Pike	740
Chambers	610	Greene	520	Randolph	610
Cherokee	660	Hale	670	Russell	670
Chilton	700	Henry	1,000	Saint Clair	630
Choctaw	930	Jackson	990	Shelby	780
Clarke	1,160	Jefferson	960	Sumter	1,000
Clay	610	Lamar	590	Talladega	700
Cleburne	540	Lauderdale	700	Tallapoosa	810
Coffee	700	Lawrence	790	Tuscaloosa	1,390
Colbert	570	Lee	610	Walker	880
Conecuh	840	Limestone	500	Washington	1,050
Coosa	670	Lowndes	740	Wilcox	960
Covington	1,030	Macon	630	Winston	640
Crenshaw	660	Madison	810		

ARIZONA.

The Territory	112,920	Maricopa	12,000	Pinal	6,400
		Mohave	10,800	Yavapai	10,200
Apache	25,000	Pima	19,220	Yuma	29,300

ARKANSAS.

The State	53,045	Garland	580	Newton	810
		Grant	650	Ouachita	730
Arkansas	1,000	Greene	640	Perry	580
Ashley	950	Hempstead	730	Phillips	630
Baxter	500	Hot Spring	690	Pike	620
Benton	880	Howard	630	Poinsett	760
Boone	640	Independence	880	Polk	945
Bradley	700	Izard	580	Pope	800
Calhoun	610	Jackson	620	Prairie	710
Carroll	700	Jefferson	870	Pulaski	810
Chicot	840	Johnson	660	Randolph	640
Clark	950	La Fayette	490	Saint Francis	620
Clay	580	Lawrence	600	Saline	690
Columbia	860	Lee	580	Scott	920
Conway	540	Lincoln	540	Searcy	700
Craighead	730	Little River	530	Sebastian	570
Crawford	620	Logan	670	Sevier	550
Crittenden	660	Lonoke	760	Sharp	590
Cross	620	Madison	880	Stone	640
Dallas	660	Marion	640	Union	1,000
Desha	730	Miller	690	Van Buren	1,100
Dorsey	600	Mississippi	810	Washington	940
Drew	840	Monroe	660	White	1,100
Faulkner	650	Montgomery	840	Woodruff	580
Franklin	700	Nevada	670	Yell	900
Fulton	660				

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Areas of the States and Territories, by counties—Continued.

CALIFORNIA.

Counties.	Area in square miles.	Counties.	Area in square miles.	Counties.	Area in square miles.
The State	155,980	Marin	580	San Mateo	440
		Mariposa	1,560	Santa Barbara	2,200
Alameda	660	Mendocino	3,780	Santa Clara	1,400
Alpine	730	Merced	2,280	Santa Cruz	420
Amador	540	Modoc	4,260	Shasta	4,000
Butte	1,720	Mono	3,400	Sierra	880
Calaveras	980	Monterey	3,520	Siskiyou	5,660
Colusa	2,500	Napa	840	Solano	940
Contra Costa	800	Nevada	990	Sonoma	1,520
Del Norte	1,540	Placer	1,480	Stanislaus	1,420
El Dorado	1,800	Plumas	2,760	Sutter	580
Fresno	8,000	Sacramento	1,000	Tehama	3,060
Humboldt	3,750	San Benito	990	Trinity	2,490
Inyo	8,120	San Bernardino	23,000	Tulare	5,610
Kern	8,160	San Diego	14,600	Tuolumne	1,980
Lake	1,100	San Francisco	40	Ventura	1,690
Lassen	5,000	San Joaquin	1,360	Yolo	940
Los Angeles	4,750	San Luis Obispo	3,460	Yuba	700

COLORADO.

The State	103,645	Elbert	6,200	Larimer	2,500
		El Paso	2,760	Las Animas	7,000
Arapahoe	5,000	Fremont	1,600	Ouray	2,500
Bent	9,240	Gilpin	180	Park	2,300
Boulder	860	Grand	4,000	Pueblo	2,600
Chaffee	1,235	Gunnison	9,000	Rio Grande	1,500
Clear Creek	460	Hinsdale	1,440	Routt	6,000
Conejas	2,300	Huerfano	1,600	Saguache	4,500
Costilla	1,800	Jefferson	860	San Juan	560
Custer	860	Lake	450	Summit	9,000
Douglas	840	La Plata	4,500	Weld	10,000

CONNECTICUT.

The State	4,845	Litchfield	760	Tolland	375
		Middlesex	440	Windham	630
Fairfield	560	New Haven	650		
Hartford	650	New London	780		

DAKOTA.*

The Territory	147,700	Forsyth	1,360	Mountraille	3,060
		Foster	1,520	Pembina	2,510
Aurora	1,160	Gingras	1,520	Pennington	1,180
Barnes	1,500	Grand Forks	2,700	Potter	1,040
Beadle	1,270	Grant	950	Pratt	1,440
Billings	3,490	Gregory	930	Presho	1,540
Bon Homme	550	Hamlin	720	Ramsey	1,510
Boreman	2,460	Hand	1,440	Ransom	1,940
Bottineau	1,770	Hanson	430	Renville	1,760
Brookings	810	Howard	4,500	Richland	1,390
Brown	1,730	Hughes	1,000	Rolette	1,760
Brulé	680	Hutchinson	750	Rusk	1,870
Buffalo	760	Hyde	410	Shannon	2,500
Burleigh	2,980	Kidder	1,440	Sheridan	1,510
Campbell	870	Kingsbury	860	Spink	1,580
Cass	1,760	Lake	570	Stanley	640
Cavileer	1,770	La Moure	2,010	Stark	2,730
Charles Mix	1,160	Lawrence	2,260	Stevens	3,090
Cheyenne	2,960	Lincoln	540	Stutsman	2,010
Clark	1,290	Logan	2,110	Sully	1,690
Clay	400	Lugenbeel	2,910	Todd	860
Codington	680	Lyman	570	Traill	1,940
Custer	1,990	McCook	570	Tripp	2,150
Davison	430	McHenry	1,510	Turner	570
Day	1,440	McPherson	1,250	Union	460
Delano	2,160	Mandan	1,440	Wallette	3,590
Deuel	630	Mercer	930	Walworth	970
De Smet	1,220	Meyer	1,440	White River	1,080
Douglas	360	Miner	1,150	Williams	2,190
Edmunds	1,250	Minnehaha	890	Yankton	500
Emmons	1,550	Moody	500	Ziebach	930
Faulk	1,150	Morton	2,590		

* Part of the area is embraced in Indian reservations.

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Areas of the States and Territories, by counties—Continued.

DELAWARE.

Counties.	Area in square miles.	Counties.	Area in square miles.	Counties.	Area in square miles.
The State	1,900	Kent	430	Sussex	900
		New Castle			

FLORIDA.

The State	54,240	Hamilton	540	Nassau	640
		Hernando	1,700	Orange	2,250
Alachua	1,260	Hillsborough	1,300	Polk	2,060
Baker	500	Holmes	540	Putnam	860
Bradford	550	Jackson	1,000	Soint John's	1,000
Brevard	4,390	Jefferson	560	Santa Rosa	1,260
Calhoun	1,160	La Fayette	940	Sumter	1,380
Clay	640	Leon	900	Suwannee	660
Columbia	860	Levy	940	Taylor	1,080
Dade	7,200	Liberty	800	Volusia	1,340
Duval	900	Madison	850	Wakulla	580
Escambia	722	Manatee	4,680	Walton	1,360
Franklin	690	Marion	1,680	Washington	1,330
Gadsden	540	Monroe	2,600		

GEORGIA.

The State	58,980	Fannin	390	Muscogee	210
		Fayette	220	Newton	260
Appling	1,080	Floyd	540	Oconee	160
Baker	340	Forsyth	250	Oglethorpe	510
Baldwin	240	Franklin	330	Paulding	340
Banks	320	Fulton	200	Pickens	230
Bartow	500	Gilmer	480	Pierce	540
Berrien	760	Glascock	100	Pike	290
Bibb	240	Glynn	430	Polk	330
Brooks	530	Gordon	360	Pulaski	470
Bryan	400	Greene	340	Putnam	360
Bulloch	900	Gwinnett	470	Quitman	160
Burke	1,030	Habersham	400	Rabun	400
Butts	180	Hall	540	Randolph	400
Calhoun	280	Hancock	520	Richmond	320
Camden	620	Haralson	330	Rockdale	120
Campbell	240	Harris	470	Schley	180
Carroll	540	Hart	330	Screven	720
Catoosa	160	Heard	290	Spalding	220
Charlton	1,060	Henry	400	Stewart	440
Chatham	400	Houston	560	Sumter	520
Chattahoochee	220	Irwin	680	Talbot	360
Chattooga	400	Jackson	360	Taliaferro	180
Cherokee	470	Jasper	380	Tattnall	1,100
Clarke	180	Jefferson	620	Taylor	400
Clay	200	Johnson	260	Telfair	420
Clayton	140	Jones	470	Terrell	320
Clinch	900	Laurens	740	Thomas	780
Cobb	400	Lee	360	Towns	180
Coffee	980	Liberty	720	Troup	430
Colquitt	550	Lincoln	280	Twiggs	330
Columbia	290	Lowndes	470	Union	330
Coweta	440	Lumpkin	290	Upson	310
Crawford	340	McDuffie	330	Walker	440
Dade	180	McIntosh	530	Walton	400
Dawson	180	Macon	360	Ware	620
Decatur	1,160	Madison	300	Warren	290
De Kalb	280	Marion	360	Washington	680
Dodge	580	Meriwether	490	Wayne	740
Dooly	780	Miller	240	Webster	230
Dougherty	340	Milton	110	White	180
Douglas	190	Mitchell	500	Whitfield	330
Early	510	Monroe	470	Wilcox	500
Echols	400	Montgomery	720	Wilkes	460
Effingham	420	Morgan	400	Wilkinson	440
Elbert	440	Murray	420	Worth	710
Emanuel	1,040				

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Areas of the States and Territories, by counties—Continued.

IDAHO.

Counties.	Area in square miles.	Counties.	Area in square miles.	Counties.	Area in square miles.
The Territory	84,290	Boisé	3,300	Nez Percé	3,400
		Cassia	3,800	Oneida	12,310
Ada	2,760	Idaho	10,100	Owyhee	8,130
Alturas	19,180	Kootenai	5,530	Shoshone	5,950
Bear Lake	1,300	Lemhi	5,530	Washington	3,000

ILLINOIS.

The State	56,000	Hancock	780	Morgan	580
		Hardin	180	Moultrie	340
Adams	830	Henderson	380	Ogle	780
Alexander	230	Henry	830	Peoria	630
Bond	380	Iroquois	1,100	Perry	440
Boone	290	Jackson	580	Piatt	440
Brown	300	Jasper	470	Pike	810
Bureau	870	Jefferson	580	Pope	360
Calhoun	260	Jersey	360	Pulaski	190
Carroll	440	Jo Daviess	650	Putnam	170
Cass	360	Johnson	340	Randolph	560
Champaign	1,000	Kane	540	Richland	380
Christian	690	Kankakee	680	Rock Island	420
Clark	510	Kendall	330	Saint Clair	680
Clay	470	Knox	720	Saline	380
Clinton	520	Lake	490	Sangamon	860
Coles	520	La Salle	1,080	Schuyler	430
Cook	960	Lawrence	330	Scott	250
Crawford	470	Lee	740	Shelby	760
Cumberland	350	Livingston	1,040	Stark	290
De Kalb	650	Logan	620	Stephenson	560
De Witt	440	McDonough	580	Tazewell	650
Douglas	410	McHenry	650	Union	400
Du Page	340	McLean	1,150	Vermilion	1,000
Edgar	630	Macon	580	Wabash	220
Edwards	220	Macoupin	880	Warren	540
Effingham	490	Madison	740	Washington	540
Fayette	720	Marion	580	Wayne	720
Ford	490	Marshall	400	White	500
Franklin	430	Mason	460	Whiteside	700
Fulton	870	Massac	240	Will	850
Gallatin	340	Menard	320	Williamson	440
Greene	530	Mercer	540	Winnebago	540
Grundy	440	Monroe	380	Woodford	540
Hamilton	440	Montgomery	740		

INDIANA.

The State	35,910	Harrison	470	Pike	330
		Hendricks	400	Porter	410
Adams	330	Henry	400	Posey	410
Allen	650	Howard	300	Pulaski	430
Bartholomew	400	Huntington	380	Putnam	490
Benton	380	Jackson	510	Randolph	460
Blackford	170	Jasper	570	Ripley	450
Boone	420	Jay	420	Rush	400
Brown	330	Jefferson	370	Saint Joseph	470
Carroll	370	Jennings	380	Scott	190
Cass	420	Johnson	320	Shelby	400
Clark	400	Knox	510	Spencer	390
Clay	360	Kosciusko	570	Starke	300
Clinton	400	Lagrange	400	Steuben	330
Crawford	270	Lake	500	Sullivan	440
Daviess	430	La Porte	540	Switzerland	230
Dearborn	300	Lawrence	440	Tippecanoe	500
Decatur	380	Madison	450	Tipton	260
De Kalb	370	Marion	400	Union	176
Delaware	400	Marshall	430	Vanderburgh	230
Dubois	410	Martin	340	Vermillion	270
Elkhart	470	Miami	360	Vigo	410
Fayette	210	Monroe	430	Wabash	430
Floyd	140	Montgomery	470	Warren	360
Fountain	390	Morgan	430	Warrick	390
Franklin	400	Newton	400	Washington	500
Fulton	380	Noble	420	Wayne	390
Gibson	490	Ohio	90	Wells	370
Grant	420	Orange	400	White	500
Greene	540	Owen	390	Whitley	330
Hamilton	400	Parke	440		
Hancock	330	Perry	380		

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Areas of the States and Territories, by counties—Continued.

IOWA.

Counties.	Area in square miles.	Counties.	Area in square miles.	Counties.	Area in square miles.
The State	55,475	Fayette	720	Monona	684
		Floyd	500	Monroe	432
Adair	576	Franklin	576	Montgomery	432
Adams	432	Fremont	500	Muscatine	432
Allamakee	600	Greene	576	O'Brien	576
Appanoose	500	Grundy	500	Osceola	432
Audubon	432	Guthrie	576	Page	540
Benton	720	Hamilton	576	Palo Alto	576
Black Hawk	576	Hancock	576	Plymouth	820
Boone	576	Hardin	576	Pocahontas	576
Bremer	432	Harrison	630	Polk	576
Buchanan	576	Henry	432	Pottawattamie	900
Buena Vista	576	Howard	500	Poweshiek	576
Butler	576	Humboldt	432	Ringgold	540
Calhoun	576	Ida	432	Sac	576
Carroll	576	Iowa	576	Scott	440
Cass	576	Jackson	610	Shelby	576
Cedar	576	Jasper	720	Sioux	720
Cerro Gordo	576	Jefferson	432	Story	576
Cherokee	576	Johnson	576	Tama	720
Chickasaw	500	Jones	576	Taylor	540
Clarke	432	Keokuk	576	Union	430
Clay	576	Kossuth	972	Van Buren	480
Clayton	740	Lee	486	Wapello	430
Clinton	680	Linn	720	Warren	576
Crawford	720	Louisa	360	Washington	576
Dallas	576	Lucas	432	Wayne	525
Davis	500	Lyon	612	Webster	720
Decatur	520	Madison	576	Winnebago	400
Delaware	576	Mahaska	576	Winneshiek	720
Des Moines	400	Marion	576	Woodbury	800
Dickinson	400	Marshall	576	Worth	400
Dubuque	600	Mills	420	Wright	576
Emmet	400	Mitchell	480		

KANSAS.

The State	81,700	Graham	900	Pawnee	756
		Grant	576	Phillips	900
Allen	504	Greeley	792	Pottawatomie	850
Anderson	576	Greenwood	1,152	Pratt	720
Arapahoe	576	Hamilton	900	Rawlins	1,080
Atchison	400	Harper	810	Reno	1,260
Barbour	1,150	Harvey	540	Republic	720
Barton	900	Hodgeman	864	Rice	720
Bourbon	650	Jackson	640	Riley	600
Brown	576	Jefferson	550	Rooks	900
Buffalo	576	Jewell	900	Rush	720
Butler	1,428	Johnson	450	Russell	900
Chase	744	Kansas	810	Saline	720
Chautauqua	650	Kearney	864	Scott	720
Cherokee	576	Kingman	864	Sedgwick	1,000
Cheyenne	1,020	Labette	670	Sequoyah	864
Clark	1,188	Lane	756	Seward	648
Clay	660	Leavenworth	450	Shawnee	576
Cloud	720	Lincoln	720	Sheridan	720
Coffey	648	Linn	576	Sherman	1,080
Comanche	1,170	Lyon	850	Smith	900
Cowley	1,116	McPherson	720	Stafford	792
Crawford	580	Marion	900	Stanton	696
Davis	392	Marshall	900	Stevens	648
Decatur	900	Meade	936	Sumner	1,188
Dickinson	840	Miami	576	Thomas	864
Doniphan	378	Mitchell	720	Trego	900
Douglas	456	Montgomery	648	Wabaunsee	796
Edwards	972	Morris	684	Wallace	2,556
Elk	650	Nemaha	720	Washington	900
Ellis	900	Neosho	576	Wichita	720
Ellsworth	720	Ness	1,080	Wilson	576
Foote	720	Norton	900	Woodson	504
Ford	1,080	Osage	720	Wyandotte	160
Franklin	576	Osborne	900		
Grove	720	Ottawa	720		

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Areas of the States and Territories, by counties—Continued.

KENTUCKY.

Counties.	Area in square miles.	Counties.	Area in square miles.	Counties.	Area in square miles.
The State	40,000	Garrard	250	Mason	330
		Grant	200	Meade	80
Adair	400	Graves	590	Menifee	300
Allen	300	Grayson	590	Mercer	400
Anderson	180	Green	300	Metcalfe	440
Ballard	420	Greenup	380	Monroe	200
Barren	500	Hancock	200	Montgomery	260
Bath	290	Hardin	300	Morgan	400
Bell	190	Harlan	410	Muhlenburgh	600
Boone	300	Harrison	380	Nelson	250
Bourbon	300	Hart	400	Nicholas	540
Boyd	250	Henderson	450	Ohio	270
Boyle	180	Henry	260	Oldham	360
Bracken	200	Hickman	240	Owen	250
Breathitt	450	Hopkins	450	Owsley	280
Breckenridge	500	Jackson	300	Pendleton	400
Bullitt	300	Jefferson	430	Perry	400
Butler	370	Jassamine	300	Pike	140
Caldwell	310	Josh Bell	190	Powell	640
Calloway	450	Johnson	360	Pulaski	120
Campbell	120	Kenton	150	Robertson	300
Carroll	160	Knox	400	Rockcastle	300
Carter	790	La Rue	300	Rowan	300
Casey	300	Laurel	620	Russell	240
Christian	590	Lawrence	500	Scott	240
Clark	210	Lee	120	Shelby	400
Clay	420	Leslie	300	Simpson	400
Clinton	200	Letcher	300	Spencer	250
Crittenden	420	Lewis	960	Taylor	280
Cumberland	500	Lincoln	200	Todd	350
Daviess	450	Livingston	280	Trigg	420
Edmonson	280	Logan	590	Trimble	150
Elliott	220	Lyon	300	Union	350
Estill	300	McCracken	330	Warren	550
Fayette	300	McLean	230	Washington	300
Fleming	340	Madison	440	Wayne	430
Floyd	500	Magoffin	300	Webster	280
Franklin	200	Marion	330	Whitley	560
Fulton	200	Marshall	350	Wolfe	190
Gallatin	150	Martin	220	Woodford	200

LOUISIANA.

The State	45,420	Iberia	582	Saint Charles	284
		Iberville	646	Saint Helena	423
Ascension	373	Jackson	590	Saint James	308
Assumption	327	Jefferson	395	Saint John Baptist	190
Avoyelles	852	La Fayette	262	Saint Landry	2,276
Bienville	856	Lafourche	1,024	Saint Martin	618
Bossier	773	Lincoln	485	Saint Mary	648
Caddo	852	Livingston	600	Saint Tammany	923
Calcasieu	3,400	Madison	672	Tangipahoa	790
Caldwell	535	Morehouse	842	Tensas	612
Cameron	1,545	Natchitoches	1,290	Terrebonne	1,806
Catahoula	1,378	Orleans	187	Union	910
Claiborne	796	Ouachita	640	Vermillion	1,226
Concordia	680	Plaquemines	930	Vernon	1,540
De Soto	856	Point Coupée	575	Washington	668
East Baton Rouge	442	Rapides	1,498	Webster	612
East Carroll	400	Red River	386	West Baton Rouge	210
East Feliciana	483	Richland	578	West Carroll	380
Franklin	596	Sabine	1,008	West Feliciana	370
Grant	642	Saint Bernard	680	Winn	970

MAINE.

The State	29,895	Hancock	1,650	Piscataquis	3,600
		Kennebec	875	Sagadahoc	260
Androscoggin	475	Knox	325	Somerset	3,510
Aroostook	7,200	Lincoln	525	Waldo	810
Cumberland	1,000	Oxford	1,900	Washington	2,480
Franklin	1,600	Penobscot	2,900	York	785

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Areas of States and Territories, by counties—Continued.

MARYLAND.

Counties.	Area in square miles.	Counties.	Area in square miles.	Counties.	Area in square miles.
The State	9,860	Charles	450	Queen Anne	420
		Dorchester	630	Saint Mary's	400
Alleghany	520	Frederick	620	Somerset	460
Anne Arundel	390	Garrett	600	Talbot	280
Baltimore	600	Harford	420	Washington	460
Calvert	220	Howard	200	Wicomico	360
Caroline	300	Kent	310	Worcester	320
Carroll	430	Montgomery	500		
Cecil	470	Prince George's	500		

MASSACHUSETTS.

The State	8,040	Essex	500	Norfolk	530
		Franklin	680	Plymouth	725
Barnstable	290	Hampden	670	Suffolk	15
Berkshire	1,000	Hampshire	540	Worcester	1,550
Bristol	530	Middlesex	830		
Dukes	120	Nantucket	60		

MICHIGAN.

The State	57,430	Hillsdale	610	Missaukee	580
		Houghton	1,000	Monroe	500
Alcona	700	Huron	750	Montcalm	720
Allegan	830	Ingham	560	Montmorency	580
Alpena	580	Ionia	580	Muskegon	520
Antrim	540	Iosco	580	Newaygo	860
Baraga	900	Isabella	580	Oakland	900
Barry	580	Isle Royale	230	Oceana	540
Bay	820	Jackson	720	Ogemaw	570
Benzie	340	Kalamazoo	580	Ontonagon	2,540
Berrien	580	Kalkaska	580	Osceola	580
Branch	500	Kent	860	Oscoda	580
Calhoun	720	Keweenaw	360	Otsego	540
Cass	500	Lake	580	Ottawa	540
Charlevoix	380	Lapeer	660	Presque Isle	750
Cheboygan	860	Leelenaw	360	Roscommon	580
Chippewa	2,000	Lenawee	750	Saginaw	840
Clare	580	Livingston	580	Saint Clair	720
Clinton	580	Mackinac	1,100	Saint Joseph	520
Crawford	580	Macomb	480	Sanilac	960
Delta	1,100	Manistee	550	Schoolcraft	2,030
Eaton	580	Manitou	200	Shiawassee	540
Emmett	460	Marquette	3,400	Tuscola	830
Genesee	640	Mason	500	Van Buren	620
Gladwin	540	Mecosta	580	Washtenaw	720
Grand Traverse	460	Menominee	1,400	Wayne	600
Gratiot	580	Midland	530	Wexford	580

MINNESOTA.

The State	79,205	Hennepin	610	Polk	4,000
		Houston	580	Pope	720
Aitkin	1,900	Isanti	420	Ramsey	180
Anoka	450	Itasca	5,000	Redwood	900
Becker	1,440	Jackson	720	Renville	900
Beltrami	5,000	Kanabec	540	Rice	520
Benton	390	Kandiyohi	860	Rock	470
Big Stone	500	Kittson	2,265	Saint Louis	6,000
Blue Earth	750	Lac-qui-parle	680	Scott	400
Brown	600	Lake	3,000	Sherburne	450
Carlton	860	Le Sueur	460	Sibley	580
Carver	360	Lincoln	430	Stearns	1,350
Cass	4,000	Lyon	720	Steele	430
Chippewa	580	McLeod	500	Stevens	580
Chisago	430	Marshall	1,980	Swift	580
Clay	1,000	Martin	720	Todd	1,000
Cook	460	Meeker	630	Traverse	560
Cottonwood	640	Mille Lacs	580	Wabasha	540
Crow Wing	580	Morrison	1,150	Wadena	540
Dakota	600	Mower	720	Waseca	430
Dodge	430	Murray	720	Washington	400
Douglas	720	Nicollet	460	Watonwan	430
Faribault	720	Nobles	720	Wilkin	830
Fillmore	860	Olmsted	660	Winona	660
Freeborn	720	Otter Tail	2,200	Wright	700
Goodhue	760	Pine	1,400	Yellow Medicine	540
Grant	580	Pipe Stone	460		

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Areas of States and Territories, by counties—Continued.

MISSISSIPPI.

Counties.	Area in square miles.	Counties.	Area in square miles.	Counties.	Area in square miles.
The State	46,340	Issaquena	390	Pike	720
		Itawamba	550	Pontotoc	530
Adams	410	Jackson	1,140	Prentiss	410
Alcorn	400	Jasper	680	Quitman	400
Amite	720	Jefferson	510	Rankin	800
Attala	720	Jones	700	Scott	580
Benton	360	Kemper	750	Sharkey	540
Bolivar	900	La Fayette	720	Simpson	580
Calhoun	580	Lauderdale	680	Smith	600
Carroll	640	Lawrence	620	Sumner	400
Chickasaw	500	Leake	580	Sun Flower	720
Choctaw	270	Lee	540	Tallahatchee	640
Claiborne	460	Le Flore	610	Tate	390
Clarke	650	Lincoln	580	Tippah	450
Clay	400	Lowndes	500	Tishomingo	450
Coahoma	500	Madison	720	Tunica	440
Copiah	750	Marion	1,500	Union	360
Covington	580	Marshall	720	Warren	600
De Soto	400	Monroe	790	Washington	900
Franklin	560	Montgomery	430	Wayne	790
Greene	790	Neshoba	580	Wilkinson	650
Grenada	440	Newton	580	Winston	690
Hancock	940	Noxubee	680	Yalabusha	460
Harrison	1,000	Oktibbeha	430	Yazoo	1,000
Hinds	800	Panola	680		
Holmes	750	Perry	1,000		

MISSOURI.

The State	68,735	Gentry	500	Ozark	740
		Greene	650	Pemiscot	480
Adair	570	Grundy	460	Perry	440
Andrew	420	Harrison	750	Pettis	680
Atchison	580	Henry	760	Phelps	650
Audrain	690	Hickory	410	Pike	620
Barry	800	Holt	470	Platte	410
Barton	580	Howard	450	Polk	640
Bates	900	Howell	920	Pulaski	520
Benton	750	Iron	550	Putnam	540
Bollinger	540	Jackson	600	Ralls	500
Boone	680	Jasper	680	Randolph	470
Buchanan	420	Jefferson	650	Ray	580
Butler	580	Johnson	800	Reynolds	760
Caldwell	440	Knox	520	Ripley	620
Callaway	760	Laclede	750	Saint Charles	520
Camden	720	La Fayette	630	Saint Clair	690
Cape Girardeau	540	Lawrence	620	Saint François	400
Carroll	690	Lewis	520	Ste Genevieve	440
Carter	500	Lincoln	590	Saint Louis	560
Cass	690	Linn	620	Saline	760
Cedar	490	Livingston	520	Schuyler	340
Chariton	740	McDonald	570	Scotland	450
Christian	540	Macon	830	Scott	440
Clark	500	Madison	500	Shannon	1,000
Clay	410	Maries	520	Shelby	520
Clinton	450	Marion	420	Stoddard	850
Cole	400	Mercer	500	Stone	520
Cooper	560	Miller	580	Sullivan	660
Crawford	720	Mississippi	430	Taney	800
Dade	500	Moniteau	430	Texas	1,145
Dallas	530	Monroe	650	Vernon	830
Daviess	580	Montgomery	560	Warren	430
De Kalb	450	Morgan	650	Washington	800
Dent	720	New Madrid	620	Wayne	720
Douglas	800	Newton	650	Webster	650
Dunklin	500	Nodaway	790	Worth	280
Franklin	870	Oregon	740	Wright	720
Gasconade	510	Osage	580		

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Areas of States and Territories, by counties—Continued.

MONTANA.

Counties.	Area in square miles.	Counties.	Area in square miles.	Counties.	Area in square miles.
The Territory	145,310	Dawson	18,000	Madison	4,900
		Deer Lodge	6,500	Meagher	16,000
Beaver Head	4,230	Gallatin	6,000	Missoula	21,000
Choteau	27,380	Jefferson	1,900		
Custer	36,500	Lewis and Clarke	2,900		

NEBRASKA.*

The State	76,185	Frontier	972	Otoe	648
		Furnas	720	Pawnee	432
Adams	576	Gage	860	Phelps	576
Antelope	864	Gosper	468	Pierce	540
Boone	684	Greeley	576	Platte	684
Buffalo	882	Hall	576	Polk	450
Burt	468	Hamilton	576	Red Willow	720
Butler	590	Harlan	576	Richardson	540
Cass	500	Hayes	720	Saline	576
Cedar	790	Hitchcock	720	Sarpy	230
Chase	900	Holt	2,440	Saunders	756
Cheyenne	6,840	Howard	576	Seward	576
Clay	576	Jefferson	576	Sherman	576
Colfax	400	Johnson	400	Sioux	21,070
Cuming	340	Kearney	576	Stanton	576
Custer	2,590	Keith	2,000	Taylor	576
Dakota	280	Knox	1,040	Thayer	576
Dawson	1,000	Lancaster	864	Valley	576
Dixon	468	Lincoln	2,590	Washington	390
Dodge	500	Madison	576	Wayne	444
Douglas	360	Merrick	400	Webster	576
Dundy	900	Nance	430	Wheeler	1,150
Fillmore	576	Nemaha	400	York	576
Franklin	576	Nuckolls	576		

*Part of the area is embraced in Indian reservations.

NEVADA.

The State	109,740	Eureka	4,500	Ormsby	180
		Humboldt	18,000	Roop	5,200
Churchill	6,400	Lander	6,700	Storey	470
Douglas	790	Lincoln	19,000	Washoe	1,150
Elko	8,000	Lyon	450	White Pine	9,400
Esmeralda	5,500	Nye	24,000		

NEW HAMPSHIRE.

The State	9,005	Cheshire	780	Merrimack	920
		Coos	1,980	Rockingham	740
Belknap	400	Grafton	1,525	Stafford	320
Carroll	780	Hillsborough	980	Sullivan	580

NEW JERSEY.

The State	7,455	Essex	125	Ocean	670
		Gloucester	250	Passaic	190
Atlantic	620	Hudson	40	Salem	340
Bergen	220	Hunterdon	420	Somerset	300
Burlington	860	Mercer	220	Sussex	500
Camden	270	Middlesex	300	Union	110
Cape May	250	Monmouth	450	Warren	340
Cumberland	500	Morris	480		

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Areas of States and Territories, by counties—Continued.

NEW MEXICO.

Counties.	Area in square miles.	Counties.	Area in square miles.	Counties.	Area in square miles.
The Territory	122,460	Grant	9,500	Santa Fé	1,500
		Lincoln	14,800	Socorro	17,800
Bernalillo	8,200	Mora	4,000	Taos	8,000
Colfax	6,600	Rio Arriba	7,160	Valencia	9,400
Doña Aña	21,000	San Miguel	14,500		

NEW YORK.

The State	47,620	Hamilton	1,750	Richmond	60
		Herkimer	1,440	Rockland	200
Albany	490	Jefferson	1,140	Saint Lawrence	2,900
Allegany	1,050	Kings	70	Saratoga	800
Broome	690	Lewis	1,300	Schenectady	200
Cattaraugus	1,350	Livingston	650	Schoharie	650
Cayuga	760	Madison	630	Schuyler	400
Chautauqua	1,000	Monroe	720	Seneca	340
Chemung	440	Montgomery	400	Steuben	1,500
Chenango	890	New York	20	Suffolk	750
Clinton	1,000	Niagara	500	Sullivan	900
Columbia	690	Oneida	1,200	Tioga	500
Cortland	480	Onondaga	820	Tompkins	500
Delaware	1,550	Ontario	680	Ulster	1,150
Duchess	820	Orange	800	Warren	940
Erie	1,000	Orleans	400	Washington	860
Essex	1,650	Oswego	960	Wayne	630
Franklin	1,760	Otsego	950	Westchester	500
Fulton	540	Putnam	240	Wyoming	600
Genesee	490	Queens	290	Yates	330
Greene	650	Rensselaer	650		

NORTH CAROLINA.

The State	48,580	Edgecombe	500	Onslow	640
		Forsyth	340	Orange	670
Alamance	430	Franklin	420	Pamlico	860
Alexander	300	Gaston	340	Pasquotank	240
Alleghany	300	Gates	360	Pender	800
Anson	500	Graham	250	Perquimans	220
Ashe	450	Granville	750	Person	400
Beaufort	720	Greene	300	Pitt	820
Bertie	720	Guilford	680	Polk	300
Bladen	900	Halifax	680	Randolph	720
Brunswick	950	Harnett	540	Richmond	860
Buncombe	620	Haywood	740	Robeson	950
Burke	400	Henderson	360	Rockingham	550
Cabarrus	400	Hertford	340	Rowan	450
Caldwell	450	Hyde	430	Rutherford	470
Camden	280	Iredell	600	Sampson	840
Carteret	520	Jackson	920	Stanley	380
Caswell	400	Johnston	670	Stokes	500
Catawba	370	Jones	450	Surry	500
Chatham	800	Lenoir	420	Swain	420
Cherokee	500	Lincoln	270	Transylvania	330
Chowan	240	McDowell	440	Tyrrell	320
Clay	160	Macon	650	Union	640
Cleaveland	420	Madison	450	Wake	950
Columbus	750	Martin	500	Warren	450
Craven	900	Mecklenburg	680	Washington	350
Cumberland	900	Mitchell	240	Watauga	460
Currituck	200	Montgomery	570	Wayne	500
Dare	270	Moore	800	Wilkes	700
Davidson	600	Nash	520	Wilson	350
Davie	300	New Hanover	80	Yadkin	320
Duplin	670	Northampton	510	Yancey	400

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Areas of States and Territories, by counties—Continued.

OHIO.

Counties.	Area in square miles.	Counties.	Area in square miles.	Counties.	Area in square miles.
The State	40,760	Greene	430	Morrow	450
		Guernsey	510	Muskingum	650
Adams	500	Hamilton	400	Noble	400
Allen	440	Hancock	540	Ottawa	300
Ashland	470	Hardin	440	Paulding	420
Ashtabula	720	Harrison	320	Perry	410
Athens	430	Henry	430	Pickaway	480
Auglaise	400	Highland	540	Pike	470
Belmont	500	Hocking	470	Portage	490
Brown	470	Holmes	420	Preble	440
Butler	460	Huron	450	Putnam	510
Carroll	400	Jackson	410	Richland	490
Champaign	420	Jefferson	440	Ross	650
Clarke	300	Knox	540	Sandusky	440
Clermont	440	Lake	260	Scioto	640
Clinton	400	Lawrence	440	Seneca	510
Columbiana	540	Licking	680	Shelby	420
Coshocton	540	Logan	440	Stark	580
Crawford	400	Lorain	510	Summit	400
Cuyahoga	470	Lucas	440	Trumbull	650
Darke	600	Madison	470	Tuscarawas	520
Defiance	420	Mahoning	420	Union	420
Delaware	450	Marion	430	Van Wert	400
Erie	290	Medina	400	Vinton	400
Fairfield	470	Meigs	400	Warren	400
Fayette	420	Mercer	470	Washington	650
Franklin	540	Miami	400	Wayne	540
Fulton	400	Monroe	470	Williams	420
Gallia	430	Montgomery	470	Wood	620
Geauga	400	Morgan	400	Wyandot	400

OREGON.

The State	94,560	Douglas	4,000	Multnomah	470
		Grant	17,500	Polk	650
Baker	10,500	Jackson	2,000	Tillamook	1,800
Benton	1,300	Josephine	1,600	Umatilla	14,260
Clackamas	1,400	Lake	12,000	Union	4,300
Clatsop	1,000	Lane	3,700	Wasco	9,600
Columbia	720	Linn	2,400	Washington	650
Coos	1,600	Marion	1,000	Yam Hill	610
Curry	1,500				

PENNSYLVANIA.

The State	44,985	Dauphin	520	Monroe	600
		Delaware	190	Montgomery	480
Adams	530	Elk	770	Montour	140
Allegheny	760	Erie	770	Northampton	380
Armstrong	610	Fayette	830	Northumberland	460
Beaver	450	Forest	430	Perry	480
Bedford	1,000	Franklin	760	Philadelphia	130
Berks	900	Fulton	440	Pike	630
Blair	510	Greene	620	Potter	1,070
Bradford	1,160	Huntingdon	900	Schuylkill	840
Bucks	590	Indiana	830	Snyder	320
Butler	820	Jefferson	640	Somerset	1,100
Cambria	670	Juniata	400	Sullivan	430
Cameron	380	Lackawana	440	Susquehanna	830
Carbon	400	Lancaster	970	Tioga	1,120
Centre	1,230	Lawrence	370	Union	310
Chester	760	Lebanon	350	Venango	660
Clarion	570	Lehigh	360	Warren	910
Clearfield	1,130	Luzerne	910	Washington	890
Clinton	860	Lycoming	1,205	Wayne	740
Columbia	480	McKean	1,000	Westmoreland	1,040
Crawford	1,000	Mercer	660	Wyoming	400
Cumberland	550	Mifflin	380	York	920

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Areas of States and Territories, by counties—Continued.

RHODE ISLAND.

Counties.	Area in square miles.	Counties.	Area in square miles.	Counties.	Area in square miles.
The State	1,085	Kent	190	Providence	390
		Newport	130	Washington	350
Bristol	25				

SOUTH CAROLINA.

The State	30,170	Darlington	900	Marlborough	540
		Edgefield	1,200	Newberry	620
Abbeville	960	Fairfield	900	Oconee	550
Aiken	720	Georgetown	900	Orangeburgh	1,400
Anderson	760	Greenville	690	Pickens	510
Barnwell	1,300	Hampton	800	Richland	620
Beaufort	1,100	Horry	1,100	Spartanburgh	950
Charleston	2,000	Kershaw	900	Sumter	900
Chester	580	Lancaster	600	Union	700
Chesterfield	800	Laurens	650	Williamsburgh	980
Clarendon	720	Lexington	1,100	York	720
Colleton	1,900	Marion	1,100		

TENNESSEE.

The State	41,750	Hamblen	150	Montgomery	540
		Hamilton	370	Moore	270
Anderson	440	Hancock	340	Morgan	400
Bedford	520	Hardeman	610	Obion	540
Benton	380	Hardin	610	Overton	540
Bledsoe	280	Hawkins	570	Perry	400
Blount	770	Haywood	570	Polk	400
Bradley	340	Henderson	580	Putnam	460
Campbell	400	Henry	550	Rhea	340
Cannon	220	Hickman	610	Roane	450
Carroll	550	Houston	260	Robertson	500
Carter	340	Humphreys	450	Rutherford	590
Cheatham	370	Jackson	280	Scott	640
Claiborne	340	James	200	Sequatchie	220
Clay	260	Jefferson	320	Sevier	520
Cocke	540	Johnson	390	Shelby	690
Coffee	300	Knox	500	Smith	360
Crockett	260	Lake	210	Stewart	500
Cumberland	690	Lauderdale	410	Sullivan	400
Davidson	500	Lawrence	590	Sumner	530
Decatur	310	Lewis	360	Tipton	330
De Kalb	300	Lincoln	540	Trousdale	180
Dickson	630	Loudon	230	Unicoi	480
Dyer	570	McMinn	480	Union	220
Fayette	640	McNairy	690	Van Buren	340
Fentress	500	Macon	280	Warren	440
Franklin	590	Madison	580	Washington	350
Gibson	550	Marion	500	Wayne	710
Giles	590	Marshall	350	Weakley	620
Grainger	320	Maury	590	White	440
Greene	530	Meigs	300	Williamson	540
Grundy	400	Monroe	500	Wilson	410

TEXAS.

The State	262,290	Bastrop	900	Burleson	650
		Baylor	900	Burnet	1,000
		Bee	890	Caldwell	540
Anderson	1,000	Bell	1,000	Calhoun	960
Andrews	1,500	Bexar	1,180	Callahan	900
Angelina	880	Blanco	710	Cameron	3,000
Aransas	440	Borden	900	Camp	200
Archer	900	Bosque	1,000	Carson	900
Armstrong	900	Bowie	900	Cass	950
Atascosa	1,200	Brazoria	1,400	Castro	900
Austin	700	Brazos	520	Chambers	850
Bailey	1,050	Briscoe	900	Cherokee	1,000
Bandera	1,000	Brown	1,200	Childress	750

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Areas of States and Territories, by counties—Continued.

TEXAS—Continued.

Counties.	Area in square miles.	Counties.	Area in square miles.	Counties.	Area in square miles.
Clay	1,100	Henderson	960	Oldham	1,470
Cochran	820	Hidalgo	2,350	Orange	390
Coleman	1,240	Hill	1,000	Palo Pinto	960
Collin	880	Hockley	900	Panola	800
Collingsworth	900	Hood	490	Parker	900
Colorado	900	Hopkins	750	Parmer	850
Comal	670	Houston	1,170	Pecos	11,000
Comanche	930	Howard	900	Polk	1,100
Concho	950	Hunt	870	Potter	900
Cooke	900	Hutchinson	900	Presidio	12,500
Coryell	959	Jack	870	Rains	270
Cottle	1,100	Jackson	900	Randall	900
Crockett	9,500	Jasper	970	Red River	1,060
Crosby	900	Jefferson	1,000	Refugio	850
Dallam	1,400	Johnson	690	Roberts	900
Dallas	900	Jones	900	Robertson	870
Dawson	900	Karnes	730	Rockwall	150
Deaf Smith	1,400	Kaufman	830	Runnels	990
Delta	260	Kendall	670	Rusk	920
Denton	900	Kent	900	Sabine	570
De Witt	900	Kerr	1,100	San Augustine	560
Dickens	900	Kimble	1,300	San Jacinto	640
Dimmit	1,000	King	900	San Patricio	730
Donley	900	Kinney	1,700	San Saba	1,130
Duval	1,700	Knox	900	Shackleford	900
Eastland	900	Lamar	900	Shelby	800
Edwards	950	Lamb	1,160	Sherman	910
Ellis	950	Lampasas	850	Scurry	900
El Paso	8,000	La Salle	1,500	Smith	900
Enciñal	1,700	Lavaca	1,000	Somervell	200
Erath	1,000	Lee	600	Starr	2,500
Falls	780	Leon	1,000	Stephens	900
Fannin	890	Liberty	1,170	Stonewall	900
Fayette	960	Limestone	970	Swisher	900
Fisher	900	Lipscomb	900	Tarrant	900
Floyd	1,100	Live Oak	1,100	Taylor	900
Fort Bend	880	Llano	900	Terry	900
Franklin	300	Lubbock	900	Throckmorton	900
Freestone	880	Lynn	900	Titus	420
Frio	1,000	McCulloch	1,000	Tom Green	12,300
Gaines	1,500	McLennan	1,080	Travis	1,000
Galveston	670	McMullen	1,160	Trinity	710
Garza	900	Madison	460	Tyler	920
Gillespie	980	Marion	420	Upshur	520
Goliad	820	Martin	900	Uvalde	1,550
Gonzales	1,070	Mason	900	Van Zandt	840
Gray	900	Matagorda	1,400	Victoria	880
Grayson	960	Maverick	1,300	Walker	760
Gregg	280	Medina	1,300	Waller	500
Grimes	780	Menard	880	Washington	600
Guadalupe	710	Milam	990	Webb	1,500
Hale	1,160	Mitchell	900	Wharton	1,070
Hall	900	Montague	890	Wheeler	900
Hamilton	980	Montgomery	1,050	Wichita	590
Hansford	910	Moore	900	Wilbargar	940
Hardeman	1,180	Morris	260	Williamson	1,100
Hardin	820	Motley	1,140	Wilson	790
Harris	1,800	Nacogdoches	970	Wise	900
Harrison	900	Navarro	1,040	Wood	700
Hartley	1,470	Newton	870	Young	900
Haskell	900	Nolan	900	Yoakum	820
Hayes	680	Nueces	2,800	Zapata	1,200
Hemphill	900	Ochiltree	900	Zavalla	1,290

UTAH.

The Territory	82,190	Juab	3,760	Sevier	1,700
		Kane	3,800	Summit	3,840
		Millard	6,550	Tooele	5,200
Beaver	2,560	Morgan	620	Uinta	6,160
Box Elder	8,200	Pi Ute	3,700	Utah	1,520
Cache	1,000	Rich	820	Wasatch	2,480
Davis	220	Salt Lake	750	Washington	1,580
Emery	7,500	San Juan	9,100	Weber	610
Iron	7,730	San Pete	2,790		

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Areas of States and Territories, by counties—Continued.

VERMONT.

Counties.	Area in square miles.	Counties.	Area in square miles.	Counties.	Area in square miles.
The State	9,135	Essex	780	Orleans	700
		Franklin	620	Rutland	900
Addison	740	Grand Isle	80	Washington	580
Bennington	700	Lamoille	450	Windham	800
Caledonia	640	Orange	630	Windsor	1,000
Chittenden	515				

VIRGINIA.

The State	40,125	Fluvanna	270	Northumberland	180
		Franklin	720	Nottoway	300
		Frederick	380	Orange	360
Accomac	480	Giles	490	Page	320
Albemarle	680	Gloucester	280	Patrick	540
Alexandria	40	Goochland	260	Pittsylvania	900
Alleghany	500	Grayson	460	Powhatan	280
Amelia	360	Greene	200	Prince Edward	300
Amherst	430	Greensville	330	Prince George	300
Appomattox	280	Halifax	800	Princess Anne	380
Augusta	900	Hanover	440	Prince William	430
Bath	750	Henrico	280	Pulaski	340
Bedford	840	Henry	400	Rappahannock	240
Bland	400	Highland	400	Richmond	280
Botetourt	550	Isle of Wight	290	Roanoke	140
Brunswick	580	James City	150	Rockbridge	780
Buchanan	510	King and Queen	360	Rockingham	900
Buckingham	690	King George	180	Russell	540
Campbell	450	King William	270	Scott	520
Caroline	500	Lancaster	110	Shenandoah	510
Carroll	540	Lee	550	Smyth	490
Charles City	190	Loudoun	520	Southampton	610
Charlotte	500	Louisa	470	Spottsylvania	380
Chesterfield	500	Lunenburg	400	Stafford	260
Clarke	220	Madison	320	Surry	325
Craig	300	Matthews	100	Sussex	400
Culpepe	400	Mecklenburg	610	Tazewell	400
Cumberland	280	Middlesex	150	Warren	250
Dinwiddie	540	Montgomery	450	Warwick	100
Elizabeth City	50	Nansemond	400	Washington	490
Essex	300	Nelson	460	Westmoreland	170
Fairfax	440	New Kent	210	Wise	390
Fauquier	720	Norfolk	480	Wythe	520
Floyd	320	Northampton	300	York	70

WASHINGTON.

The Territory	66,880	King	1,900	Snohomish	2,160
		Kitsap	380	Stevens	23,260
Chehalis	2,440	Klikitat	2,300	Thurston	800
Clallam	2,300	Lewis	1,600	Wahkiakum	150
Clarke	1,300	Mason	1,000	Walla-Walla	1,260
Columbia	2,160	Pacific	650	Whatcom	3,200
Cowlitz	400	Pierce	1,520	Whitman	5,000
Island	250	San Juan	650	Yakima	8,900
Jefferson	1,500	Skamania	1,800		

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Areas of States and Territories, by counties—Continued.

WEST VIRGINIA.

Counties.	Area in square miles.	Counties.	Area in square miles.	Counties.	Area in square miles.
The State	24,645	Jackson	400	Pocahontas	820
		Jefferson	250	Preston	650
Barbour	360	Kanawha	980	Putnam	320
Berkeley	320	Lewis	400	Raleigh	680
Boone	500	Lincoln	460	Randolph	1,080
Braxton	620	Logan	800	Ritchie	400
Brooke	80	McDowell	860	Roane	350
Cabell	300	Marion	300	Summers	400
Calhoun	260	Marshall	240	Taylor	150
Clay	390	Macon	360	Tucker	340
Doddridge	300	Mercer	400	Tyler	300
Fayette	750	Mineral	300	Upshur	350
Gilmer	360	Monongalia	360	Wayne	440
Grant	520	Monroe	460	Webster	450
Greenbrier	1,000	Morgan	300	Wetzel	440
Hampshire	630	Nicholas	720	Wirt	290
Hancock	100	Ohio	120	Wood	375
Hardy	700	Pendleton	650	Wyoming	660
Harrison	450	Pleasants	150		

WISCONSIN.

The State	54,450	Green	540	Pierce	570
		Green Lake	360	Polk	940
Adams	680	Iowa	740	Portage	800
Ashland	1,600	Jackson	1,000	Price	1,000
Barron	900	Jefferson	570	Racine	340
Bayfield	1,400	Juneau	800	Richland	570
Brown	540	Kenosha	280	Rock	720
Buffalo	600	Kewaunee	330	Saint Croix	740
Burnett	1,600	La Crosse	450	Sauk	800
Calumet	290	La Fayette	630	Shawano	1,200
Chippewa	3,000	Langlade	4,000	Sheboygan	500
Clark	1,200	Lincoln	590	Taylor	900
Columbia	730	Manitowoo	1,500	Trempealeau	740
Crawford	500	Marathon	1,600	Vernon	800
Dane	1,200	Marinette	450	Walworth	570
Dodge	900	Marquette	240	Washington	430
Door	470	Milwaukee	900	Waukesha	580
Douglas	1,300	Monroe	1,500	Waupaca	750
Dunn	860	Oconto	1,600	Waushara	640
Eau Claire	650	Outagamie	240	Winnebago	460
Fond du Lac	720	Ozaukee	240	Wood	820
Grant	1,200	Pepin	280		

WYOMING.

The Territory	97,575	Carbon	13,500	Laramie	6,800
		Crook	10,000	Sweetwater	30,275
Albany	11,000	Johnson	11,000	Uinta	15,000

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Population of the United States and Territories at each census, 1790–1880.

[From the official Census of the United States, 1870 and 1880.]

	States and Territories.	1790.		1800.		1810.		1820.		1830.		1840.		1850.		1860.		1870.		1880.		Per cent. increase, 1870–'80.
1	Alabama	...	...	...	...	...	...	19	127,901	15	309,527	12	590,756	12	771,623	13	964,201	16	996,992	17	1,262,505	26.63
2	Arkansas	...	...	...	...	...	...	25	14,255	27	30,388	25	97,574	26	209,897	25	435,450	26	484,471	25	802,525	65.65
3	California	...	...	...	...	...	...	...	...	...	...	...	...	29	92,597	26	379,994	24	560,247	24	864,694	54.34
4	Colorado	...	...	...	...	...	...	...	...	...	...	...	...	...	...	35	34,277	38	39,864	35	194,327	387.47
5	Connecticut	8	237,946	8	251,002	9	261,942	14	275,148	16	297,675	20	309,978	21	370,792	24	460,147	25	537,454	23	622,700	15.86
6	Delaware	16	59,096	17	64,273	19	72,674	22	72,749	24	76,748	26	78,085	30	91,532	32	112,216	34	125,015	31	146,608	17.27
7	Florida	...	...	...	...	...	...	...	...	25	34,730	27	54,477	31	87,445	31	140,424	33	187,748	37	269,493	43.53
8	Georgia	13	82,548	12	162,686	11	252,433	11	340,985	10	516,823	9	691,392	9	906,185	11	1,057,286	12	1,184,109	13	1,542,180	30.23
9	Illinois	...	...	...	...	23	12,282	24	55,162	20	157,445	14	476,183	11	851,470	4	1,711,951	4	2,539,891	4	3,077,871	21.18
10	Indiana	...	...	20	5,641	21	24,520	18	147,178	13	343,031	10	685,866	7	988,416	6	1,350,428	6	1,680,637	6	1,978,301	17.71
11	Iowa	...	...	...	...	...	...	...	...	...	...	28	43,112	27	192,214	20	674,913	11	1,194,020	10	1,624,615	36.06
12	Kansas	...	...	...	...	...	...	...	...	...	...	...	...	...	...	33	107,206	29	364,399	21	996,096	173.35
13	Kentucky	14	73,677	9	220,955	7	406,511	6	564,135	6	687,917	6	779,828	8	982,405	9	1,155,684	8	1,321,011	8	1,648,690	22.98
14	Louisiana	...	...	...	...	18	76,556	17	152,923	19	215,739	19	352,411	18	517,762	17	708,002	21	726,915	22	939,946	29.30
15	Maine	11	96,540	14	151,719	14	228,705	12	298,269	12	399,455	13	501,793	16	583,169	22	628,279	23	626,915	27	648,936	3.51
16	Maryland	6	319,728	7	341,548	8	380,546	10	407,350	11	447,040	15	470,019	17	583,034	19	687,049	20	780,894	23	934,943	19.72
17	Massachusetts	4	378,787	5	422,845	5	472,040	7	523,159	8	610,408	8	737,699	6	994,514	7	1,231,066	7	1,457,351	7	1,783,085	22.35
18	Michigan	...	...	...	...	24	4,762	26	8,765	26	31,939	23	212,267	20	397,654	16	749,113	13	1,184,059	9	1,636,937	38.24
19	Minnesota	...	...	...	...	...	...	...	...	...	...	...	...	33	6,077	30	172,023	28	439,706	26	780,773	77.56
20	Mississippi	...	...	19	8,850	20	40,352	21	75,448	22	136,621	17	375,651	15	606,526	14	791,305	18	827,922	18	1,131,597	36.67
21	Missouri	...	...	...	...	22	20,845	23	66,557	21	140,455	16	383,702	13	682,044	8	1,182,012	5	1,721,295	5	2,168,380	25.97
22	Nebraska	...	...	...	...	...	...	...	...	...	...	...	...	...	...	36	28,841	35	122,993	30	452,402	267.82
23	Nevada	...	...	...	...	...	...	...	...	...	...	...	...	...	...	37	6,857	37	42,491	38	62,266	46.53
24	New Hampshire	10	141,885	11	183,858	16	214,460	15	244,022	18	269,328	22	284,574	22	317,976	27	326,073	31	318,300	31	346,991	9.01
25	New Jersey	9	184,139	10	211,149	12	245,562	13	277,426	14	320,823	18	373,306	19	489,555	21	672,035	17	906,096	19	1,131,116	24.83
26	New York	5	340,120	3	589,051	2	959,049	1	1,372,111	1	1,918,608	1	2,428,921	1	3,097,394	1	3,880,735	1	4,382,759	1	5,082,871	15.97
27	North Carolina	3	393,751	4	478,103	4	555,500	4	638,829	5	737,987	7	753,419	10	869,039	12	992,622	14	1,071,361	15	1,399,750	30.65
28	Ohio	...	...	18	45,365	13	230,760	5	581,295	4	937,903	3	1,519,467	3	1,980,329	3	2,339,511	3	2,665,260	3	3,198,062	19.99
29	Oregon	...	...	...	...	...	...	...	...	...	...	...	...	32	13,294	34	52,465	36	90,923	36	174,768	92.21
30	Pennsylvania	2	434,373	2	602,365	3	810,091	3	1,047,507	2	1,348,233	2	1,724,033	2	2,311,786	2	2,906,215	2	3,521,951	2	4,282,891	21.60
31	Rhode Island	15	68,825	16	69,122	17	76,931	20	83,015	23	97,199	24	108,830	28	147,545	29	174,620	32	217,353	33	276,531	27.22
32	South Carolina	7	249,073	6	345,591	6	415,115	8	502,741	9	581,185	11	594,398	14	668,507	18	703,708	22	705,606	20	995,577	41.09
33	Tennessee	17	35,691	15	105,602	10	261,727	...	422,771	7	681,904	5	829,210	5	1,002,717	10	1,109,801	9	1,258,520	12	1,542,359	22.55
34	Texas	...	...	...	...	...	...	...	...	...	...	...	...	25	212,592	23	604,215	19	818,579	11	1,591,749	94.45
35	Vermont	12	85,425	13	154,465	15	217,895	16	235,966	17	280,652	21	291,948	23	314,120	28	315,098	30	330,551	32	332,286	.52
36	Virginia	1	747,610	1	880,200	1	974,600	2	1,065,116	3	1,211,405	4	1,239,797	4	1,421,661	5	1,596,318	10	1,225,163	14	1,512,565	23.45
37	West Virginia	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	27	442,014	29	618,457	39.91
38	Wisconsin	...	...	...	...	...	...	...	...	...	...	29	30,945	24	305,391	15	775,881	15	1,054,670	16	1,315,497	24.73
	The States	3,929,214		5,924,390		7,215,858		9,600,783		12,820,868		17,019,641		23,067,262		31,183,744		38,115,641		49,371,340		29.53

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1	Arizona																			8	9,658	6	40,440	318.72
2	Dakota															5	4,837			7	14,181	3	135,177	853.22
3	District of Columbia			1	14,093	1	24,023	1	33,039	1	39,834	1	43,712	2	51,687	2	75,080			1	131,700	1	177,624	34.87
4	Idaho																			6	14.999	8	32,610	117.41
5	Montana																			5	20,595	7	39,159	90.13
6	New Mexico													1	61,547	1	93,516			2	91,874	4	119,565	30.14
7	Utah													3	11,380	3	40,273			3	86,786	2	143,963	65.88
8	Washington															4	11,594			4	23,955	5	75,116	213.57
9	Wyoming																			9	9,118	9	20,789	127.99
	The Territories				14,093		24,023		33,039		39,834		43,712		124,614		259,577		442,730		784,443		77.18
	Total population		3,929,214		5,308,483		7,239,881		9,633,822		12,866,020		17,069,453		23,191,876		31,443,321		*38,558,371		50,155,783		30.08
					Increase per cent. 1790–1800, 35.10.		Increase per cent. 1801–1810, 36.38.		Increase per cent. 1810–1820, 33.06.		Increase per cent. 1820–1830, 32.51.		Increase per cent. 1830–1840, 33.52.		Increase per cent. 1840–1850, 35.83.		Increase per cent. 1850–1860, 35.11.		Increase per cent. 1860–1870, 22.65.		Increase per cent. 1870–1880, 30.08.		

NOTE.—The narrow column under each census year shows the order of the States and Territories when arranged according to magnitude of population. The figures of population for 1880 are in some cases subject to final correction at the Census Office.

* Does not include Indians not taxed in Indian territory. Actual population, 38,900,898.

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CHAPTERS XXXIV, AND XXXV.

TO DECEMBER 1, 1883.

Page.
CHAPTER XXXIV.—TENURES IN THE AMERICAN COLONIES 465–476
XXXV.—METHODS OF SURVEY AND DISPOSITION OF PUBLIC OR CROWN LANDS IN CANADA, BRAZIL, MEXICO, AND AUSTRALIA 477–516

No change in the above chapters.

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CHAPTER XXXVI.

ANNUAL BUSINESS OF THE GENERAL LAND OFFICE AND DISPOSITION OF THE PUBLIC LANDS UNDER THE SEVERAL ACTS FROM JUNE 30, 1882, to JUNE 30, 1883.

ADMINISTRATIVE STAFF, AND MISCELLANEOUS CIRCULARS AND REGULATIONS, AND GENERAL INFORMATION AND SUGGESTIONS RELATING TO THE PUBLIC LANDS TO DECEMBER 1, 1883.

The business of the General Land Office and the total disposition of the public lands from 1789 to June 30, 1880, is shown by the data from pages 196 to 415.

The business from June 30, 1880, to June 30, 1882, is shown from pages 517 to 1214.

This chapter will show in detail the official data from June 30, 1882, to June 30, 1883, and in some instances as noted to December 1, 1883.

DETAILS AS TO THE GENERAL BUSINESS OF THE GENERAL LAND OFFICE.

FOR THE FISCAL YEAR ENDING JUNE 30, 1883.

References to chapters are omitted where no business was transacted under them during the year 1883.

From the annual report of the Commissioner of the General Land Office and other sources:

ENTRIES AND FILINGS.

The total number of entries and filings posted during the year at all land offices was 251,685, aggregating 30,000,000 acres. These entries and filings constitute claims of record awaiting completion and adjudication.

INCREASE IN NUMBER OF CLAIMS FILED.

The increase in number of claims recorded in 1883 was 55,548 over the year 1882, and 93,700 over the year 1881.

ENTRIES APPROVED FOR PATENTING.

The number of entries approved for patenting under the pre-emption, homestead, timber-culture, desert-land, and other settlement and agricultural laws was 53,847, an increase over the previous year of 26,239.

CONTESTED CASES FROM DISTRICT LAND OFFICES EXAMINED DURING THE YEAR.

Four thousand two hundred and seventy-four contested cases were examined and acted upon.

BOARD OF EQUITABLE ADJUDICATION, SEE SECS. 2450 TO 2454, R. S. U. S.

Seventeen hundred and twenty-seven claims were confirmed by the board of equitable adjudication, an increase of 671 over the number adjudicated the previous year.

AGRICULTURAL PATENTS.

The number of patents issued on the various classes of entries and locations under the general land laws is 50,482, an increase over the previous year of 1,785.

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PUBLIC SALES.

(SEE PAGES 207 AND 415 FOR METHOD OF SUCH SALES.)

Sixteen thousand acres of land were offered at public sale in the Gainesville, Fla., district. Three hundred and sixty acres were sold, and the remainder became subject to private entry.

Two million acres of pine-timber lands were offered in the Duluth, Minn., district, and 1,000,000 acres in the Saint Cloud district. About 268,000 acres were sold in both districts, at an average price of $1.90 per acre. The remainder of the lands became subject to private entry at the minimum price.

Ninety-eight additional townships, embracing 1,500,000 acres, were proclaimed for offering in the Saint Cloud district.

CASH SALES.

SALES MADE OUTRIGHT IN UNLIMITED QUANTITIES AT DISTRICT LAND OFFICES AT $1.25 PER ACRE—ALMOST ALL IN SOUTHERN STATES.

The number of private cash entries was 11,104, embracing 2,179,955.14 acres, an increase of 255,458.99 acres:

CONSUMMATED PRE-EMPTION AND HOMESTEAD ENTRIES.

2,285,710.35 acres were sold under the pre-emption law, an increase of 934,329.52 acres; 1,236,119.96 acres were embraced in commuted homesteads, an increase of 158,736.06 acres.

TOTAL CASH SALES IN 1883.

The total cash sales, including land sold at public and private sale, pre-emption, commuted homesteads, mineral lands, timber and stone lands, &c., amount to 6,839,042.67 acres.

PRICE PER ACRE REALIZED FROM CASH SALES IN 1883.

The amount of receipts from cash sales was $9,657,032.28, an average of a fraction over $1.40 per acre.

CORRESPONDENCE FOR THE YEAR 1883.

The number of letters received was 117,800, an increase of 26,238, or 30 per cent. over the year 1882. The number of letters written was 88,955, covering 66,384 pages of letter record.

MAPS AND PLATS—WORK DONE IN 1883.

Current work has included the revision and correction of the annual map of the United States (edition of 1882); the compilation of new maps of Florida and Arizona; revising and correcting maps of Alabama, Idaho, and Montana; the commencement of the compilation of new maps of Utah and Wyoming, and the revision of the map of Washington Territory; extending public surveys and railroad lines on State and Territorial maps; protracting and drawing diagrams of new surveys, and making numerous calculations for official purposes. Three hundred and seventy right-of-way railroad maps have been examined; 20 railroad land-grant maps constructed; 717 copies of railroad, private land claim, Government reservation, and district maps and township plats copied, and the tracings of 3,188 worn township plats examined preparatory to photolithographing them. Nearly 10,000 photolithographic copies of township plats have been furnished public officers, and a large number to private applicants. Indexes have been prepared to 150 volumes of field notes and plats of survey.

REPAYMENTS.

(ACT OF JUNE 16, 1880.)

See "Decisions of the Department of the Interior and the General Land Office, in cases relating to lands and land claims from July, 1881, to June, 1883." Title, "Repayments," pages 527 to 539.

Five hundred and sixty-six repayment claims for lands erroneously sold or entered were adjusted and approved, amounting to $57,739.64. (See Circular of October 1, 1880.)

EXEMPLIFICATION OF RECORDS (COPIES).

Section 461 of the Revised Statutes makes it the duty of the Commissioner to furnish all exemplifications of patents or papers on file or of record in this office that may be required by parties interested, at a price fixed by the statute, the fees so received

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to be paid into the Treasury. The amount received from that source the past year was $8,118.05. This class of work increases year by year, and now involves the aggregate time of several clerks, resulting in a corresponding loss to the ordinary business of the office.

In order that this special service for the accommodation of private parties who pay the expenses of it may not be an interference with the general service, nor a tax upon the general appropriation, I respectfully recommend that provision be made by law by which the money received at this office for certified copies of plats and records shall be deemed specially appropriated for defraying the expenses of preparing such copies, the same to be disbursed by the Treasury Department in the usual manner.

PUBLIC LAND STATISTICS.

This office is constantly called upon for information from the records for the use of committees and members of Congress, and other branches of the Government; State and county officials; scientific, historical, and politico-economic societies, American and foreign; immigration and agricultural associations; statistical compilers and others. The information so sought cannot usually be furnished without the expenditure of much time and labor in the examination of miscellaneous and voluminous records, and it is frequently impracticable for that reason to furnish it at all. Accuracy is hardly attainable in the preparation of statements that may be made in the unmethodical and often hasty manner indicated.

It is a matter of current official necessity, public convenience, and historical consequence, that essential public land statistics should be brought into accessible condition. To collate and arrange this data in convenient form for ready reference would probably require the work of six clerks for three years. But when done it would be done for all time, and a great saving of labor now annually required in making up statements and reports would be effected.

The compilation of data for my annual report has taken the constant labor of four clerks for three months. A call the past year for information in regard to sales of about 10,000,000 acres of Choctaw lands for use in a suit in the Court of Claims required the labor of six clerks six months to collate the facts. With a proper digest of record results the greater portion of such labor would be saved. It has never been possible, with the great need of all clerical force in current work, to even commence a systematic compendium of public land statistics.

INDEX OF LAND PATENTS.

An early provision of the statutes (section 459, Revised Statutes) makes it the duty of the recorder to prepare alphabetical indexes of the names of patentees of public lands. This work has never been done, and a special appropriation is now necessary to carry out that provision of law.

Such indexes are needed for constant reference, and the want of them involves greater labor in searching the records upon calls for information than would be required to annually continue them when once brought up to current dates.

FRAUDS UNDER EXISTING LAND LAWS.

(To June 30, 1883.)

The frauds committed under the several settlement and disposition laws had become so numerous and glaring that it was found necessary in 1883 to create a special division in the General Land Office to have charge of such matters. It is known as the "Special Service Division P." In the Report of the General Land Office for 1883, pages 206 to 211, will be found details of its operations. The following extracts are given:

INVESTIGATION OF FRAUDULENT LAND ENTRIES.

The work of investigating illegal and fraudulent entry and appropriation of the public lands was assigned to this division April 1, 1883. Since that date all matters in relation to public land investigations have been conducted under its supervision, except such as relate to swamp lands and the examination of frauds in the public surveys.

Notwithstanding the fact that much time has been employed in organizing the division and in the preparation of instructions to special agents, a large amount of work in the field has been performed in the brief period between the organization of the service and the close of the fiscal year.

Thirty special agents are now in the field investigating fraudulent land entries. Three of them (appointed prior to March last), in connection with clerks detailed for

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such service, constituted the entire force theretofore engaged in this class of work; the others have been appointed from time to time under the act approved March 3, 1883.

The entries which have been the subject of investigation were made under the pre-emption, homestead, timber-culture, timber-land, desert-land and mineral acts, and the donation act of June 22, 1854, applicable to the Territory of New Mexico.

Pre-emption filings are largely made for timber lands as a cover for timber trespass, the filing being set up as a claim to hold the land until the timber can be removed.

FRAUDULENT PRE-EMPTION FILINGS.

A common abuse under the pre-emption act is the filing of a declaratory statement (section 2264, Revised Statutes) for speculative purposes, the party making the same having no intention to comply with the law and make entry, but filing it solely to make a claim to the land appear of record, which claim is then held for sale to the first *bona fide* entryman who will purchase a relinquishment of the filing rather than run the risk of making an entry subject thereto, and incur delay and expense involved in obtaining its cancellation.

Much desirable land being covered by such filings, parties desiring to enter the same as settlers in good faith, feel obliged under the circumstances to make such purchase in order to exercise the privilege of entry; they feel forced to incur extra expense. That the latter, in many instances, are ignorant of the law and their rights in the premises, inures to the benefit of the speculators. In many instances more is paid for a relinquishment of a filing than the Government price for the land, although the claim purchased may be founded on fraud and perjury. It has been the effort of this division to search out such fraudulent filings, to the end that the records of the office may be cleared of the same, and that honest and *bona fide* settlers may secure for themselves the homes that the law designed they should obtain.

FRAUDULENT PRE-EMPTION ENTRIES.

Large numbers of fraudulent pre-emption entries have been and are being made by parties either for their own benefit or the benefit of others who furnish the money to them for that purpose. The reports of agents show that gangs of men, ranging from ten to fifty, are often employed to make as many entries; that these men are hired at so much a head for that purpose; and that they do not hesitate to perjure themselves in supplying proofs for each other showing that the law has been complied with in every particular. Such violations of law occur in many localities.

FRAUDULENT HOMESTEAD ENTRIES.

Frauds under homestead laws are largely perpetrated in connection with entries in which the parties allege settlement prior to the date of entry, and at the time or soon after give notice of their intention to make final proof; thus being enabled to secure title earlier than in ordinary homestead entries, and in some instances before the discovery of the fraud. In many cases investigated, it is shown conclusively that no improvement has ever been made, the premises showing no evidence of residence or cultivation.

Section 2301 of the Revised Statutes (providing for the commutation of homestead entries) has been made the medium through which title has been secured to large bodies of the public lands without compliance with the requirements of law, the parties seeming to think that if the price of the land is obtained by the Government that is sufficient, and all that ought to be required, and that it is immaterial whether the conditions of the law have been observed or not. In this way moneyed corporations and wealthy speculators acquire title to vast bodies of the public domain, the "settler" being simply an employé paid so much a month to hold the claim until such time as the homestead entry can be commuted, which being done the land is deeded to the party employing and paying therefor. In many instances it has been ascertained that the deed of conveyance was executed in advance of the completion of the entry.

Special agents have been instructed to carefully examine into all entries under the two classes above named, and to report the result of their investigations to this office in order that fraudulent or speculative entries may be suspended or canceled, as the facts presented may seem to warrant.

FRAUDULENT MINERAL ENTRIES.

The fact has been developed that in many instances lands occupied for town-site purposes or adjacent to a town, or valuable for the timber thereon, and containing no mineral of any character whatever in paying quantities, are located and entered as

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placer mineral claim; also that in some cases lands valuable only for agricultural purposes are entered under said law.

Where there is reason to suspect that the mining act is thus being made use of for fraudulent purposes, examinations and investigations have been ordered.

FRAUDULENT TIMBER-CULTURE ENTRIES.

Many entries under the timber-culture act are found to have been made solely for the purpose of speculation in the sale of the relinquishments of such entries, and with no purpose to comply with the requirements of the law. Parties have been able in this way to prevent *bona fide* entry of the lands for a term of years, their fraudulent entries being a bar to a valid entry until the record is cleared. Contests for failure to comply with the law as to breaking and planting cannot be entertained until after the expiration of one year from the date of entry; hence, the only course left by which the public lands can be protected against this class of speculative entries is for a special agent to thoroughly investigate suspected cases, with a view to the cancellation of entries where fraud is shown.

FRAUDULENT TIMBER-LAND ENTRIES.

Evidence is cumulative that the act approved June 3, 1878, providing for the sale of timber lands in the States of California, Oregon, and Nevada, and Washington Territory, is made use of by corporations and wealthy individual operators, to secure fraudulently, for the purpose of manufacturing into lumber or to hold for speculation, the accessible forests yet remaining in the States and Territory named. It is not desirable that these lands should pass into the hands of speculators (whose main object is to denude them of timber), and thus to be lost to those who would enter and make use of them in a legitimate manner in connection with their farms and improvements.

The fraudulent removal, under cover of this act, of the timber upon mineral lands, where the same is required for a proper development of the mines, can but have a very depressing effect upon the mining industry, and may result in permanent injury to it.

Still another view of the bad results from this species of speculative entries is that the wholesale destruction of forests resulting therefrom must, as experience has taught, tend to induce in particular sections of country sudden and great floods in streams that have their rise along the watersheds denuded of their timber, destroying or endangering life and property; while in other localities the destruction of the forests have the effect of decreasing the rainfall to such an extent as to render extensive sections of country almost worthless for agricultural purposes.

Another class of speculative and absolutely fraudulent entries made under this act are those made of lands which are valuable for agriculture and not properly subject to entry under said act.

In consequence of evidence already furnished, large numbers of entries under this act have been suspended, and are now being individually investigated.

FRAUDULENT DESERT-LAND ENTRIES.

There has been great abuse in entries under the act of March 3, 1877, to provide for the sale of desert lands in certain States and Territories. Many of the entries are for lands which are not "desert" within the meaning of the law, and which have been shown upon examination to be susceptible of cultivation without the necessity of irrigation. Again, lands which cannot possibly be reclaimed, but which are valuable for timber, are frequently embraced in such entries.

Entries are also made for the benefit of others than the entrymen in evasion of the restriction of the quantity which any one person is permitted to enter under the act.

FRAUDULENT DONATION ENTRIES.

Large numbers of illegal and fraudulent locations have been made in the Territory of New Mexico, under the donation act of July 22, 1854. Section 2 of said act is as follows, viz:

"That to every white male citizen of the United States, or every white male above the age of twenty-one years who has declared his intention to become a citizen, and who was residing in said Territory prior to the first day of January, 1853, and who may be still residing there, there shall be, and hereby is, donated one quarter-section, or one hundred and sixty acres of land, and to every white male citizen of the United States or every white male above the age of twenty-one years who has declared his intention to become a citizen, and who shall have removed or shall remove to and settle in said Territory between the first day of January, 1853, and the first day of January, 1858, there shall in like manner be donated one quarter-section, or one hundred and

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sixty acres, on condition of actual settlement and cultivation for not less than four years: *Provided, however*, That each of said donations shall include the actual settlement and improvement of the donee, and shall be selected by legal subdivisions, within three months after the survey of the land where the settlement was made before the survey; and where the settlement was made after the survey, then within three months after the settlement has been made; and all persons failing to designate the boundaries of their claims within that time shall forfeit all right to the same."

Under the decision of the Department, dated November 29, 1882, in the case of Juan Rafael Garcia, the honorable Secretary held as follows:

"I think it was the intent of Congress, in the passage of the New Mexico donation act, that all selections should be made under the act, and settlement and cultivation be commenced by the 1st day of January, 1858, that being the limit of the time within which the necessary residence could be acquired."

In many cases it is found that the donee has in no manner complied with the provisions of the law as to settlement and cultivation. In such cases, fraudulent proof is presented to show settlement on the land prior to January 1, 1858. All such cases deserve and are receiving the attention of this division.

THE GENERAL LAND OFFICE—A SEPARATE BUILDING REQUISITE FOR ITS RECORDS.

Attention has been called for many years past to the want of room for storing and properly caring for the land archives of the nation. The General Land Office, at present located in the western portion of the building occupied by the Department of the Interior in Washington, has neither safe nor proper facilities for caring for its records. Using a large number of very small and unwholesome rooms, together with a gallery in the Patent Office, where many of the clerks are packed close to the roof, the chiefs of division and the executive officers cannot have the actual supervision of subordinates so essential to proper administration. The halls and corridors are masses of valuable paper waiting for fire to clear up the land records of the Government. The floor of the drafting-room is partially filled with maps and plats for lack of shelf or case room. The business of the General Land Office increases from year to year. More acres of land remain for disposition than have been sold or otherwise disposed of. The character of the lands remaining will require great care and exactness in their disposition. Fifty years from the present time, the probabilities are that the General Land Office will be of more service and value than at present, and doing a larger business than the average of any year prior to five years past.

A fire-proof building of brick or stone should be speedily provided for the use of this Bureau.

The health of the employés should have some consideration along with the question of the permanent care of records of lasting value to the people of the entire country.

The Commissioner of the General Land Office, in his annual report for 1883, says:

LAND OFFICE BUILDING.

The necessity for increased accommodations for the Land Office has heretofore been represented to Congress. This necessity is observable to all persons having business with this office, and the importance of providing for it was earnestly urged at the last session of Congress by a special committee of the Senate. The present accommodations are materially less than in previous years, the increase in business not only not being provided for, but former facilities having been impaired and limited by the demands of the Patent Office, which needs all room still occupied by this office.

An important division of this office, in which some twenty clerks are employed and more are required, is now, with a large mass of valuable and important papers and records, quartered in rented rooms at great inconvenience and risk.

The time has arrived when the public interests require the erection of a building for the use of the Land Office and its voluminous records. The records embrace the foundation of title to all the public lands of the United States passed to States, corporations, and individuals by grant, donation, sale, or other disposal. These records are invaluable. To a great extent they could not be duplicated in event of loss or destruction by fire or otherwise. It is of the utmost importance that they be permanently deposited in a perfectly fire-proof building. I earnestly recommend that immediate provision be made for the construction of such building.

INADEQUATE PAY OF OFFICIALS OF THE GENERAL LAND OFFICE.

The General Land Office, charged with the care and custody of the public lands, under the supervision of the Secretary of the Interior, is one of the most important and

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responsible public divisions in the administrative circles of the Government. The survey, sale, or other disposition of the nation's public lands is within its control. It employs more clerks than the Navy or State Department or the Department of Justice. Its jurisdiction reaches from Lake Erie to the Pacific Ocean and from Canada to the Gulf of Mexico. Four-fifths of the lands of the entire area of the United States have been or are now under its supervision. It has an army of agents, surveyors, and registers and receivers. Under it are sixteen surveying districts in sixteen States and Territories, each with a surveyor-general, and scores of deputies; and one hundred and seven district land offices, selling or disposing of public lands scattered over an area of 1,200 miles square; also a corps of special timber-agents watching for and preventing depredations from the southern extremity of Florida to the northernmost portion of Washington Territory and Alaska, a broad belt of country almost 4,000 miles in length. To manage all of this grave responsibility we find a commission with the compensation of the manager of a wholesale mercantile house. The chief clerk who also acts as Commissioner—paid the salary of a second-class commercial clerk—and the chiefs of division inadequately paid, over a force of clerks not sufficient in number to carry on the daily business of the office.

An examination will show that several divisions are behind in their work a score of years.

The Commissioner of the General Land Office exercises executive, supervisory, and judicial powers. Cases are frequently decided by him in mineral and private land claims, cases involving millions of dollars. Secretaries of great Departments of the nation have no more duties or more responsibilities. An immense and wearing responsibility lies upon the Commissioner and his assistants. In aid of this he and his staff should be paid a living and proper salary, and a sufficiently numerous clerical force be given him. Pages 164 to 177 will furnish data from which to form an idea of the vast field and range of duties in charge of the General Land Office.

The business and labor of the General Land Office steadily increase from year to year, but the clerical force is not increased proportionately.

Mr. Commissioner McFarland, in his annual report for 1883, so forcibly yet modestly states the wants and necessities of his Bureau, that his statement and reasons are given in full:

ASSISTANT COMMISSIONER.

I renew the recommendation that an Assistant Commissioner be provided for. More than half the time of the Commissioner is taken up with official interviews upon the great variety of topics incident to the administration of the office. Two or three hours daily are consumed in the mechanical work of affixing his signature to letters and documents, numbering about 500 daily, leaving him little or no time for the consideration of important matters to which his personal attention is supposed to be given. An assistant, who should be authorized to sign such letters and papers, and perform such other service as the Commissioner might direct, would relieve the latter of much routine work, and enable him to better attend to the higher duties of his office.

CHIEF CLERK, LAW CLERK, ETC.

My estimates include a recommendation for a moderate increase in the salaries of the principal officers and clerks subordinate to the Commissioner. A greater increase than I have recommended would be expedient in the interests of good administration, and but a just reward for competent and faithful service.

The compensation provided for clerks and employés of the lower grades is reasonable; but the duties which clerks of higher grades are required to perform call for a degree of intelligence and ability that cannot be retained in the service, when secured, at the inadequate compensation provided. The Government needs the best service it can obtain, and is able to pay for it, but the Land Office is often unable to retain valuable clerks. The salaries paid in the Land Office are less than in other Bureaus and Departments not requiring as great capacity or ability. A transfer has recently been made from an $1,800 position in this office, requiring professional skill of a high order, to a similar but not more onerous position in another Department where the pay allowed is $2,500. A skilled assistant, whose services were needed, but who could here be paid but $1,600, received $2,000 by a similar transfer.

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The chief clerk of this Bureau performs services of a character that should be paid by an increase of salary to $2,500. He must be competent to act as Commissioner, and his duties involve great tact and discretion as well as constant and arduous labor.

The law officer must be competent to submit opinions to the Commissioner upon the most complex questions arising in the administration of the land laws. He is constantly called upon to perform services requiring a high order of legal ability, and that familiarity with land law and practice which only careful training and long experience can give. I have asked an increase to $2,500 for the law clerk, and to $2,250 for an assistant, whose duties are similar.

I have also asked an increase to $2,000 for two examiners of office decisions, who are now taken from fourth-class clerks, and whose duties are of exceptional character and responsibility.

The early organization of the General Land Office included three principal clerks to be appointed by the President. There were then but three principal divisions. Now there are ten, exclusive of the recorder, chief clerk, and law clerk. There is no reason why a distinction should exist in the method of appointment or official designation of any of the ten clerks who are chiefs of the ten divisions. I renew my recommendation that the distinction adverted to be abrogated.

I have recommended an increase in the salaries of chiefs of divisions to $2,000. They supervise all the work done in their respective divisions as well as the standing and conduct of the clerks, and the amount asked is less than that allowed in other branches of the service for no higher or more responsible duties.

INCREASE OF CLERICAL FORCE.

The General Land Office has been deficient in clerical organization from the beginning. There has at no time been a sufficient number of employés to dispose of current work. The increase provided for from time to time has never been proportionate to the increase of business. The volume of work in arrears at the close of each fiscal year has steadily and rapidly grown larger. At the same time, the amount of work accomplished has been greater in proportion than the increase in clerical force. This has resulted from improved system and continued efforts to promote efficiency, But in late years the increase in the amount of work thrown upon the office has been almost overwhelming. The increase in working force and appropriations has been doled out in pittances, and seemingly more to accommodate the Department than to meet the demands of the service. It is no personal advantage to yourself or the Commissioner that work should be disposed of, but it is of public consequence that this official work should be performed.

It is a matter of deep complaint, and is felt to be a public shame, that men upon the frontier, who are developing the country by their enterprise and labor, should suffer delay, and have their rights imperiled through a false or simulated economy in the necessary disbursements for the conduct of public business.

In 1876 the amount of land disposed of under the public land system was 6,000,000 acres. In 1883 the disposals were 19,000,000 acres, an increase of 200 per cent. The actual amount of new business brought into this office during the last year embraced 226,088 entries, covering 19,430,032.80 acres (exclusive of filings and of areas previously reported), with receipts, exclusive of fees for certified copies, amounting to $11,705,765.65, against 161,396, entries, 14,309,166.40 acres, and $8,387,917.27 the previous year, being an average increase over 1882 of 39 per cent., and an increase over the year 1881 of 82 per cent.

The increase in clerical force allowed by the last annual appropriation was only 10 per cent., one-half of which was absorbed in the entirely new work of protecting the public lands provided for by recent legislation.

A large volume of work is annually thrown upon the office for which no provision is made in the usual estimates for clerical force. This consists in the preparation of official reports and answers to Congressional and other inquiries. Much of the time of a large number of clerks is occupied during the sessions of Congress, and frequently at other periods, in this manner.

There are now pending before this office 600,000 claims of record in some stage of inception or progress under general laws, exclusive of railroad grants, swamp and mineral lands, and private land claims. The pending agricultural claims alone involve an adjudication of title to 90,000,000 acres. If but one-half of these claims should be perfected into title it would take the present force employed upon this work three years to complete the adjustments, leaving the whole volume of business that might come up within that period unprovided for.

I have asked for one hundred additional clerks for the service of the next fiscal year. This estimate was made before the completed returns and accounts had disclosed the extent of the increase in business during the year, and without fully considering the inadequacy of such estimate. It is my most conservative opinion that two hundred additional clerks of the higher grades are immediately needed, and could

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be employed with economy to the Government for a number of years to come. Provision for a grade of examiners of land titles, corresponding to the grade of principal examiners in the Pension Office, would be extremely desirable.

SALARIES.

It cannot be suggested that the General Land Office is less important to the public interests than other Bureaus of the Executive Departments, nor that the duties devolving upon the Commissioner are less comprehensive or arduous than those pertaining to any other office of similar grade. And yet the salary attached to this office is smaller than that allowed in several other positions involving a no greater magnitude of interest nor more exacting duties. The character and responsibilities of this office appear to me to justify the moderate recommendation that the salary of the Commissioner be fixed at $5,000. The foregoing recommendations for increase of official compensation are believed to be moderate and within the legitimate requirements of a proper administration of the public land system.

RECOMMENDATIONS OF THE PUBLIC LAND COMMISSION.

The Public Land Commission in its preliminary report February 24, 1880, 46th Cong., 2d session, Ex. Doc. No. 46, pages xiii to xv, inclusive, gives much valuable and historical data in relation to the duties devolving upon and wants of the General Land Office.

REPORT OF THE SENATE COMMITTEE ON PUBLIC LANDS.

The following report of the Senate Committee on Public Lands as to the requirements and necessities of the General Land Office is printed in detail. The testimony attached to it, 158 pages, as to the abuses and hardships existing under the several disposition laws is not printed. It is, however, of much practical value and interest.

It is unnecessary to say, perhaps, that no legislation of moment followed this investigation and report.

[Senate Report No. 362, 47th Congress, 1st session.]

IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1882.—Ordered to be printed.

Mr. MORGAN, from the Committee on Public Lands, submitted the following report, to accompany bill S. 1619:

The Committee on Public Lands, to whom were referred the following resolutions—

"*Resolved*, That the resolution of the Senate adopted on the 27th day of October, 1881, authorizing the Committee on Public Lands to investigate the condition of the General Land Office with a view to providing better accommodations for the officers and employés thereof, and a proper grading of the clerks, and for the preservation of the books and papers, be revived and continued until the further action of the Senate.

"Attest:

"F. E. SHOBER,
"*Acting Secretary.*"

On motion by Mr. Blair:

"*Resolved*, That the Committee on Public Lands be instructed to inquire into the administration of the land laws and system, and their operation in the practical disposition of the public lands, and any abuses and hardships which may exist in their administration, and to report to the Senate any facts and recommendations with reference to the same, which, in their opinion, the public interests may require.

"Attest:

"F. E. SHOBER,
"*Acting Secretary.*"

have had the same under consideration, and respectfully report their recommendations thereupon; and the evidence taken by order of the Senate.

The evidence taken under these resolutions includes the statements of the Commissioner of the General Land Office, and the depositions of the chief clerk, the law clerk, the head of each division, and of the chief clerk of the Interior Department.

From these statements a full understanding of the actual condition of the General Land Office, and of the Interior Department building, can be obtained. The committee agree that the Interior Department edifice is incapable of properly accommo-

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dating the Patent Office, the Bureau of Indian Affairs, and the General Land Office, and that these difficulties and embarrassments are increasing rapidly.

The want of sufficient room, light, and ventilation is very damaging to the health of the employés, and greatly delays them in their work, causing a serious loss of time and efficiency in their service. It also exposes the most valuable papers and records to theft, and to great danger from fire, and has already caused the destruction of many of them by mold and decay, and by the ravages of insects and vermin.

Mr. Lockwood, chief clerk of the Interior Department, has the supervision of the entire building. His entire deposition is referred to as presenting in condensed form a general view of the condition of each bureau in the department.

The statements of Mr. Lockwood are supported in detail by every witness examined by the committee.

It is obvious that there must be a change in the accommodations for the several bureaus now occupying the Interior Department building. The removal of the Indian Bureau to another building would afford some temporary relief, but that would be inadequate even to the present necessities of the Patent Office and Land Office, and must, if made, be followed soon by other like expedients. What new arrangements will give permanent relief from this defective and embarrassing condition of the Interior Department must be determined by the settlement of the question whether the General Land Office shall remain a Bureau in the Interior Department. If it remains in the Interior Department, its removal to another building cannot be avoided, or long delayed, as well for its own accommodation as to make room for the Patent Office and the Bureau of Indian Affairs.

This question includes far more that is important to the people of the United States, of this and coming generations, than the orderly and prompt transaction of the business connected with the disposal of our vast public domain; but that consideration alone is sufficient to demand the earnest attention of Congress to the necessity that exists for some change that will secure a better supervision of the business of the General Land Office.

The condition of the business of that Bureau is illustrated, rather than fully disclosed, in the testimony submitted with this report. This evidence, which does not include a full statement of the condition of the Land Office because of the reluctance of the committee to swell the report with statements in complete detail, shows the following state of facts:

1. In the division of private land claims there are at least 8,733 claims yet unadjudicated from the State of Louisiana alone. These claims originated under treaties.

In Oregon and Washington Territory 2,343 claims remain to be adjudicated.

In New Mexico, under the donation act of July 22, 1854, 208 claims remain for adjudication.

In California 53 claims remain to be disposed of.

* * * * * * *

To show the age of many of these claims, Mr. Harrison states that "in Louisiana alone there are at least 10,000 claims, some of which were adjudicated as far back as 1807, and from that time to the present we have not disposed of more than 1,300. The average number of letters written from this division is 1,300 per annum, of which some require a clerk three or four days to prepare."

In the public lands division, the chief, Mr. Howell, states as follows:

"We have charge of the adjudication of all private cash entries, private locations with land warrants, and the several kinds of scrip, homesteads, timber-culture entries, timber-land entries, restored military and Indian reservations, public sales under President's proclamations, and other minor details that do not occur to me now. This division is the basis and framework of other divisions of the office. We post in our records all pre-emption filings and entries, as well as the entries and filings adjudicated in this division. We also note on our records swamp-land selections, university selections, public offerings, executive withdrawals, town-site entries, donation claims, &c. Many of the postings come from other divisions of the office.

"Q. It is rather a historical division?—A. We note in permanent records most of the transactions in the administration of the land service.

"Q. Does that include also private land claims?—A. We note a reference to private land claims whenever possible, but the descriptions of those claims are so irregular, and there are so many conflicts in regard to boundary lines, and points of that kind, that that work is left to the division of private land claims.

"Q. Are pre-emption entries also in your jurisdiction?—A. We post all pre-emption entries and note any conflicts. The pre-emption division adjudicate the claims, and on their approval of the cases they are sent back to our division so that we can note their approval on our records. The clerks in the pre-emption division pass upon the sufficiency of proof."

Mr. Howell states that his division, with about fifty clerks employed, is six months behind, in the *mere posting of entries*, without which no work can proceed properly in any other division where any question of title, survey, or location may arise. This

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division is also behind from one to six months in its correspondence. There are more than 1,000 contested cases pending in this division, and a still larger number held for consideration as being in conflict with other entries where no actual contest has been instituted.

This division has been crowded out of the rooms into a long hallway, on either side of which are open alcoves for the cases in which patent models are intended to be kept. The papers of the division, which must be frequently examined, are some of them in the first basement, and are scattered in cases from there to the attic, wherever room can be found for them, in the open hallways or elsewhere. The clerks have frequently to walk a fourth of a mile to get a paper that is needed, and it requires the skill of an expert to know exactly where to look for it. Some of these contested cases involve property to the value of millions of dollars. Mr. Howell says, "Of the several classes of entries on the records yet to be examined and passed upon, there are doubtless 100,000 cases, and with pre-emptions and soldiers' filings they embrace an aggregate area of more than 20,000,000 acres of land." In this division about 100 letters are written each day; the correspondence is much behind, and in some cases letters are filed away with the papers in the case until it is decided, and so remain unanswered for as much as a year.

In the pre-emption division there are 1,195 contested cases undecided, and 7,879 cases suspended or not acted upon. In this division 6,877 letters are written annually. In each of the above divisions the records run from ten pages to one thousand.

The mineral-land division was organized in 1866. This division examines the mineral-land surveys, and writes up the patents issued to claimants. The increase of business is very rapid; 1,718 cases are remaining to be examined, besides 20 contested cases, and 575 cases that involve the character of the land as to whether it is mineral land. This division is three weeks behind in its correspondence.

The surveying division is about one month behind in its work. The statements of Mr. Dallas, the chief of the division, are valuable as showing the imperfections in our public surveys, and the necessity of having inspectors of the work actually in the field. In the swamp-lands division there are "hundreds of cases" of private claims opposed to claims of States that are not acted on, and 14,000,000 acres of land claimed by States under swamp-land grants not acted upon. Some of the contested cases are twenty years old.

The railroad division was organized in 1872. Its jurisdiction covers an estimated area af 155,000,000 acres of land, of which 47,392,765 acres have been patented, and selections are pending and to be decided for 2,145,000 acres.

There are 3,921 cases of actual entries within railroad land-grant limits not disposed of, and 970 cases contested and not disposed of in this division. "In many cases the record is voluminous, and the questions involved are intricate, requiring very careful examination and consideration to reach proper decisions." This is equally true of the other divisions. The letters received during the last fiscal year were 3,727, and 6,153 were written and recorded. Some classes of work are greatly in arrears.

The work of the recorder's division has been largely increased by the addition to it of the Virginia bounty-land bureau, and the bureau of military bounty lands. Some of the cases undisposed of are very old. Scrip in favor of the estate of John Paul Jones was recently issued in one of them. In about 12,000 cases patents are yet to be written.

There are in the Land Office, not actually delivered, 291,572 patents that are in all respects complete and ready for delivery. These, being mostly of parchment, are being destroyed by rats, and obliterated by the lapse of time.

In the division of accounts some important parts of the work are four months behind. This division is called upon frequently by Congress and the Interior Department for statistical tables and statements, which are prepared by the clerks, who would find all they could do to keep the accounts of the division up to date. No account is kept in the General Land Office of moneys received for timber depredations. In the law clerk's division the business referred to it is several months in arrears, and many cases that require examination are never referred to this division, because the two clerks assigned to it are not able to examine them for want of time.

The forests of the country on the public domain are suffering greatly from depredations. The timber division is poorly provided with means to prevent this waste, which endangers the farming interest by its effect on the rainfall, and is rapidly sweeping away grand bodies of timber that can never be replaced.

Enough appears in these statements to induce careful attention to this bureau of public lands, which has in its charge the evidences of title to all the vast area of lands that has passed from the United States into private ownership, and the future disposal of an area that can be sold at some price, and much of which is very valuable, of about 1,500,000,000 acres.

The General Land Office is a great land court, with a jurisdiction that includes almost the entire range of the vast number of questions that arise out of our system of legislation respecting the public domain, if the changing, shifting, temporizing, and often conflicting legislation of Congress on this subject can be justly called a system.

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Confusion and contradiction in the decisions of the General Land Office, of the local land offices, and the courts have been the natural results of the character of our legislation and the imperfect administration of our land laws.

The bills for special relief now before Congress, and that have for years been urged here, the claims for indemnity for time, labor, and money expended by patentees and other persons whose titles, issued under an act of Congress, or under one decision of the General Land Office, which have been destroyed by other laws or decisions, are sufficient proof of the necessity of a better administration of our land laws.

Doubtless Congress is responsible for much of this trouble and loss to the people, but far the general part of it is due to an inefficient administration of the land laws, in the shallow and hasty consideration given to their meaning and proper application to cases by the general and local land offices. It is only justice to say that the Secretaries of the Interior, the Commissioners of the General Land Office, and the chiefs of divisions have, as a rule, been able and efficient officers, and they have devoted all the time and energy possible to the faithful discharge of their duties to the public. The clerks also, as a rule, have done their duty diligently and faithfully and with far more of ability than could reasonably be expected from men who eke out a bare subsistence on the salaries allowed them, when they could earn twice the money or more in other service or pursuits. The fault is in the system, which is, after all, as good as could be devised with the facilities afforded by Congress, in room, light, ventilation, the number and grade of clerks, and their pay.

Every officer examined testifies to the necessity of having the pay of certain classes of clerks increased, so as to put a higher grade of talent and information within reach of employment for the more responsible clerkships in the several divisions, and to keep men in place after they have become experts in the great variety of special subjects that constantly arise for examination.

They also testify as to the number of clerks needed in addition to those now authorized to bring up the business in arrears, the entire number required to bring up the work and keep it up being about 90. For the year ending June 30, 1881, the clerical force of the General Land Office numbered 195. The Commissioner in his estimate submitted with his annual report asks for 243 clerks, which is an increase of 48 over the number employed at the close of the last fiscal year, and of 42 over the number now allowed. Under the last appropriation the sum allowed for all salaries, clerk-hire, messengers, and labor, was $287,820. The amount estimated for is $389,400, as follows:

Commissioner	$5,000 00
Deputy commissioner	3,000 00
3 inspectors of surveyor-general and district land offices, at $3,000 each	9,000 00
Chief clerk	2,500 00
Law officer	2,500 00
Recorder	2,000 00
3 principal clerks, of public lands, private lands, and of surveys, at $2,000 each	6,000 00
6 chiefs of division, at $2,000 each	12,000 00
Receiving clerk	2,000 00
Chief draughtsman	2,000 00
35 clerks of class 4, at $1,800 each	63,000 00
50 clerks of class 3, at $1,600 each	80,000 00
60 clerks of class 2, at $1,400 each	84,000 00
55 clerks of class 1, at $1,200 each	66,000 00
35 copyists, at $900 each	31,500 00
Chief messenger	900 00
8 assistant messengers, at $720 each	5,760 00
6 packers, at $720 each	4,320 00
12 laborers, at $660 each	7,920 00
	389,400 00

The cash receipts on account of lands and land entries during the last fiscal year were $5,408,804.16.

But 10,893,397 acres of land were disposed of, showing that the cash sales represent only a small proportion of the work done by the land offices. A large income was derived from fees for the work of the employés of the land offices.

In comparison with this amount of receipts, and the current work of the bureau, the foregoing estimate is certainly very moderate.

Many other matters in which legislative reforms are needed are disclosed in this testimony, but the committee think it better not to attempt to patch up a defective system until it has been determined that Congress prefers that system to the change they propose.

This great land court—the General Land Office—now has pending before it not less

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than 140,000 cases for examination, of which about one-third are contested, either with the Government of the United States or with private litigants.

As it has been in the past, so it will be in the future, that ninety per cent. of the decisions made in this tribunal will be final and conclusive of the title to the lands in controversy. The value of those lands can scarcely be computed, so rapidly is the increase of value from the improvements put upon them by occupants, from railway extensions, from the enormous immigration to the United States, the rapid natural increase of population and wealth, and the growth of new industries.

The testimony discloses that the great body of those cases are in fact decided by the division clerks, many of whom are not educated lawyers; and who get pay at the rates of from $1,000 to $1,800 per annum.

It is greatly to their honor that so little is alleged against their integrity under such circumstances.

A single case is frequently found to cover more than a million dollars in value, and to require an examination of a record of over a thousand pages.

The clerk takes the case assigned to him and examines the record and finds the facts, giving such weight to the testimony as he thinks it entitled to, both as to competency and credibility, and its value in comparison with other contradictory statements. On his findings he applies the law as he understands it, and that is the adjudication of the case to stand until it is reversed.

The chief of the division takes the facts as found by the clerk and reviews the application of the principles of law, which the clerk has announced, to the case in hand and passes upon the soundness of his rulings on the law.

This is done when the chief of division has the time to give the case even this slight examination, but it is the exception and not the rule, that he can do so much in the re-examination of the case. He never reviews the facts as found by the clerk, unless some exception taken or some special order from a superior makes it a special duty.

A board of general supervision is organized by the Commissioner of the General Land Office, not under any law of Congress, consisting of three clerks detailed from other duties to examine all the letters written from all the divisions and all the decisions made in each.

It will be readily seen that this board cannot perform this work thoroughly from sheer lack of time and physical strength. They give a rapid glance at such matters as seem to be most important, and only in rare cases do they stop a case on its hurried progress through the official routine.

This scarcely amounts to a pretence of a review. The case then goes to the chief clerk and from him to the Commissioner. Neither of these officers have so much time as those through whose hands the cases have come to review them, and they are passed into decisions, no one objecting.

In contested cases, where the parties are able to employ counsel, exceptions and appeals contribute to procure a more thorough review, but in those cases, of which there are many, the decisions must be greatly delayed, from the pressure of other current business, in every stage of their progress, and must be examined in the midst of many urgent demands upon the time and attention of the Bureau officers to other business of equal or greater importance. If the case is difficult, and the Commissioner is advised of the trouble, he refers it to the law clerk, and his examination is delayed by a great pressure of business in his office. If the case reaches the Secretary of the Interior it is then brought into competition with a vast multitude of cases and questions and duties that engage his attention, from his important part in the general executive administration of the entire country, down through the Patent Office, the Pension Bureau, the Bureau of Indian Affairs, the Bureau of Education, the General Land Office, the Geological Survey, the Census Bureau, the office of Commissioner of Railroads, the Pension Agency, and the appointments to offices in which thousands of officers, clerks, and employés are to be heard, in some form, and provided for.

When we consider the number of cases and questions that grow out of our complicated land laws, in which the highest officer in the Department should settle and announce the rulings, and the actual impossibility that he can make personal examination into one case in a hundred that really need his supervision, it becomes evident that Congress should provide a better security for the wise and enlightened administration of this great landed estate held in trust for the people.

To your committee it appears to be the plain duty of Congress either to aid the Secretary of the Interior in giving a larger part of his time to the public lands and their administration, by transferring other Bureaus, now in the Interior Department, to some other Department, or to give to the public lands a more efficient and satisfactory supervision, by creating a Department of Public Lands, similar in its organization to the Department of Agriculture. This fact is so patent that it needs no discussion. An argument is urged against this plan that the Bureaus of Lands and Indian Affairs are so intimately connected that it will be difficult to separate them.

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Your committee are not convinced that this is a real difficulty.

The Bureau of Indian Affairs was created by the act of July 9, 1832, in the War Department. The General Land Office was created April 25, 1812, as a Bureau in the Treasury Department, and was transferred to the Interior Department March 3, 1849; and in the same act the Bureau of Indian Affairs was transferred from the War Department to the Interior Department.

They were no more identified in their jurisdiction or duties after the transfer than they had been while they were in different Departments. Your committee do not find in the laws of the United States any enactment which gives to the Bureau of Indian Affairs, or any officer or agent thereof, any authority over the disposal or occupancy of the public lands, subject to sale or open to entry, in conflict with the jurisdiction conferred by law on the General Land Office, its officers or agents.

Without attempting a full discussion of this topic in this report, your committee recommend that a Department of Public Lands be created by law, and will hereafter report a bill for that purpose.

This Bureau, more than any other, unless it is the Patent Office or Printing Office, requires a building especially adapted to the nature of the business to be conducted in it.

Your committee also report a bill.

As it will be necessary, in any event, to provide immediately for additional room for the accommodation of the General Land Office, your committee recommend that this subject be referred to the Committee on Public Buildings and Grounds for their consideration.

GENERAL LAND OFFICE.

TO DECEMBER 1, 1883.

Administration of the land service, December 1, 1883.

(See chapter VI, pages 164 and 165, to June 30, 1880; see also pages 552, 556, to June 30, 1882, and in some instances to 1883.)

Name.	Whence appointed.	Date of original appointment.	Date of present appointment.	Present legal residence.		Compensation.
				State.	Cong. dist.	
Commissioner.						
Noah C. McFarland	Kans	June 17, 1881	Oct. 24, 1881	Kans	3d	$4,000
Chief clerk.						
*Luther Harrison	Pa	Dec. 10, 1865	Sept. 20, 1882	Pa	14th	2,250
Law clerk.						
Harry C. St. John	Kans	Nov. 6, 1882	Nov. 6, 1882	Kans	3d	2,000

For list of surveyors-general to June 30, 1883, see page 554.
For list of registers and receivers to June 30, 1883, see page 555.
For list of special timber agents to September 13, 1883, see page 1051.

THE DIVISIONS OF THE GENERAL LAND OFFICE.

DECEMBER 1, 1883.

CHIEF CLERK'S DIVISION. (See page 1231.)

DIVISION B.—Recorder's Division. (See page 1231.)
C.—Public Lands Division. (See page 1232.)
D.—Private Land Claims Division. (See page 1233.)
E.—Surveying Division. (See page 1233.)
F.—Railroad Division. (See page 1234.)
G.—Pre-emption Division. (See page 1234.)
K.—Swamp-Land Division. (See page 1234.)
L.—Draughting Division. (See page 1235.)
M.—Accounts Division. (See page 1235.)
N.—Mineral Division. (See page 1236.)
P.—Special Service Division, timber depredations, frauds, &c. (See pages 1236 to 1238.)

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Divisions of the General Land Office—Continued.

CHIEF CLERK'S DIVISION. (A)

Name.	Whence appointed.	Date of original appointment.	Date of present appointment.	Present legal residence. State.	Present legal residence. Cong. dist.	Compensation.
Clerks.						
*G. N. Whittington	Mass	Apr. 1, 1871	May 1, 1880	Mass	3d	$1,800
William O. Conway	Md	Feb. 1, 1854	July 1, 1881	Md	3d	1,800
*John W. Le Barnes	D. C	Nov. 1, 1875	July 1, 1881	D. C		1,800
William H. Boyd	Minn	Mar. 9, 1876	July 1, 1881	Minn	1st	1,600
*George R. Walbridge	Wis	Apr. 1, 1875	Sept. 7, 1882	Wis	9th	1,400
*Henry F. Wilckens	N. Y	July 16, 1872	May 1, 1877	N. Y	16th	1,200
Michael A. Lyons	D. C	June 1, 1880	Sept. 13, 1882	D. C		1,200
George A. Woolley	Va	Sept. 1, 1872	July 9, 1883	Vt	2d	1,200
Charles M. Kanouse	Wis	Mar. 2, 1882	July 12, 1883	Wis	3d	1,200
Hiram S. Graves	N. J	July 14, 1881	Sept. 13, 1882	N. J	2d	1,000
*†Frank Bell	N. Y	Sept. 8, 1871	June 19, 1883	N. Y	23d	1,000
Edward H. Minor	Pa	Mar. 7, 1865	June 22, 1883	Pa	21st	1,000
Mrs. Jane E. Shepherd	N. Y	Mar. 20, 1882	July 9, 1883	N. Y	21st	1,000
Miss Mary M. Chapin	Mass	July 1, 1875	Sept. 13, 1882	Mass	12th	1,000
Copyists.						
Miss Ada M. Stagg	Ohio	Mar. 20, 1882	Sept. 13, 1882	Ohio	1st	900
Mrs. Mary G. Oyster	Pa	Sept. 6, 1882	Nov. 1, 1882	Pa	14th	900

RECORDER'S DIVISION. (B)

Name.	Whence appointed.	Date of original appointment.	Date of present appointment.	State.	Cong. dist.	Compensation.
Recorder.						
*Seth W. Clark	N. Y	Dec. 23, 1865	May 25, 1876	N. Y	33d	$2,000
Clerks.						
Theodore F. Stokes	Ind	May 28, 1861	Aug. 16, 1882	Ind	10th	1,800
Joseph A. Deeble	D. C	Apr. 28, 1852	Aug. 16, 1882	D. C		1,600
*William A. Moore	Ill	Nov. 4, 1875	Aug. 16, 1882	Ill	5th	1,600
Daniel McCarty	N. Y	Dec. 12, 1852	Sept. 7, 1882	N. Y	23d	1,400
*John Dunn	Va	May 8, 1866	Sept. 7, 1882	Va	8th	1,400
*Wilson N. Fuller	D. C	Jan. 21, 1875	Sept. 7, 1882	D. C		1,400
*Charles A. Bretow	Mich	Aug. 1, 1879	Sept. 7, 1882	Mich	7th	1,400
Charles M. Heaton	Ind	May 28, 1861	Apr. 24, 1877	Ind	13th	1,200
Mrs. Hattie K. Walsh	N. Y	July 1, 1876	Oct. 1, 1877	N. Y	17th	1,200
Miss Ada Braddock	Minn	Nov. 10, 1874	Sept. 13, 1882	Minn	2d	1,200
Miss M. A. Patterson	Me	Dec. 23, 1874	Sept. 13, 1882	Me	5th	1,200
Eugene R. Culver	N. Y	Feb. 8, 1877	Sept. 13, 1882	N. Y	26th	1,200
Mrs. Rosa B. Niles	Ill	May 9, 1878	Sept. 13, 1882	Ill	1st	1,200
Miss Emily K. Winans	N. Y	May 15, 1878	Sept. 13, 1882	N. Y	27th	1,200
*Robert Nelson	D. C	Aug. 5, 1879	Sept. 13, 1882	D. C		1,200
Mrs. Augusta C. Starkey	Me	Feb. 1, 1877	Oct. 2, 1882	Me	5th	1,200
William E. Moran	D. C	Apr. 1, 1853	June 19, 1883	D. C		1,200
*Peter P. Bergevin	Miss	Feb. 2, 1871	Aug. 1, 1879	Miss	6th	1,000
Miss Mary F. Hood	D. C	Mar. 1, 1877	Sept. 13, 1882	D. C		1,000
Mrs. Maud A. Rudolphe	Kans	Nov. 1, 1881	Sept. 13, 1882	Kans	3d	1,000
Horace K. Lamb	Ill	Jan. 16, 1882	Sept. 22, 1882	Ill	20th	1,000
William M. Walters	Ky	Aug. 8, 1882	Mar. 7, 1883	Ky	10th	1,000
Mrs. Emma L. Young	Fla	Nov. 28, 1881	June 19, 1883	Fla	2d	1,000
Mrs. Mary K. Gulick	Pa	Mar. 20, 1882	June 19, 1883	Pa	19th	1,000
Copyists.						
Mrs. Martha S. Morrison	Ohio	Apr. 14, 1880	July 1, 1881	Ohio	13th	900
Mrs. Eva S. Evans	Kans	Sept. 7, 1881	Sept. 13, 1882	Kans	3d	900
Miss Fannie L. Ramsey	Ill	Dec. 29, 1881	Sept. 13, 1882	Ill	9th	900
Miss Lizzie E. Murphy	N. Y	Feb. 7, 1882	Sept. 13, 1882	N. Y	25th	900
Mrs. Mary E. Nesmith	N. H	Mar. 9, 1882	Sept. 13, 1882	N. H	2d	900
†Mrs. F. A. Whipper	S. C	Mar. 9, 1882	Sept. 13, 1882	S. C	7th	900
Mrs. Ellen S. Boiseau	D. C	Mar. 20, 1882	Sept. 13, 1882	D. C		900
Miss Susan P. Trimble	Ala	Mar. 20, 1882	Sept. 13, 1882	Ala	6th	900
Miss Mary I. Whitehead	N. Mex	Mar. 20, 1882	Sept. 13, 1882	N. M		900
Miss Annie E. Smith	Wis	Mar. 9, 1882	Oct. 3, 1882	Wis	7th	900
Miss Ada C. Lammond	Cal	June 3, 1879	June 19, 1883	Cal	1st	900
Mrs. Lizzie Greenland	Pa	Mar. 20, 1882	June 19, 1883	Pa	21st	900
Mrs. Mary L. B. Smith	Pa	June 20, 1883	June 20, 1883	Pa	2d	900
Oliver E. Williams	Pa	June 22, 1883	June 22, 1883	Pa	10th	900
Mrs. Susan P. Grigsby	Ky	June 30, 1883	June 30, 1883	Ky	8th	900
Miss Ella F. Larkin	Nebr	June 30, 1883	June 30, 1883	Nebr	1st	900

* Army or Navy.

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Divisions of the General Land Office—Continued.

DIVISION OF PUBLIC LANDS. (C)

Name.	Whence appointed.	Date of original appointment.	Date of present appointment.	Present legal residence. State.	Present legal residence. Cong. dist.	Compensation.
Principal clerk.						
*Myron E. N. Howell	Mich	May 28, 1861	Jan. 6, 1879	Mich	6th	$1,800
Clerks.						
Daniel T. Pierce	Mich	Jan. 1, 1863	Aug. 16, 1882	Mich	6th	1,800
*John W. Bell	Mass	Aug. 1, 1879	Aug. 16, 1882	Mass	3d	1,800
*David Kohr	Pa	Apr. 3, 1871	Sept. 19, 1882	Pa	19th	1,800
*Samuel W. Snow	N. C	Apr. 11, 1877	Oct. 2, 1882	N. C	5th	1,800
Angier M. Hobbs	Tex	Mar. 23, 1875	Dec. 6, 1882	Tex	7th	1,800
*Harry F. Smith	N. Y	Jan. 14, 1865	May 5, 1883	N. Y	26th	1,800
*Charles T. Yoder	Pa	Aug. 7, 1879	May 31, 1883	Pa	23d	1,800
Remus F. Foster	Pa	June 1, 1877	June 25, 1883	Pa	2d	1,800
*Luther R. Smith	Ala	July 3, 1883	July 3, 1883	Ala	1st	1.800
*Woodford D. Harlan	Ill	Dec. 21, 1865	Oct. 1, 1873	Ill	15th	1,600
*Charles H. Babbitt	Iowa	June 1, 1877	July 1, 1881	Iowa	9th	1,600
*Centre H. Lawrence	N. H	Feb. 10, 1866	Aug. 16, 1882	Md	6th	1,600
William M. Backus	Vt	Feb. 9, 1871	Aug. 16, 1882	Vt	1st	1,600
George H. Cline	Md	July 11, 1871	Aug. 16, 1882	Md	3d	1,600
Charles S. Gregory	N. Y	July 1, 1872	Sept. 14, 1882	N. Y	27th	1,600
*Henry Wahly	Mich	Jan. 16, 1871	Mar. 6, 1883	Mich	7th	1,600
Yvon Pike	W. Va	Mar. 1, 1880	May 5, 1883	Ark	3d	1,600
John W. Sanderson	D. C	Aug. 1, 1872	May 31, 1883	D. C		1,600
David Thompson	Mich	Aug. 8, 1882	June 19, 1883	Mich	3d	1,600
John A. Hirth	D. C	Oct. 1, 1866	June 25, 1883	D. C		1,600
Charles C. Norton	Vt	Aug. 1, 1879	June 25, 1883	Vt	1st	1,600
*L. E. Forrest Spofford	Conn	Mar. 10, 1871	July 9, 1883	Conn	3d	1,600
*Vivian Brent	Md	Aug. 28, 1882	July 10, 1883	Md	5th	1,600
*John P. Driver	Iowa	Aug. 24, 1865	May 1, 1870	Iowa	5th	1,400
William H. Hanford	N. Y	Feb. 13, 1871	July 15, 1881	N. Y	30th	1,400
John P. Grantham	Iowa	Jan. 8, 1870	Sept. 7, 1882	Iowa	1st	1,400
Christopher Boyle	D. C	Aug. 1, 1879	Sept. 7, 1882	D. C		1,400
†John L. West	S. C	Aug. 5, 1879	Sept. 7, 1882	S. C	4th	1,400
Albert G. Hall	N. Y	Feb. 27, 1880	Sept. 7, 1882	N. Y	11th	1,400
Samuel S. Trowbridge	Mich	Apr. 15, 1880	Sept. 7, 1882	Mich	6th	1,400
John M. Rynex	Mo	Mar. 9, 1882	Sept. 7, 1882	Mo	2d	1,400
Charles W. Davis	N. Y	Aug. 1, 1882	Sept. 7, 1882	N. Y	28th	1,400
Julius P. Knabe	Tenn	Aug. 5, 1879	Sept. 15, 1882	Tenn	2d	1,400
James T. Birchard	Mich	Sept. 18, 1862	Oct. 2, 1882	Mich	1st	1,400
*Davies E. Castle	Ind	Apr. 1, 1875	Oct. 10, 1882	Ind	6th	1,400
*Edward A. Duncan	Miss	May 8, 1876	Nov. 1, 1882	Miss	3d	1,400
*Harrison W. Happy	Ill	Jan. 31, 1883	Jan. 31, 1883	Ill	20th	1,400
*William Miller, jr	Ala	Mar. 12, 1882	Mar. 6, 1883	Ala	2d	1,400
Charles E. Don Carlos	Kans	Feb. 1, 1883	Mar. 19, 1883	Kans	1st	1,400
*James Rowan	Miss	Mar. 9, 1882	Apr. 25, 1883	Miss	5th	1,400
John P. Smart	Va	Oct. 3, 1870	July 9, 1883	D. C		1,400
Francis W. Clements	Mo	July 29, 1880	July 9, 1883	D. C		1,400
John R. Neagle	S. C					1,400
John W. de Krafft	Va	June 1, 1837	Aug. 13, 1877	Va	8th	1,200
Allen Goodridge	Mich	Jan. 4, 1867	Aug. 1, 1879	Mich	6th	1,200
*Michael McNulty	N. Y	July 22, 1866	Sept. 13, 1882	D. C		1,200
Edwin I. Shope	Md	Aug. 5, 1879	Sept. 13, 1882	Md	6th	1,200
Jonathan M. Andrus	Conn	Feb. 27, 1880	Sept. 13, 1882	Conn	2d	1,200
*George W. Bogne	N. Y	Apr. 8, 1881	Sept. 13, 1882	N. Y	5th	1,200
Hiram H. Jones	Ind	Mar. 18, 1882	Sept. 13, 1882	Ind	7th	1,200
George B. Chew	Tex	Mar. 20, 1882	Sept. 13, 1882	Tex	10th	1,200
Miss Mary S. Lauck	D. C	Mar. 1, 1871	Sept. 23, 1882	D. C		1,200
Miss Mary Murphy	Iowa	Aug. 1, 1879	Sept. 23, 1882	Iowa	4th	1,200
Taylor L. Piessner	N. Y	Aug. 15, 1879	Nov. 1, 1882	N. Y	20th	1,200
Charles W. Jones, jr	Fla	Mar. 19, 1883	Mar. 19, 1883	Fla	1st	1,200
†Joseph S. Davis	Va	Sept. 7, 1882	Apr. 25, 1883	Va	5th	1,200
*Alexander W. Conlee	Nebr	June 4, 1883	June 4, 1883	Nebr	1st	1,200
Mrs. Elizabeth P. Foster	N. H	May 8, 1878	June 19, 1883	N. H	1st	1,200
Miss L. Belle Hamlin	Ind	Dec. 19, 1878	June 19, 1883	Ind	13th	1,200
Alfred Holmead	D. C	June 21, 1877	June 27, 1883	D. C		1,200
William E. Valk	D. C	Feb. 28, 1879	June 30, 1883	D. C		1,200
Miss Emma B. Wilson	Mass	May 8, 1878	July 14, 1883	Mass	9th	1,200
Miss Mary B. Moon	Tenn	Nov. 3, 1876	Sept. 13, 1882	Tenn	3d	1,000
Mrs. B. McL. Probasco	Ohio	Mar. 1, 1880	Sept. 13, 1882	Ohio	1st	1,000
Miss Josephine Waring	Md	Mar. 1, 1880	Sept. 13, 1882	Md	6th	1,000
*Frederick B. Landis	Ohio	Mar. 20, 1882	Sept. 13, 1882	Ohio	7th	1,000
John A. Silence	W. Va	Mar. 20, 1882	Sept. 13, 1882	W. Va.	3d	1,000
Mrs. Marie L. Mason	Ark	Mar. 1, 1876	Oct. 2, 1882	Ark	2d	1,000

* Army or Navy. † Colored.

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Divisions of the General Land Office—Continued.

DIVISION OF PUBLIC LANDS—Continued.

Name.	Whence appointed.	Date of original appointment.	Date of present appointment.	Present legal residence.		Compensation.
				State.	Cong. dist.	
Clerks—Continued.						
Thomas W. Eustace	Ill	Aug. 1, 1874	June 19, 1883	Ill	7th	1,000
Miss Maude Freeman	Ohio	Sept. 30, 1882	June 20, 1883	Ohio	4th	1,000
Mrs. E. E. L. Lawrence	Kans	Mar. 9, 1879	June 22, 1883	Kans	3d	1,000
Mrs. S. E. Van Winkle	W. Va	Mar. 9, 1882	June 22, 1883	W. Va.	4th	1,000
Alexanter Hunter	Va	Feb. 19, 1883	June 30, 1883	Va	8th	1,000
J. Wainwright Ray	N. Y	July 12, 1883	July 12, 1883	N. Y	30th.	1,000
Copyists.						
Mrs. Emily W. Neyland	Tex	Apr. 3, 1876	Apr. 3, 1876	Tex	1st	900
Mrs. Alice C. Hall	Md	June 5, 1880	June 5, 1880	Md	3d	900
Mrs. Mary I. Page	N. C	July 16, 1881	July 16, 1881	N. C	4th	900
Miss Louise J. White	N. J	Jan. 24, 1880	Sept. 13, 1882	N. J	6th	900
Miss MaryP. Whitwell	D. C	Aug. 5, 1881	Sept. 13, 1882	D. C	.....	900
† Mrs. G. N. Powell	N. Y	Mar. 9, 1882	Sept. 13, 1882	N. Y	8th	900
Miss Ellen M. Mills	Mich	Mar. 20, 1882	Sept. 13, 1882	Mich	5th	900
Miss Mary A. Lumsdon	Md	July 6, 1879	June 8, 1883	Md	6th	900
Miss Josephine G. Blake	Pa	June 20, 1883	June 20, 1883	Pa	1st	900
Miss Emma G. Frazer	Ill	June 20, 1883	June 30, 1883	Ill	2d	900
Mrs. M. I. Jenkins	.....	.....	.....	.....	.....	900
Assistant messenger.						
Miss Crudella E. Walling	Tex	July 5, 1883	July 5, 1883	Tex	9th	720

DIVISION OF PRIVATE LAND CLAIMS. (D)

Principal clerk.						
* William H. Walker	Mass	Jan. 6, 1875	Feb. 3, 1883	Mass	6th	$1,800
Clerks.						
John R. Dickinson	D. C	June 1, 1877	July 1, 1881	D. C	.....	1,800
Wesley D. Smith	N. Y	June 16, 1870	June 25, 1883	N. Y	25th.	1,800
John B. Lauffer	Pa	July 1, 1875	Aug. 16, 1882	Pa	21st.	1,600
Miss Clara M. Archibald	Kans	Jan. 5, 1875	Sept. 13, 1882	Kans	2d	1,000
Miss Clara J. Martin	Pa	Dec. 28, 1881	June 19, 1883	Pa	14th.	1,000
Copyists.						
Mrs. Effie A. Shepperd	Ill	June 22, 1883	June 22, 1883	Ill	14th.	900
Miss M. E. Lehigh	.....	.....	.....	.....	.....	900

DIVISION OF PUBLIC SURVEYS. (E)

Principal clerk.						
Oscar Hinrichs	D. C	Aug. 7, 1879	Mar. 5, 1882	D. C	.....	$1,800
Clerks.						
James Edmunds	Mich	May 1, 1861	Aug. 16, 1882	Mich	1st	1,800
* Wentz C. Miller	Pa	July 20, 1881	July 10, 1883	Pa	18th	1,800
* Nathaniel Freeman	S. C	Mar. 18, 1871	Aug. 16, 1882	D. C	.....	1,600
William A. Cowles	Conn	Nov. 25, 1877	June 19, 1883	Conn	2d	1,600
John S. Williams	Iowa	Mar. 18, 1871	May 1, 1882	Iowa	3d	1,400
Copyists.						
Mrs. Ellen C. Abbott	N. C	Mar. 20, 1882	Sept. 13, 1882	N. C	3d	900
Miss Lizzie Jones	Ala	June 22, 1883	June 22, 1883	Ala	4th	900

* Army or Navy. † Colored.

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Divisions of the General Land Office—Continued.

DIVISION OF RAILROADS. (F)

Name.	Whence appointed.	Date of original appointment.	Date of present appointment.	Present legal residence. State.	Present legal residence. Cong. dist.	Compensation.
Chief.						
J. Dempster Smith	Ind	June 1, 1877	July 1, 1881	D. C		$1,800
Clerks.						
*Samuel R. Edwards	Ill	Mar. 20, 1871	Mar. 15, 1882	Ill	11th.	1,800
Willis J. Drummond	W. Va	Apr. 1, 1871	Aug. 16, 1882	W. Va.	1st.	1,800
Andrew T. Stone	D. C	May 19, 1879	Aug. 16, 1882	D. C		1,800
*Calvin S. Brown	Kans	July 2, 1879	Aug. 16, 1882	Kans.	2d	1,800
Thomas Cromwell	Md	June 30, 1859	Feb. 1, 1879	Md	3d	1,600
Samuel S. Marr	Md	Sept. 5, 1870	Aug. 16, 1882	Md	6th.	1,600
Frank D. Orme	Ill	Apr. 1, 1863	Aug. 21, 1882	Ill	14th.	1,600
Thomas R. Benton	D. C	Mar. 18, 1871	June 19, 1883	D. C		1,600
Fleming R. Griffith	Pa	May 30, 1865	Mar. 1, 1868	Pa	20th.	1,400
Walter P. Jones	N. Y	Dec. 19, 1879	Sept. 7, 1882	N. Y	17th.	1,400
*Francis M. Gideon	Ind	Mar. 9, 1883	July 9, 1883	Ind	11th.	1,400
*Cyrus J. Reed	Colo	July 5, 1883	July 5, 1883	Colo		1,200
Miss Jennie F. Skinkle	Iowa	Nov. 16, 1880	Aug. 15, 1882	Iowa	1st.	1,000
Miss Julia E. Slosson	Ark	Mar. 1, 1877	Sept. 13, 1882	Ark	3d	1,000
*John P. Peterson	Ill	July 14, 1883	July 14, 1883	Ill	10th.	1,000
Miss Jennie M'Keever	Va	Apr. 28, 1874	June 22, 1883	Va	3d	1,000
Copyist.						
Miss Ada B. Farrar	D. C	July 10, 1883	July 12, 1883	D. C		900

DIVISION OF PRE-EMPTIONS. (G)

Name.	Whence appointed.	Date of original appointment.	Date of present appointment.	Present legal residence. State.	Present legal residence. Cong. dist.	Compensation.
Chief.						
Henry Howes	Vt	Nov. 25, 1871	July 1, 1881	Vt	2d	$1,800
Clerks.						
James G. Johnston	Pa	Apr. 30, 1879	Aug. 16, 1882	Pa	21st.	1,800
*James J. Barnes	Mich	July 19, 1864	Aug. 16, 1882	Mich.	1st.	1,600
Philip H. Seymour	Ohio	Aug. 1, 1879	Aug. 16, 1882	Ohio	1st.	1,600
Oscar H. Herring	Iowa	Feb. 27, 1880	Mar. 19, 1883	Iowa	1st.	1,600
*Nelson D. Adams	Vt	July 9, 1869	Apr. 1, 1871	Md	th.	1,600
*David H. Goodno	Iowa	May 28, 1865	July 1, 1881	Iowa	2d	1,400
Oscar Whitney	Dak	Mar. 5, 1877	Sept. 7, 1882	Dak		1,400
Steven H. Jecko	Mo	Aug. 8, 1879	Sept. 7, 1882	Mo	9th.	1,400
Miss Mary C. Torrey	Mich	Aug. 21, 1877	June 25, 1883	Mich.	1st.	1,400
Mrs. Mary Barker	Iowa	May 27, 1872	Sept. 8, 1882	Iowa	3d	1,200
Mrs. Lou M. Mattingly	D. C	May 4, 1876	Sept. 13, 1882	D. C		1,200
William H. Davidson	Mass	Apr. 11, 1882	Sept. 13, 1882	Mass.	9th.	1,000
Ethelbert P. Oliphant	Pa	Nov. 1, 1878	Sept. 23, 1882	Pa	21st.	1,000
Mrs. Sallie T. Dunlap	Ala	Mar. 9, 1882	June 19, 1883	Ala	4th.	1,000
Copyists.						
Mrs. Helen E. Gray	Nebr	Mar. 10, 1880	Mar. 10, 1880	Nebr.	1st.	900
Mrs. Laura E. Cook	Mo	June 5, 1881	June 5, 1881	Mo	12th.	900
Miss May Simkins	Fla	Mar. 9, 1882	Sept. 13, 1882	Fla	2d	900
Miss Emma H. Gurley	D. C	July 3, 1883	July 9, 1883	D. C		900

DIVISION OF SWAMP LANDS. (K)

Name.	Whence appointed.	Date of original appointment.	Date of present appointment.	Present legal residence. State.	Present legal residence. Cong. dist.	Compensation.
Chief.						
*Sardis L. Crissey	N. Y	Mar. 22, 1864	Dec. 1, 1878	N. Y	33d	$1,800
Clerks.						
Henry A. Wind	Pa	Jan. 20, 1864	Aug. 16, 1882	Pa	9th.	1,800
Ephraim Kilpatrick	Iowa	Mar. 25, 1865	April 18, 1870	Iowa	1st.	1,600
Henry W. Babbitt	Pa	Mar. 1, 1863	Sept. 7, 1882	Pa	27th.	1,600
*Aaron H. Nelson	La	Oct. 20, 1881	June 25, 1883	La	2d	1,600
Charles M. Clarke	N. Y	Mar. 11, 1882	Sept. 7, 1882	N. Y	3d	1,400
George H. Phillips	Minn	Mar. 23, 1882	Sept. 13, 1882	Minn	3d	1,200
Miss R. Cordelia Levy	N. Y	Jan. 11, 1877	Sept. 23, 1882	D. C		1,200
†John E. Patterson	N. C	July 3, 1883	July 3, 1883	N. C	2d	1,000

* Army or Navy.

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Divisions of the General Land Office—Continued.

DIVISION OF DRAUGHTING. (L)

Name.	Whence appointed.	Date of original appointment.	Date of present appointment.	Present legal residence. State.	Present legal residence. Cong. dist.	Compensation.
Chief.						
Gustave P. Strum	Va	June 24, 1875	Nov. 16, 1882	D. C		$1,800
Clerks.						
William Naylor	D. C	Oct. 15, 1875	Mar. 19, 1883	D. C		1,800
*Robert H. Morton	Ohio	July 11, 1870	July 1, 1881	Ohio	13th.	1,600
*Andrew F. Dinsmore	Mich	Nov. 24, 1882	Nov. 24, 1882	Mich	5th	1,600
*John B. Shinn	N. C	Aug. 1, 1879	Sept. 7, 1882	N. C	2d	1,600
John C. Van Hook	D. C	May 10, 1878	Sept. 7, 1882	D. C		1,400
*August Pohlers	D. C	Feb. 1, 1876	June 19, 1883	D. C		1,400
Matthew Hendges	D. C	June 19, 1883	July 9, 1883	D. C		1,400
Thomas H. Trumbull	N. H	Aug. 20, 1879	July 1, 1881	N. H	1st	1,200
Ralph P. Lowe	Iowa	Oct. 10, 1881	Sept. 13, 1882	Iowa	1st	1,200
*John W. Stockton	Pa	July 13, 1883	July 13, 1883	Pa	2d	1,200
Rudolph von Gluemer	D. C	July 5, 1883	July 5, 1883	D. C		1,000
Copyist.						
Mrs. Emma T. Morris	Md	June 30, 1883	June 30, 1883	Md	3d	900

DIVISION OF ACCOUNTS. (M)

Name.	Whence appointed.	Date of original appointment.	Date of present appointment.	Present legal residence. State.	Present legal residence. Cong. dist.	Compensation.
Chief.						
*James W. Donnelley	Ark	Oct. 22, 1876	Sept. 1, 1880	Ark	3d	$1,800
Clerks.						
*John H. Baker	Pa	May 6, 1881	Sept. 19, 1882	Pa	6th	1,800
Frederic A. Holden	R. I	Mar. 12, 1871	Aug. 16, 1882	R. I	2d	1,600
Wilton Griffin	N. Y	Feb. 2, 1877	Aug. 16, 1882	D. C		1,600
*Henry C. Darragh	Pa	June 1, 1877	Aug. 16, 1882	Pa	2d	1,600
Thomas M. Baldwin	Pa	Aug. 1, 1879	Aug. 16, 1882	Pa	18th	1,600
Arthur W. Bell	Pa	Aug. 1, 1879	Aug. 16, 1882	Pa	2d	1,600
Charles Clinton Wilson	Va	June 12, 1872	Apr. 25, 1883	Md	3d	1,600
*Willis H. Grigsby	Ga	Aug. 1, 1879	Sept. 7, 1882	Ga	5th	1,400
Howard B. Abbott	Va	Aug. 5, 1879	Sept. 7, 1882	Va	8th	1,400
*Albert G. Ryan	Ark	Oct. 27, 1879	Oct. 2, 1882	Ark	3d	1,400
William G. Nolen	D. C	Nov. 19, 1882	May 5, 1883	D. C		1,400
William A. Marks	Va	Apr. 3, 1882	May 31, 1883	Va	4th	1,400
Benjamin T. Reilly	Ohio	Aug. 15, 1833	Sept. 13, 1882	D. C		1,200
George W. Clarvoe	D. C	Aug. 27, 1879	Sept. 13, 1882	D. C		1,200
*John R. McConnell	D. C	Oct. 2, 1882	Oct. 2, 1882	D. C		1,200
George B. Barnard	D. C	Oct. 2, 1882	Oct. 20, 1882	D. C		1,200
Miss Lilian Burritt	Pa	Aug. 1, 1870	July 9, 1883	Pa	15th	1,200
*James D. Mankin	Ky	July 3, 1883	July 3, 1883	Ky	5th	1,200
Abraham B. Hiltman	N. Y	May 19, 1879	June 23, 1883	N. Y	8th	1,000
Edward I. Pool	N. C	June 23, 1883	June 23, 1883	N. C	4th	1,000
Theodore Porter	Ill	July 3, 1883	July 3, 1883	Ill	2d	1,000
Miss E. K. McNeir	Md	Apr. 26, 1880	June 19, 1883	D. C		1,000
Copyists.						
Miss Libbie E. Guyton	Tenn	Feb. 1, 1877	Feb. 1, 1877	Tenn	10th	900
Miss M. A. Walker	Iowa	Oct. 5, 1878	Oct. 5, 1878	Iowa	1st	900
Miss Mary M. Campbell	Tenn	July 25, 1879	July 25, 1879	Tenn	8th	900
Miss Carrie L. Shaber	Nev	Sept. 25, 1882	Oct. 3, 1882	Nev		900
Miss Nannie J. Coleman	Ohio	June 20, 1883	June 20, 1883	Ohio	17th	900

*Army or Navy.

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Divisions of the General Land Office—Continued.

DIVISION OF MINERAL CLAIMS. (N)

Name.	Whence appointed.	Date of original appointment.	Date of present appointment.	Present legal residence. State.	Present legal residence. Cong. dist.	Compensation.
Chief.						
Joseph Tyssowski	D. C	July 23, 1861	Mar. 16, 1882	D. C		$1,800
Clerks.						
*Charles A. Boynton	Ohio	Sept. 10, 1870	Aug. 16, 1882	Ohio	14th	1,800
John H. Hickcox, jr	N. Y	Oct. 1, 1879	June 25, 1883	N. Y	16th	1,600
*Henry G. Potter	Ohio	July 19, 1870	July 1, 1881	Ohio	15th	1,400
Frank P. McDermott	D. C	Aug. 1, 1879	Sept. 7, 1882	D. C		1,400
Philo B. Wright	Ind	May 2, 1882	Apr. 24, 1883	Ind	10th	1,400
William B. Matthews	Va	June 14, 1883	June 14, 1883	Va	3d	1,400
*Albert L. Pitney	Ill	Aug. 1, 1874	June 19, 1883	Ill	12th	1,400
Andrew Diltz	Ind	Dec. 21, 1881	June 19, 1883	Ind	11th	1,400
Duane E. Fox	Mich	Apr. 4, 1882	June 19, 1883	Mich	5th	1,400
John U. Mueller	Mich	May 2, 1882	June 19, 1883	Mich	1st	1,400
Everard Bierer, jr	Kans	Aug. 8, 1882	June 23, 1883	Kans	1st	1,400
*George W. Barnes	Pa	Mar. 20, 1882	June 25, 1883	Pa	1st	1,400
Perry G. Michner	Ind	May 5, 1883	May 5, 1883	Ind	6th	1,400
Miss Emma E. Pearce	N. Y	May 22, 1874	Sept. 13, 1882	N. Y	13th	1,200
Ithamar P. Berthrong	N. Y	Apr. 29, 1882	Sept. 13, 1882	N. Y	30th	1,200
Horace F. Clark	Mo	June 6, 1881	Oct. 2, 1882	Mo	11th	1,200
Miss Sarah A. Buckman	Pa	May 1, 1879	June 19, 1883	Pa	5th	1,200
Miss Susan W. Carson	Pa	Mar. 9, 1882	June 19, 1883	Pa	9th	1,200
Oscar Newman	Va	Mar. 28, 1882	June 19, 1883	Va	3d	1,200
Julius Ulke	D. C	May 8, 1882	June 30, 1883	D. C		1,200
Mrs. Adeline N. Chalker	N. Y	Oct. 1, 1879	Sept. 23, 1882	N. Y	27th	1,000
Miss Isabella Carter	Utah	Oct. 10, 1878	Oct. 2, 1882	Utah		1,000
Miss M. L. Fairchild	N. Y	Aug. 17, 1880	June 19, 1883	N. Y	29th	1,000
Miss C. A. Hollingsworth	Mo	Nov. 4, 1881	June 19, 1883	Mo	10th	1,000
Mrs. Mary E. McAlpine	Mich	Mar. 20, 1882	July 9, 1883	Mich	8th	1,000
Copyists.						
Miss Rachel A. Belt	Md	Feb. 13, 1880	June 16, 1881	Md	2d	1,000
Miss Caroline M. Bosley	Ill	Mar. 20, 1882	Sept. 13, 1882	Ill	8th	900
Mrs. Emma F. Clement	Mass	Mar. 20, 1882	Sept. 13, 1882	Mass	4th	900
Felix E. Mahoney	N. Y	Apr. 22, 1882	Oct. 3, 1882	N. Y	10th	900
Miss Mary P. Riddle	Pa	Nov. 28, 1882	Nov. 28, 1882	Pa	23d	900
Miss Emily C. Bryant	Va	Apr. 27, 1883	June 19, 1883	Va	2d	900
Miss Emily M. Chubb	D. C	June 22, 1883	June 22, 1883	D. C		900
Miss F. D. Brass						900

DIVISION OF SPECIAL SERVICE. (P)

Name.	Whence appointed.	Date of original appointment.	Date of present appointment.	Present legal residence. State.	Present legal residence. Cong. dist.	Compensation.
Chief.						
Alfred G. McKensie	Kans	July 23, 1876	Aug. 16, 1882	Kans	2d	$1,800
Clerks,						
*Robert S. Graham	Mo	Oct. 29, 1874	July 1, 1881	Mo	6th	1,600
*Robert M. McKee	D. C	Mar. 26, 1877	Aug. 16, 1882	N. Y	33d	1,600
Archibald Young	Ark	Apr. 20, 1877	Aug. 16, 1882	Ark	3d	1,600
Gabriel V. N. Ogden	N. Y	Aug. 5, 1879	Apr. 14, 1883	N. Y	12th	1,600
Miss Lucy M. Strong	Vt	Apr. 1, 1875	June 25, 1883	Vt	1st	1,600
William W. Wilshire, jr	Ark	Jan. 21, 1883	Jan. 21, 1883	Ark	3d	1,400
Marshall H. Parks	Wis	May 10, 1879	June 19, 1883	Wis	2d	1,400
Seth J. Seaman	N. Y	Oct. 26, 1870	June 25, 1883	N. Y	28th	1,400
Miss Isabella S. Post	Conn	Mar. 5, 1877	Sept. 13, 1882	Conn	2d	1.200
Miss Jennie S. Peyton	D. C	Nov. 13, 1879	Oct. 2, 1882	D. C		1,200
Mrs. Annie P. McManus	Kans	Mar. 9, 1882	June 19, 1883	Kans	2d	1,000
Copyist.						
Miss M. A. Palmer	D. C	Mar. 8, 1882	Apr. 8, 1882	D. C		900
Assistant messenger.						
Miss Nettie Cowling	D. C	June 22, 1882	June 25, 1883	D. C		†720

*Army or Navy. † Promoted August 24, $900.

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Divisions of the General Land Office—Continued.

INSPECTORS AND SPECIAL AGENTS.

Name.	Whence appointed.	Date of original appointment.	Date of present appointment.	Present legal residence.		Compensation.
				State.	Cong. dist.	
Inspectors of surveyors-general and district land offices.						
John G. Evans	Colo	Feb. 5, 1883	Feb. 5, 1883	Colo		$2,000
A. R. Greene	Kans	Feb. 26, 1883	Feb. 26, 1883	Kans	2d	2,000
F. D. Hobbs	N. H.	Dec. 9, 1870	Nov. 1, 1883	N. H.	1st	2,000
Special agents for timber depredations.						
*Thomas F. Shoemaker	N. Y	May 4, 1882	May 4, 1882	N. Y.	29th	1,400
John Truan	Colo	Sept. 23, 1882	Sept. 23, 1882	Colo		1,400
William F. Prosser	Tenn	Mar. 20, 1879	Dec. 1, 1882	Tenn	6th	1,400
Thomas Harlan	Iowa	May 10, 1881	Dec. 1, 1882	Iowa	1st	1,400
Lemuel Shields	Mo	May 13, 1881	Dec. 1, 1882	Mo	1st	1,400
Milton Peden	Ind	May 16, 1882	Dec. 1, 1882	Ind	6th	1,400
William Roy	La	June 10, 1882	Dec. 1, 1882	La	2d	1,400
William M. Clark	Colo	Dec. 13, 1882	Apr. 18, 1883	Colo		1,400
Isaac N. Wilcoxen	N. Y	May 9, 1883	May 9, 1883	N. Y.		1,400
John H. Welch	Mich	Apr. 18, 1879	May 21, 1883	Mich	5th	1,400
Edward W. Wynkoop	Pa	Mar. 23, 1882	May 21, 1883	Pa	14th	1,400
Charles S. Martin	Kans	Aug. 10, 1883	Aug. 10, 1883	Kans	3d	1,400
Don A. Dodge	Mich	Dec. 15, 1880	Jan. 24, 1882	Mich	5th	1,200
James Tullis	Ind	Sept. 15, 1882	Sept. 15, 1882	Ind	9th	1,200
Darwin J. Chadwick	Colo	Oct. 4, 1882	Oct. 4, 1882	Colo		1,200
Eli A. Warren	Tenn	Feb. 1, 1883	Feb. 1, 1883	Tenn	1st	1,200
James B. Thomas	Ariz	Mar. 10, 1883	Mar. 10, 1883	Ariz		1,200
Thomas Burnside	Pa	Mar. 16, 1883	Mar. 16, 1883	Pa	0th	1,200
Edward Outhwaite	Wis	Mar. 19, 1883	Mar. 19, 1883	Wis	9th	1,200
L. W. Allum	Cal	Apr. 23, 1883	Apr. 23, 1883	Cal	2d	1,200
Charles L. Kelsey	Ark	June 1, 1883	June 1, 1883	Ark	3d	1,200
George W. Story	N. Y	June 1, 1883	June 1, 1883	N. Y.	7th	1,200
Henderson Ritchie	Kans	June 2, 1883	June 2, 1883	Kans	3d	1,200
Warren F. Travis	Tenn	Mar. 14, 1881	June 13, 1883	Tenn	8th	1,200
Peru I. B. Ping	Kans	Apr. 10, 1882	Apr. 19, 1882	Kans	2d	1,600
Special agents for swamp lands.						
*Jonathan W. Childs	Md	Aug. 5, 1879	Oct. 1, 1882	Md	1st	1,400
*Henry A. Myers	Pa	May 4, 1869	Apr. 2, 1883	Pa	24th	1,400
*Louis Bergau	Mo	June 4, 1877	July 25, 1883	Mo	5th	1,400
Joel C. Walker	Iowa	Aug. 13, 1879	Aug. 13, 1879	Iowa	1st	1,200
*Robert L. Ream	Kans	Mar. 1, 1871	June 19, 1883	D. C		1,200
Special agents for fraudulent land entries.						
John M. Dunn	Del	July 29, 1880	Apr. 5, 1883	Del		1,800
Algernon A. Mabson	Ala	June 10, 1882	July 25, 1883	Ala	2d	1,600
*James Bell	Fla	Mar. 27, 1877	May 31, 1883	Fla	2d	1,200
Corydon W. Sanborn	Colo	Dec. 13, 1882	Mar. 3, 1883	Colo		†5 00
Henderson H. Eddy	Colo	Mar. 10, 1883	Mar. 10, 1883	Colo		†5 00
Frederick T. Bickford	Vt	Mar. 17, 1883	Mar. 17, 1883	Vt	1st	†5 00
Thomas H. Cavanaugh	Kans	Mar. 21, 1883	Mar. 21, 1883	Kans	1st	†5 00
Wilson T. Smith	Iowa	Sept. 11, 1880	Mar. 24, 1883	Iowa	7th	†5 00
Jesse L. Pritcherd	Colo	Apr. 2, 1883	Apr. 2, 1883	Colo		†5 00
Samuel Lee	S. C	Apr. 3, 1883	Apr. 3, 1883	S. C	1st	†5 00
George D. Orner	Kans	Apr. 3, 1883	Apr. 3, 1883	Kans	3d	†5 00
Thomas W. Jaycox	N. Y	Apr. 5, 1883	Apr. 5, 1883	N. Y	13th	†5 00
Thomas M. James	Kans	Apr. 6, 1883	Apr. 6, 1883	Kans	3d	†5 00
Henry C. Bulis	Iowa	Apr. 10, 1883	Apr. 10, 1883	Iowa	4th	†5 00
Travis Rhodes	Dak	Apr. 11, 1883	Apr. 11, 1883	Dak		†5 00
Henry Grass	Iowa	Apr. 12, 1883	Apr. 12, 1883	Iowa	7th	†5 00
William W. McIlvain	Mich	Apr. 12, 1883	Apr. 12, 1883	Mich	4th	†5 00
George B. Coburn	D. C	June 1, 1877	Apr. 17, 1883	Mass	8th	†5 00
James A. McCormick	N. Y	Apr. 23, 1883	Apr. 23, 1883	N. Y	25th	†5 00
Edward G. Fahnestock	Pa	Apr. 27, 1883	Apr. 27, 1883	Pa	19th	†5 00
A. F. Ely	Colo	May 7, 1883	May 7, 1883	Colo		†5 00
William Y. Drew	Kans	May 9, 1883	May 9, 1883	Kans	3d	†5 00
Edwin S. Bruce	N. Y	Oct. 14, 1882	May 10, 1883	N. Y	29th	†5 00
Lucien J. Barnes	Ark	May 11, 1883	May 11, 1883	Ark	3d	†5 00
Henry J. Harrison	Iowa	Apr. 1, 1871	May 15, 1883	Iowa	3d	†5 00
Uriah Bruner	Nebr	Oct. 18, 1881	June 19, 1883	Nebr	3d	†5 00
Henry W. Thorpe	Pa	July 12, 1883	July 12, 1883	Pa	26th	†4 00
S. P. C. Stubbs	Kans	Oct. 9, 1883	Oct. 9, 1883			1,600

*Army or Navy. †Per day.

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Divisions of the General Land Office—Continued.

INSPECTORS AND SPECIAL AGENTS—Continued.

Name.	Whence appointed.	Date of original appointment.	Date of present appointment.	Present legal residence.		Compensation.
				State.	Cong. dist.	
Saecial agents for fraudutent land entries—Continued.						
W. Eaton	Nebr	Oct. 1, 1883	Oct. 1, 1883			$1,600
W. Goucher	Colo	Oct. 1, 1883	Oct. 1, 1883			1,600
Special agents for examination of surveys.						
Isaac Teller	Mich	Jan. 24, 1883	Jan. 24, 1883	Mich	6th	‡5 00
Henry E. Allen	Colo	Feb. 14, 1883	Feb. 14, 1883	Colo		‡5 00
John B. Treadwell	Cal	Mar. 24, 1883	Mar. 24, 1883	Cal	2d	‡5 00
George W. Lechner	Colo	Apr. 16, 1883	Apr. 16, 1883	Colo		‡5 00
Benjamin C. Bonnell	Mich	May 11, 1883	May 11, 1883	Mich	1st	‡5 00
Edson L. Luddington	N. Y	May 28, 1883	May 28, 1883	N. Y	25th	‡5 00
Robert Berry	Colo	Oct. 9, 1882	June 6, 1883	Colo		‡5 00

ASSISTANT MESSENGERS, PACKERS, AND LABORERS.

Assistant messengers and packers.						
* Francis J. McGraw	D. C	Aug. 5, 1879	Mar. 1, 1881	D. C		$720
† Joseph Morrison	Ark	Mar. 8, 1877	July 1, 1882	Ark	3d	720
Edward A. Hannegan	D. C	Apr. 8, 1882	July 1, 1882	D. C		720
† Harrison Brown	N. Y	June 12, 1869	Sept. 11, 1882	N. Y	27th	720
† William Allen	Va	July 1, 1878	Sept. 11, 1882	Va	8th	720
† Benjamin S. Stewart	D. C	Sept. 7, 1880	Sept. 11, 1882	D. C		720
Rudolph Scheitlin	D. C	June 4, 1881	Dec. 4, 1882	D. C		720
William R. Spencer	D. C	Apr. 22, 1879	Jan. 24, 1883	D. C		720
† Amos Hill	Md	June 13, 1881	June 21, 1883	Md	6th	720
* Leander G. Wilson	D. C	July 23, 1881	June 21, 1883	D. C		720
† William T. Ferguson	D. C	Jan. 24, 1883	June 25, 1883	D. C		720
Henry N. Lowry	Mich	July 10, 1883	July 10, 1883	Mich	5th	720
Laborers.						
*† John H. Reeves	Va	Sept. 15, 1871	Sept. 15, 1871	D. C		660
† John F. Shorter	D. C	Jan. 21, 1875	Jan. 21, 1875	D. C		660
* Washington Grady	Va	Jan. 5, 1876	Jan. 5, 1876	D. C		660
† James W. Beckett	D. C	Jan. 6, 1880	Jan. 6, 1880	D. C		660
† Richard Diggs	D. C	Dec. 4, 1879	Feb. 1, 1880	D. C		660
Charles Heydon	D. C	Feb. 18, 1880	Feb. 18, 1880	D. C		660
† William Johnson	D. C	July 1, 1880	Mar. 1, 1881	D. C		660
† Norval J. Johnson	Miss	Dec. 1, 1882	Dec. 4, 1882	Miss	3d	660
*† John H. King	N. Y	Dec. 10, 1882	Dec. 16, 1882	N. Y	5th	660
† Martin Lewis	Md	June 23, 1883	June 23, 1883	Md	6th	660
George S. Kershaw	Dak	Sept. 21, 1882	July 9, 1883	Dak		660
George Pulaski	D. C	Sept. 1, 1862	July 14, 1883	D. C		660

*Army and Navy. † Colored. ‡ Per day.

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SURVEYS OF THE PUBLIC LANDS

TO JUNE 30, 1883.

(See pages 178 to 195, to June 30, 1880.
See pages 567 to 676, to June 30, 1882.
For list of surveyors-general to June 30, 1883, see page 554.)

SURVEYS.

The areas of public surveys executed during the year 1883 was as follows:

	Acres.
Surveys of public lands	54,129,400.28
Surveys of Indian lands	512,098.53
Surveys of private land claims	642,233.98
Total number of acres surveyed during the fiscal year	55,283,732.79

At a cost of about 4 cents per acre.

Two thousand six hundred and seventy township plats and field notes of surveys of public lands and private land claims were examined during the year, and three hundred and fifty-one surveying contracts entered into by surveyors-general were examined and approved.

CERTIFICATES OF DEPOSIT ON ACCOUNT OF SURVEYS.

(SEE PAGES 184, 185, AND 569 TO 572.)

The amount covered by certificates of deposit on account of surveys examined and accepted in payment for public lands during the year was $1,720,800.70.

The amount deposited for surveys under the individual deposit system was $1,162,935.58.

For data of importance as to the individual deposit survey system, see pages 569 to 572 and 1242, together with the recommendation of the Commissioner of the General Land Office for the repeal of this law. See also circular of September 15, 1883, relating to individual deposits, at end of this chapter. Congress seems to know nothing about the practical operations of this law or its abuses. (Sec. 2401 to 2403 R. S.)

Rates of survey for 1883 remain the same as on page 573. The Congressional appropriations were $400,000 for the year 1883 for surveys; the individual deposits $1,162,935.58—three times as much as made by Congress. The area of surveyed and undisposed of public lands June 30, 1883, was estimated at more than 243,000,000 acres, exclusive of the lands in the Southern States. (See page 528.)

CONGRESSIONAL APPROPRIATIONS FOR 1883.

(SEE PAGE 568 FOR 1881 AND 1882.)

By the act of Congress approved August 7, 1882, there was appropriated $400,000 for the survey of the public lands for the year ending June 30, 1883. Said act provided for the expenditure of not exceeding $50,000 thereof for examinations of surveys in the field.

The appropriation for surveys was apportioned by the Commissioner of the General Land Office to the 16 surveying districts in accordance with the respective demands for field work called for by the public service, to wit:

To the district of—	
Arizona	$20,000 00
California	25,000 00
Colorado	50,000 00
Dakota	45,000 00
Florida	25,000 00
Idaho	15,000 00
Louisiana (actual)	17,292 38
Minnesota	20,000 00
Montana	31,500 00
Nebraska and Iowa	15,000 00
Nevada (actual)	20,590 52

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To the district of—

New Mexico (actual)	$24,944 20
Oregon	20,000 00
Utah	20,000 00
Washington	35,000 00
Wyoming	20,000 00
	381,377 10

By the same act of Congress there was also appropriated for surveys of private land claims during the year—

In Arizona	$8,000
In New Mexico	8,000
In California	10,000

TOTAL APPROPRIATIONS AND PRIVATE DEPOSITS FOR THE YEAR 1883.

(FOR 1883, SEE PAGES 570 AND 573.)

Total Congressional appropriations for the year to June 30, 1883	$400,000 00
Total deposits by persons or corporations for private surveys	1,162,935 58
Total	1,562,935 58

CONGRESSIONAL APPROPRIATIONS FOR 1884.

By the act of Congress approved March 3, 1883, $425,000 was appropriated for the survey of the public lands during the fiscal year ending June 30, 1884. This was not used, nor was it available, until after June 30, 1883.

The area surveyed was 55,283,732.79, at a cost of $2,195.625.66, or about 4 cents per acre.

AREAS OF SURVEYS FOR 1883.

(SEE PAGE 570.)

The extent of surveys during the year ending June 30, 1883, payable out of Congressional appropriations, and individual deposits for surveys of public lands, under section 2401 Revised Statutes, as reported, was as follows:

Land States and Territories.	Public lands.	Private land claims.	Indian lands.
	Acres.	*Acres.*	*Acres.*
Arizona	2,640,505.09		
California	3,726,176.04	58,238.75	
Colorado	3,966,773.79		202,410.45
Dakota	4,067,982.17		22,540.82
Florida	109,945.00		
Idaho	152,103.34		
Louisiana	392,237.50	750.72	
Minnesota	539,482.42		
Montana	1,265,695.98		
Nebraska	1,146,800.71		
Nevada	5,518,559.02		
New Mexico	12,847,969.93	588,244.51	
Oregon	2,492,323.50		
Utah	671,184.94		287,147.76
Washington	755,842.02		
Wyoming	13,835,818.83		
Total	54,129,400.28	642,233.98	512,098.53

SURVEYED AND UNSOLD LANDS.

(SEE PAGES 573 AND 528.)

The United States June 30, 1883, owned, in round numbers, 255,000,000 of acres of surveyed lands which were unsold.

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SURVEYED AND UNSURVEYED LANDS TO JUNE 30, 1883.

(SEE PAGES 16, 17, 189, AND 574.)

The total area of public lands (from the beginning of the land system) surveyed to June 30, 1883, was 886,367,361 acres. The total area of public lands remaining unsurveyed to June 30, 1883, was 928,462,577 acres.

Tabular statement showing the number of acres of public lands surveyed in the following land States and Territories up to June 30, 1882, *during the present fiscal year, and the total of the public lands surveyed up to June* 30, 1883; *also the total area of the public domain remaining unsurveyed within the same.*

Land States and Territories.	Area of public lands in States and Territories.		Number of acres of public lands surveyed.				Total area of public and Indian lands remaining unsurveyed, inclusive of the private land claims surveyed up to June 30, 1883.
	In acres.	In square miles.	Up to June 30, 1882.	Under contracts made prior to June 30, 1882, but not heretofore reported because returned since June 30, 1882.	Under contracts made for the fiscal year ending June 30, 1883.	Total up to June 30, 1883.	
Alabama	32, 462, 115	50, 722	32, 462, 115	.....	.....	32, 462, 115	.....
Arkansas	33, 410, 063	52, 203	33, 410, 063	.....	.....	33, 410, 063	.....
California	100, 992, 640	157, 801	60, 497, 543	2, 853, 673. 74	872, 502. 30	64, 223, 719	36, 768, 921
Colorado	66, 880, 000	104, 500	47, 252, 560	*a*2, 798, 259. 75	1, 370, 924. 49	51, 421, 744	15, 458, 256
Florida	37, 931, 520	59, 268	30, 272, 013	51, 589. 14	58, 355. 86	30, 381, 958	7, 549, 562
Illinois	35, 465, 093	55, 414	35, 465, 093	.....	.....	35, 465, 093	.....
Indiana	21, 637, 760	33, 809	21, 637, 760	.....	.....	21, 637, 760	.....
Iowa	35, 228, 800	55, 045	35, 228, 800	.....	.....	35, 228, 800	.....
Kansas	51, 770, 240	80, 891	51, 770, 240	.....	.....	51, 770, 240	.....
Louisiana	26, 461, 440	41, 346	25, 946, 111	93, 464. 09	298, 773. 41	26, 338, 349	123, 091
Michigan	36, 128, 640	56, 451	36, 128, 640	.....	.....	36, 128, 640	.....
Minnesota	53, 459, 840	83, 531	40, 635, 782	480, 101. 20	59, 381. 22	41, 175, 264	12, 284, 576
Mississippi	30, 179, 840	47, 156	30, 179, 840	.....	.....	30, 179, 840	.....
Missouri	41, 836, 931	65, 370	41, 836, 931	.....	.....	41, 836, 931	.....
Nebraska	48, 636, 800	75, 995	43, 983, 119	998, 490. 10	148, 310. 61	45, 129, 920	3, 506, 880
Nevada	71, 737, 600	112, 090	22, 599, 688	2, 492, 759. 84	3, 025, 799. 18	28, 118, 247	43, 619, 353
Ohio	25, 581, 976	39, 972	25, 581, 976	.....	.....	25, 581, 976	.....
Oregon	60, 975, 360	95, 274	31, 156, 019	2, 492, 323. 50	.....	33, 648, 342	27, 327, 018
Wisconsin	34, 511, 360	53, 924	34, 511, 360	.....	.....	34, 511, 360	.....
Alaska	369, 529, 600	577, 390	.....	.....	.....	.....	369, 529, 600
Arizona	72, 906, 240	113, 916	6, 441, 790	774, 489. 33	1, 866, 015. 76	9, 082, 295	63, 823, 945
Dakota	96, 596, 480	150, 932	30, 411, 361	1, 008, 819. 95	*b*3, 081, 702. 54	34, 501, 883	62, 094, 597
Idaho	55, 228, 160	86, 294	8, 116, 508	152, 103. 34	.....	8, 268, 611	46, 959, 549
Indian Territory	40, 481, 600	63, 253	27, 003, 990	.....	.....	27, 003, 990	13, 477, 610
Montana	92, 016, 640	143, 776	11, 978, 622	348, 012. 03	917, 683. 95	13, 244, 318	78, 772, 322
New Mexico	77, 568, 640	121, 201	23, 510, 710	4, 486, 229. 26	8, 361, 740. 67	36, 358, 680	41, 209, 960
Utah	54, 064, 640	84, 476	10, 486, 953	*c*567, 584. 65	390, 748. 05	11, 445, 286	42, 619, 354
Washington	44, 796, 160	69, 994	17, 757, 033	733, 955. 83	21, 886. 19	18, 512, 875	26, 283, 285
Wyoming	62, 645, 120	97, 883	15, 463, 243	12, 619, 207. 80	1, 216, 611. 03	29, 299, 062	33, 346, 058
Public land scrip	3, 672, 640	5, 738	.....	.....	.....	.....	3, 672, 640
Total	1, 814, 793, 938	2, 835, 615	831, 725, 863	32, 951, 063. 55	21, 690, 435. 26	886, 367, 361	928, 426, 577

a Of the surveys in Colorado, 202,410.45 acres are of Southern Ute lands, surveyed into 40-acre tracts for allotments to the Southern Ute Indians under act of June 15, 1880, and not heretofore reported.

b Of the surveys in Dakota, 22,540.32 acres were of the old Sioux Indian reservation west of Big Stone Lake. This reservation was resurveyed, and the area by resurvey was reported as 137,648 acres, an increase of 22,540.32 acres over the area reported by the original survey.

c Of the surveys in Utah, 287,147.76 acres were of lands within the Uintah Indian reservation, surveyed into 46-acre tracts for allotments to the White River Utes, under contract of D. G. Major, dated February 23, 1882, and act of June 15, 1880.

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ENORMOUS AREA AND EXTENT OF SURVEYS UNDER THE PRIVATE DEPOSIT SYSTEM.

(SEE PAGE 570.)

During the fiscal year 1882, $2,013,270.77 was deposited by individuals and corporations for surveys. (See page 570 for table). During the fiscal year 1883, $1,162,935.58 was deposited for the same purpose, as follows:

DEPOSITS FOR PRIVATE SURVEYS OF PUBLIC LANDS TO JUNE 30, 1883.

(SEE PAGE 570.)

Statement showing the amount deposited by individuals and corporations for field and office work on account of the survey of public lands in the several surveying districts during the fiscal year ending June 30, 1883.

Districts.	Field work.	Office work.			Aggregate.
		Agricultural.	Mineral.	Total.	
Arizona	$105,720 65	$8,180 00	$4,840 00	$13,020 00	$118,740 65
California	236,449 64	25,195 57	6,386 00	31,581 57	268,031 21
Colorado	52,504 87	4,247 61	45,672 50	49,920 11	102,424 98
Dakota	53,959 00	4,960 00	1,080 00	6,040 00	59,999 00
Florida	602 50	80 00	.....	80 00	682 50
Idaho	6,674 00	1,200 00	4,130 00	5,330 00	12,004 00
Louisiana	750 00	50 00	.....	50 00	800 00
Minnesota	3,503 42	392 00	.....	392 00	3,895 42
Montana	21,033 48	1,360 00	3,045 00	4,405 00	25,438 48
Nebraska	9,893 37	381 01	.....	381 01	10,274 38
Nevada	120,561 01	9,550 00	1,600 00	11,150 00	131,711 01
New Mexico	255,737 13	17,610 00	3,755 00	21,365 00	277,102 13
Oregon	50,022 19	5,246 00	100 00	5,346 00	55,368 19
Utah	12,068 19	1,825 00	5,322 00	7,147 00	19,215 19
Washington	9,089 00	1,215 00	170 00	1,385 00	10,474 00
Wyoming	63,484 44	3,290 00	.....	3,290 00	66,774 44
Total	1,002,052 89	84,782 19	76,100 50	160,882 69	1,162,935 58

OFFICIAL RECOMMENDATIONS.

(SEE ALSO PAGES 184, 185, 569 to 573.)

Mr. Commissioner McFarland, in his official report for 1881, says of this law:

SURVEYS UNDER SECS. 2401-'2-'3, REVISED STATUTES.

The vastly increased area of the public-land surveys during the past fiscal year, as compared with that of previous years, is due to the facilities afforded to individual depositors under the provisions of the act of Congress approved March 3, 1879, amending section 2403 of the Revised Statutes so as to allow the assignment of certificates of deposit by indorsement, and making them receivable in payment for any public lands of the United States entered by settlers under the pre-emption and homestead laws.

The aggregate of deposits by individuals applying for surveys and declaring themselves, under oath, to be *bona fide* settlers amounted during the year to $1,874,523.68, thus exceeding the Congressional appropriation ($300,000) in the ratio of six to one.

Very extensive tracts of inarable lands, devoid of timber sufficient even to supply posts for marking the corners of the public surveys, have been surveyed, and the topographical features, when delineated on township plats from the field notes of deputy surveyors, fail, in a majority of cases, to show any evidence of settlement.

Fraudulent affidavits have undoubtedly been obtained by deputy surveyors for the purpose of securing as many and as large contracts as possible. Hundreds of said contracts were entered into, averaging say thirty to each surveying district, and returns of survey thereunder were duly made to the surveyors-general who, having no means of inspecting the work, were constrained to accept it whenever it appeared from the *intrinsic evidence* of the *returns* that the surveys had been properly executed, and without any other evidence whatever, while, if the survey is not properly made

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and the corners duly established, a resurvey will be necessary at a future day should a demand for the lands arise, and thereby confusion would result and property rights be imperiled.

It may here be stated that the unusual estimate of $50,000 for examination of surveys in the field was made with a view to the possible continuance of the present law, and the possible want of authority to pay the expense of a thorough inspection to test the integrity of such surveys from any other source.

CIRCULAR INSTRUCTIONS RELATIVE TO DEPOSITS BY INDIVIDUALS FOR THE SURVEY OF PUBLIC LANDS.

GENERAL LAND OFFICE, SEPTEMBER 15, 1883.

(Supersedes circular of March 5, 1880, and all amendatory instructions. See pages 569 to 573.)

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., September 15, 1883.

To Surveyors-General, Registers, and Receivers:

GENTLEMEN: The circular of this office dated March 5, 1880, relative to surveys under the provisions of section 2401, Revised Statutes of the United States, and the acceptance by receivers of public moneys of certificates issued for deposits made under the provisions of said section, is hereby revoked, and the following substituted therefor:

1. The provisions of law governing such surveys and the issue and application of certificates of deposit on account thereof, are sections 2401, 2402, and section 2403 as amended by the acts of March 3, 1879, and August 7, 1882.

SECTION 2401. "When the settlers in any township, not mineral or reserved by Government, desire a survey made of the same under the authority of the surveyors general, and file an application therefor in writing, and deposit in a proper United States depository, to the credit of the United States, a sum sufficient to pay for such survey, together with all expenses incident thereto, without cost or claim for indemnity on the United States, it may be lawful for the surveyor-general, under such instructions as may be given him by the Commissioner of the General Land Office, and in accordance with law, to survey such township and make return thereof to the general and proper local land office, provided the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for the township and subdivisional surveys."

SEC. 2402. "The deposit of money in a proper United States depository, under the provisions of the preceding section, shall be deemed an appropriation of the sum so deposited for the objects contemplated by that section, and the Secretary of the Treasury is authorized to cause the sums so deposited to be placed to the credit of the proper appropriations for the surveying service; but any excesses over and above the actual cost of the surveys, comprising all expenses incident thereto for which they were severally deposited, shall be repaid to the depositors respectively."

SEC. 2403. (As amended by act of March 3, 1879.) "Where settlers make deposits in accordance with the provisions of section twenty-four hundred and one, the amount so deposited shall go in part payment for their lands situated in the townships, the surveying of which is paid for out of such deposits; or the certificates issued for such deposits may be assigned by indorsement and be received in payment for any public lands of the United States entered by settlers under the pre-emption and homestead laws of the United States, and not otherwise."

The act of August 7, 1882, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, provides as follows:

"That no certificate issued for a deposit of money for the survey of lands under section 2403 of the Revised Statutes, and the act of March third, eighteen hundred and seventy-nine, amendatory thereof, shall be received in payments for lands except at the land office in which the lands surveyed, for which the deposit was made, are subject to entry, and not elsewhere; but this section shall not be held to impair, prejudice, or affect in any manner certificates issued, or deposits and contracts made, under the provisions of said act prior to the passage of this act."

APPLICATION FOR SURVEYS.

2. Applications for surveys under section 2401 must be made in writing, in the form prescribed by this office, dated January 20, 1882, and must designate as nearly as

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practicable the township to be surveyed, and state that the applicants are actual *bona fide* settlers therein, that they are well acquainted with the character and condition of the land included in said township, and that the same is not mineral or reserved by Government.

3. The mineral character of a township will be determined from the character of the greater portion of the land. Where it is not known that the greater portion of the land of a township is mineral, such township will be deemed surveyable under the provisions of section 2401. In such case the application will state the fact that the greater portion of the land is not mineral.

4. Every application for a survey must be accompanied by affidavits corroborating in full the statements made in the application.

5. The applications and affidavits, certified by the surveyor-general of the district within which such lands are situated, must be transmitted to this office with the contract entered into for the survey thereof.

6. Where the partial survey of a township becomes necessary on account of natural obstructions to a complete subdivision of the same, or of previous partial surveys, or for other good and sufficient reason, and it is impracticable to proceed regularly from a connection with the established southeast corner of the township, the survey must be connected with the nearest and most accessible established corner of existing surveys, and the lines must be properly run, measured, and marked from that point, so as to represent accurately and correctly the sections and subdivisions embraced in the surveys under execution. In such case the connecting corner should be fully identified and described in the manner required by law and instructions, and a full explanation should be given in the field notes of the deputy, showing the reasons for its adoption as the corner from which additional surveys are initiated.

7. Where one or more settlers on public lands make application as aforesaid for the survey of a particular township at his or their expense, the surveyor-general shall furnish the applicant or applicants two separate estimates, one being for the cost of the subdivisional survey of the surveyable portion of the entire township, and the other to cover all the expenses incident thereto. The surveyor-general will take the precaution to estimate adequate sums in order to prevent deficiencies in the cost of the service.

7. Surveyors-general will not under any circumstances accept, for the purpose of making the deposit moneys from applicants for surveys, either *mineral* or *agricultural*, but will instruct the applicants to deposit the estimated cost of the survey desired in some United States depository in the surveying district within which the lands are located.

Should there be no depository within the district, the deposits should be made with the nearest United States assistant treasurer, or other depositary. Applicants must be instructed fully as to the necessity of transmitting the *original* certificate to the Secretary of the Treasury, the *duplicate* to the surveyor-general, and the retention of the *triplicate*.

9. The surveyors-general shall exercise the most searching scrutiny into the statements of applicants for survey, to satisfy themselves of the truth thereof, and unless found to be *bona fide* in every respect they shall not accept such applications nor furnish the estimates requested.

10. Believing that in a great many instances applications for survey, particularly in sections of country unfit for settlement, have been procured or invited at the instance of deputy surveyors seeking contracts, you are instructed that such proceedings on the part of deputy surveyors are unlawful, and that contracts thus unlawfully procured will not be recognized as valid. The surveyor-general must minutely examine into all applications for surveys under the deposit system. If he is satisfied that the deputy has acted in the manner described, the commission of such deputy shall be forthwith revoked, and the surveyor-general shall report all the facts, with the findings in the case, to this office. Upon approval thereof, such deputy shall be deemed unfit to exercise the functions of a deputy surveyor, and the approval of a finding against a deputy will be communicated by this office to each surveyor-general for his information and guidance; and any surveyor-general who shall fail to report such deputy, or who shall employ any deputy so barred, will be open to charges to be preferred by the Commissioner of the General Land Office to the Secretary of the Interior.

11. Surveyors-general are required to exercise the utmost care and vigilance to prevent frauds and irregularities of any kind regarding surveys under the system of deposits by individuals, as also of surveys made under any other appropriation of moneys by Congress, whether general or special, and they will report each and every fact that may come to their knowledge of any attempted fraud, by whomsoever made, with all obtainable particulars, to this office for consideration and action.

12. The plats and field notes of surveys under the system of deposits by individuals, as returned to this office, do not usually show the settlements and improvements of the settlers at whose instance the surveys are ostensibly made. In a majority of in-

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stances the location of the settler, whether *bona fide* or otherwise, is entirely omitted, while the improvements, if any, are never noted. In order, therefore, to still further check the abuses and dishonest practices to which this system of surveys has become subject, the attention of surveyors-general and deputy surveyors is specially directed to the requirements of pages 43 and 44 of the Instructions of the Commissioner of the General Land Office, dated May 3, 1881. The requirements therein contained must be strictly adhered to, and surveyors-general are required and enjoined to see to it that their deputies comply therewith.

13. Surveyors-general are directed to instruct their deputies that they must designate in the field notes and plats of their surveys the location of each and every settlement within a township surveyed under the deposit system, whether it be permanent in character or not, together with the names of such settlers and their improvements, if any. Cattle corrals are not considered as constituting improvements.

14. When no settlers are found within a township surveyed under the system of individual deposits, the field notes of survey must distinctly and unequivocally state that fact, and any omission so to describe and designate the settlements and their surrounding improvements, or the absence of one or both in the field notes and plat, will be deemed a sufficient cause to infer fraud, and the accounts of the deputy will be suspended until such omission shall have been supplied to both plat and field notes. A suspension of the commission of the deputy will in the meantime take place, and all the facts will be reported to this office for consideration and action.

15. Surveyors-general are directed to make known to their several deputies the provisions and nature of this order, and will be held strictly accountable for its faithful execution. Ignorance of the terms of this order will not be held an excuse for failure to comply therewith by deputies.

16. This order will be observed by deputies now in the field, and surveyors-general are directed to so inform them with the least practicable delay.

17. Surveyors-general are reminded of the important trust confided to them, and are instructed to exercise their whole authority to secure correct and honest surveys and returns by their deputies.

18. This order will take effect from and after the receipt of the same, and its receipt will be immediately acknowledged by each surveyor-general.

19. In every case of a contract heretofore approved, which the surveyor-general has reason to believe was fraudulently procured, such contract, and the accounts thereunder, must be immediately suspended and the facts reported to this office.

DEPOSITS.

20. Settlers availing themselves of the foregoing provisions will deposit with an assistant treasurer or in a designated depository of the United States, to the credit of the Treasurer of the United States on account of surveying the public lands and expenses incident thereto, in the district in which their claims are situated, the sum so estimated as the total cost of the survey, including field and office work.

21. Where several settlers desire the survey of the same township, the necessary deposit, to cover all expenses of the survey and platting, may be so subdivided as to be proportionate to the amount of lands within the township claimed by each settler.

22. In cases where the estimated cost of survey and incidental expenses is in excess of $200, the settler should be instructed to deposit in two or more sums in order that no certificate may bear a face value of more than $200.

23. Settlers making deposits for surveys are required to transmit the original certificate of deposit to the Secretary of the Treasury and the duplicate to the surveyor-general. They will retain the triplicate, to be used in the purchase of public lands in the surveyed township if desired, or to be disposed of by assignment as provided by law.

24. The triplicates only, therefore, are to be received in the purchase, under the pre-emption and homestead laws, of lands within the limits of the land district in which the lands desired to be surveyed are situated. This restriction applies to all certificates issued on or after August 7, 1882, except as hereinafter provided.

All certificates issued prior to that date are receivable for any public lands entered under the pre-emption and homestead laws, without reference to the location of the lands surveyed.

25. Certificates issued for deposits made subsequently to and including August 7, 1882, to cover excesses of cost of surveys executed under contracts entered into prior to the passage of the act of August 7, 1882, are not affected by the clause in said act restricting the use of certificates of deposit on account of surveys to the land districts within which such surveys are located.

26. Surveyors-general will, however, require all depositors in such cases to transmit to this office the triplicate certificates through their offices for certification, specifying in their letters of transmittal the name of deputy surveyor and number and date of contract.

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27. Where the amount of a certificate or certificates is less than the value of the lands taken, the balance must be paid in cash.

28. Where the certificate is for an amount greater than the cost of the land, but is surrendered in full payment for such land, the receiver will indorse on the triplicate certificate the amount for which it is received, and will charge the United States with that amount only.

EXCESS REPAYMENTS.

29. Where the amount of the deposit is greater than the cost of the survey, including field and office work, the excess is repayable upon an account to be stated by the surveyor-general.

30. The surveyor-general will in all cases be careful to express upon the register's township plat the amount deposited by each individual, the cost of survey in the field and office work, and the amount to be refunded in each case.

31. Before transmitting accounts for refunding the excess of deposits over and above the cost of surveys in the field and office work, the surveyor-general will indorse on the back of the triplicate certificate of deposit in possession of the depositor the following: "$ ——— refunded to ——— ———, by account transmitted to the General Land Office with letter dated," ——— and will state in the account that he has made such indorsement. Where the whole amount deposited is to be refunded, the surveyor-general will require the depositor to surrender the triplicate certificate of deposit, and will transmit it to this office with the account.

32. No provision of law exists for refunding to other than the depositor, nor otherwise than as referred to in the preceding sections.

ASSIGNMENTS.

33. Under section 2403 as amended, certificates of deposits for surveys "may be assigned by indorsement." Assignments of such certificates are therefore not required to be acknowledged before an officer authorized to take acknowledgments, but the same will be recognized when made and presented in accordance with usages governing in cases of ordinary negotiable paper.

34. Certificates issued before or subsequent to March 3, 1879, may be assigned, but if issued prior to March 10, 1881, they must be transmitted to the General Land Office for an examination as to excess repayments, if any, and for certification as to their genuineness and value, if they do not already bear such certificates, before they can be accepted by the receiver, who will be governed by the certificate indorsed on or attached to them by this office.

35. Fraudulent certificates of deposit, purporting to have been issued at various United States depositories, having been put upon the market, rendering it possible for innocent parties to be defrauded in their purchase, you will cause the people in your respective districts to be advised of the possibility of such fraudulent issues, and request that all holders of certificates of deposit send them to this office for the purpose of examination and verification; said certificates to be returned to them without delay, with the certificate of this office as to their genuineness attached.

You are directed to post a copy of this circular in your office, and to take such other steps as you may deem necessary to disseminate the information without incurring the expense of publication in newspapers.

Assignments may be made to one or more persons, and when there are several original parties to, or several assignees of, one certificate, whether the same was issued on account of joint deposits or otherwise, and such certificate is presented in payment for lands to which it is authorized to be applied, the register and receiver will make the proper indorsement on the triplicate certificate presented showing the satisfaction of the *pro rata* share of each party interested. They will make the same notes respectively on the register's certificate of purchase and the receiver's original and duplicate receipts.

36. When the entire amount of a certificate is not satisfied at the same time, the triplicate should be retained by the receiver, and when fully satisfied be sent up as hereafter prescribed. But such certificates should as far as practicable be satisfied during the current quarter; and in order to avoid embarrassment in the settlement of receivers' accounts, and to enable depositors to more readily utilize their certificates, attention should be particularly directed to the instructions contained in section 21 of this circular.

37. The statute specifically provides that certificates when assigned may "be received in payment for any public lands of the United States entered by *settlers* under the *pre-emption* and *homestead* laws of the United States, *and not otherwise.*" They are therefore not receivable in payment for lands sold at public or private sale, nor for mineral, desert, coal, or timber lands, nor for fees and commissions on homestead entries, nor in any manner otherwise than as provided by law.

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REGISTERS' AND RECEIVERS' RETURNS.

38. In their monthly cash abstracts the register and receiver will designate the entries in which certificates of deposit are used and the balances paid in cash, if any, noting on the certificates of purchase and receipts the manner of payment. The receiver in his monthly account-current will debit the United States with the amount of such certificates, and in his quarterly accounts will specify each entry made with these certificates, giving number, date, amount for which received, by whom and with whom the deposit was made, and debit the United States with the same.

39. After certificates are accepted they should be canceled by writing across the face of each the word "canceled," together with a description of the tract of land sold, date of sale, name of office, and number of entry over the signature of the receiver.

40. All certificates, whether transmitted for examination or as having been accepted in payment for lands sold, must be forwarded in a registered package (the latter once a month), with letter of transmittal, direct to the Commissioner of the General Land Office, and by the same mail an abstract (Form 4-543) should be transmitted to the same address containing a full description of each certificate inclosed in the registered package (which is to contain no other matter), as follows: Number of certificate, date, assistant treasurer or depositary issuing the same, name of depository and amount deposited (stating whether for field or office work, or both), and description of survey for which deposit is made.

N. C. McFARLAND,
Commissioner.

DEPARTMENT OF THE INTERIOR, *September* 19, 1883.

Approved.

H. M. TELLER, *Secretary.*

THE PRE-EMPTION ACTS, CASH ENTRIES THEREUNDER, AND VITAL AMENDMENTS NECESSARY TO EXISTING SETTLEMENT LAWS.

(See Chapter X, pages 214 to 216, inclusive, to June 30, 1880. See addenda, pages 678 to 695, to June 30, 1882.)

The regulations and forms of entry on pages 683 to 695 are in effect and correct to December 1, 1883.

REPEAL OF THE PRE-EMPTION ACTS.

In recommendation as to the repeal of these laws, see pages 678 to 685 and 1163.

AREA ENTERED UNDER THE PRE-EMPTION ACTS.

No changes have been made in the pre-emption acts since June 30, 1880.

The number of entries thereunder cannot be given in detail, because the system of the General Land Office carries them into "cash entries," and they are, therefore, embraced in the annual cash receipts from sales of lands under various laws.

It is estimated that the disposals of lands under the pre-emption acts, since the beginning of the land system to June 30, 1883, have been about 175,000,000 of acres.

PRE-EMPTIONS DURING THE YEAR ENDING JUNE 30, 1883.

Eight thousand eight hundred and forty-five pre-emption entries were approved for patent in *ex parte* cases, and 741 contested cases were decided, the whole involving 1,500,000 acres.

Eleven thousand nine hundred and twelve new cases were received for action. The number of cases undecided June 20, 1883, was 12,542, an increase of the number in arrear of 2,370

The number of pre-emption filings placed on record during the year was 47,933, which at 160 acres each would cover 7,669,280 acres.

CASH ENTRIES.

The area cash entries, including private cash entries, pre-emptions, and commuted homesteads, during the fiscal year ending June 30, 1883, was 6,839,042.67 acres, realizing $9.657,032.28.

SALINE LANDS.

(See pages 217, 218, and 696, to June 30, 1880 and 1882.)

No change to June 30, 1883.

The official regulations on page 696, as to how saline lands are rendered subject to disposal under the act of January 12, 1877, are in effect December 1, 1883.

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SWAMP AND OVERFLOWED LANDS.

TOTAL AREA OF SWAMP LANDS SELECTED TO JUNE 30, 1883.

(See Chapter XII, pages 219 to 222, inclusive, to June 30, 1880; also see addenda, pages 696 to 710, inclusive, to June 30, 1882.)

Total acres selected to June 30, 1883, 70,445,957.58 acres. During the year ending June 30, 1883, the swamp land selections reported to the General Land Office for adjudication aggregated 449,188.17 acres.

TOTAL AREA OF SWAMP LANDS CERTIFIED OR PATENTED TO THE SEVERAL STATES UP TO AND DURING THE YEAR TO JUNE 30, 1883.

Lists embracing 686,295.53 acres were approved, making a total of 56,455,467.56 acres certified or patented to the several States. The unadjudicated claims still pending in the General Land Office amount to 14,000,000 acres, the same as at the commencement of the fiscal year.

REGULATIONS AND DECISIONS UNDER THE SWAMP-LAND LAWS.

To December 1, 1883.

The official regulations and decisions under the swamp-land laws, given on pages 698 to 710, are in effect December 1, 1883.

SWAMP-LAND INDEMNITY.

(See pages 696 and 1166.)

Twenty-eight thousand four hundred and ninety-six acres were patented as indemnity for swamp lands disposed of by the United States between the years 1850 and 1857, under military warrant and scrip locations, making a total of swamp indemnity lands patented to the several States of 504,812.99 acres.

Cash indemnity claims were approved for payment to the amount of $90,333.38.

The act of March 2, 1855, extended to March 3, 1857, confirmed all swamp selections previously made, whether or not properly so made, for lands intended to be granted, and also provided indemnity in lands or money for tracts disposed of by the United States subsequent to the swamp-land grant and prior to March 3, 1857, which should be found to have been swampy in character at the date of the swamp-land act.

(See pages 80–81 annual report Commissioner General Land Office, 1883, for details of swamp-land division K of that office.)

Statement exhibiting the quantity of land selected for the several States under acts of Congress approved March 2, 1849, *September* 28, 1850 (*Revised Statutes of the United States, section* 2479), *and March* 12, 1860 (*Revised Statutes of the United States, section* 2490), *up to and ending June* 30, 1883.

States.	Third quarter of 1882.	Fourth quarter of 1882.	First quarter of 1883.	Second quarter of 1883.	Year ending June 30, 1883.	Total since date of grant.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama						479,514.44
Arkansas						8,652,472.93
California		519.87	480.00	114,469.47	115,469.34	1,873,325.36
Florida						15,656,859.23
Illinois						3,437,661.29
Indiana						1,354,732.50
Iowa	7,534.72	3.585.45			11,120.17	3,460,840.35
Louisiana (act of 1849)	17,690.52		4,399.71		22,090.23	10,916,082.94
Louisiana (act of 1850)						554,084.24
Michigan						7,273,844.72
Minnesota	48,483.36	12,407.06	19,563.28	119,091.86	199,545.56	4,109,887.49
Mississippi				95,429.65	95,429.65	3,166,074.94
Missouri				5,533.22	5,533.22	4,724,789.22
Ohio						54,458.14
Oregon						174,205.92
Wisconsin						4,567,123.87
Total	73,708.60	16,512.38	24,442.99	334,524.20	449,188.17	70,455,957.58

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Statement exhibiting the quantity of land approved to the several States under acts of Congress approved March 2, 1849, *September* 28, 1850 (*Revised Statutes of the United States, section* 2479), *and March* 12, 1860 (*Revised Statutes of the United States, section* 2490), *up to and ending June* 30, 1883.

States.	Third quarter of 1882.	Fourth quarter of 1882.	First quarter of 1883.	Second quarter of 1883.	Year ending June 30, 1883.	Total since date of grant.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama						400,434.78
Arkansas	240.00		130.48	480.00	850.48	7,639,794.89
California		519.87	480.00	114,469.47	115,469.34	1,739,293.68
Florida	32,555.57	500.25	18,273.61	58,240.30	109,569.73	15,010,487.24
Illinois		114.42		160.00	274.42	1,493,453.85
Indiana						1,264,833.13
Iowa	94.89		80.00	120.00	294.89	925,588.19
Louisiana (act of 1849)	27,652.25	868.21		81,972.75	110,493.21	8,528,685.36
Louisiana (act of 1850)		487.20			487.20	244,176.33
Michigan			158.95		158.95	5,722,333.68
Minnesota		29,566.29	68,806.46	106,642.35	205,015.10	2,448,980.00
Mississippi			13,732.25	2,201.39	15,933.64	3,084,575.95
Missouri		27,864.23			27,864.23	4,485,234.52
Ohio						25,660.71
Oregon	99,081.24		691.52		99,772.76	125,594.26
Wisconsin			111.58		111.58	3,316,340.90
Total	159,623.95	59,920.47	102,464.85	364,286.26	686,295.53	56,455,467.56

Statement exhibiting the quantity of land patented to the several States under the acts of Congress approved September 28, 1850 (*Revised Statutes of the United States, section* 2479), *and March* 12, 1860 (*Revised Statutes of the United States, section* 2490), *and also the quantity certified to the State of Louisiana, under act approved March* 2, 1849.

States.	Third quarter of 1882.	Fourth quarter of 1882.	First quarter of 1883.	Second quarter of 1883.	Year ending June 30, 1883.	Total since date of grant.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama						395,315.09
Arkansas			3,344.15	396.90	3,741.05	7,134,507.37
California		15,630.37	519.87		16,150.24	1,431,265.35
Florida	32,555.57	500.25		76,429.71	109,485.53	*14,958,706.09
Illinois	40.00	269.02		160.00	469.02	†1,455,297.05
Indiana						‡1,257,588.41
Iowa	94.89	97.00		360.00	551.89	§1,176,183.69
Louisiana (act of 1849)	27,652.25	868.21		81,972.75	110,493.21	8,528,685.36
Louisiana (act of 1850)						217,973.91
Michigan	818.10	200.00		158.95	1,177.05	‖5,660,995.04
Minnesota	1,349.31	6,965.87	22,600.42	9,343.56	40,259.16	2,271,967.24
Mississippi				49,557.20	49.557.20	2,988,645.67
Missouri	1,881.10	11.62	1,083.77	27,864.23	30,840.72	¶3,370,840.02
Ohio						25,640.71
Oregon	943,39	1,440.00		691.52	3,074.91	27,685.10
Wisconsin			27,080.01		27,080.01	**3,265,741.70
Total	65,334.61	25,982.34	54,628.22	246,934.82	392,879.99	54,167,037.80

103,198.55 acres have been deducted from the total amount patented to the State of Mississippi, that amount having been erroneously reported as patented to the State in 1861.

*50,299.39 acres of this contained in indemnity patents under act of March 2, 1855.

†2,309.07 acres of this contained in indemnity patents under act of March 2, 1855.

‡4,880.20 acres of this contained in indemnity patents under act of March 2, 1855.

§321,565.23 acres of this contained in indemnity patents under act of March 2, 1855.

‖18,983.93 acres of this contained in indemnity patents under act of March 2, 1855.

¶44,784.41 acres of this contained in indemnity patents under act of March 2, 1855.

**61,990.76 acres of this contained in indemnity patents under act of March 2, 1855.

EDUCATIONAL LAND GRANTS BY THE UNITED STATES TO PUBLIC-LAND AND OTHER STATES.

(See chapter XIII, pages 223 to 231, to June 30, 1880; also see pages 710 to 711, to June 30, 1882.)

TO JUNE 30, 1883.

The regulations and forms on pages 710 to 711 herein, as well as the historical data on pages 223 to 231, are in use and is correct to December 1, 1883.

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LAND GRANTS AND RESERVATIONS FOR EDUCATIONAL PURPOSES.

TO JUNE 30, 1883.

The statistics on page 223, and following, are correct to June 30, 1883, viz:

	Acres.
For public or common schools	67,893,919
For agricultural and mechanical colleges	9,600,000
For seminaries or universities, to June 30, 1880	1,165,520
Add grants for university purposes to the Territories of Dakota, Montana, Arizona, Idaho, and Wyoming	230,400
In all, a grand total to June 30, 1883	78,889,839

The value, at the minimum price of $1.25 per acre, in round numbers, being $99,000,000; but it may be safely estimated that these educational-grant lands have realized to the States more than $250,000,000.

UNIVERSITY GRANTS TO DAKOTA, ARIZONA, IDAHO, AND WYOMING TERRITORIES.

(See pages 226, 227, and 228.)

Two townships, of 23,040 acres each, six miles square, or 46,080 acres, were reserved by the act of February 18, 1881, for a university in each of the Territories above named. At $2.50 per acre this endowment is equal to $115,200. All existing Territories and political divisions, save the District of Columbia, Indian Territory, and Alaska, now have university grants.

The act was as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be, and are hereby, granted to the Territories of Dakota, Montana, Arizona, Idaho, and Wyoming respectively, seventy-two entire sections of the unappropriated public lands within each of said Territories, to be immediately selected and withdrawn from sale and located under the direction of the Secretary of the Interior, and with the approval of the President of the United States, for the use and support of a university in each of said Territories when they shall be admitted as States into the Union: *Provided*, That none of said lands shall be sold except at public auction, and after appraisement by a board of commissioners, to be appointed by the Secretary of the Interior: *Provided further*, That none of said lands shall be sold at less than the appraised value, and in no case at less than two dollars and fifty cents per acre: *Provided*, That the funds derived from the sale of said lands shall be invested in the bonds of the United States and deposited with the Treasurer of the United States; that no more than one-tenth of said lands shall be offered for sale in any one year; that the money derived from the sale of said lands, invested and deposited as hereinbefore set forth, shall constitute a university fund; that no part of said fund shall be expended for university buildings, or the salary of professors or teachers, until the same shall amount to fifty thousand dollars, and then only shall the interest on said fund be used for either of the foregoing purposes until the said fund shall amount to one hundred thousand dollars, when any excess, and the interest thereof, may be used for the proper establishment and support respectively of said universities."

LAND BOUNTIES FOR MILITARY AND NAVAL SERVICES.

(See chapter XIV, pages 232 to 237, to June 30, 1880; also see pages 711, 721, to June 30, 1882.)

TO JUNE 30, 1883.

The official rules, regulations, and forms and procedure for location and assignment of bounty-land warrants on pages 712 to 721 herein are in effect December 1, 1883.

For official rules, regulations, and forms as to Revolutionary bounty land see pages 958 to 962 herein; also, for details of business of the recorder division B of the General Land Office for 1883, see annual report of Commissioner of General Land Office for 1883, pages 39, 40, 41.

The outstanding warrants under all laws to June 30, 1883, were 13,955, embracing 1,768,580 acres.

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AREA OF GRANTS FOR MILITARY AND NAVAL LAND BOUNTIES.

To June 30, 1883.

The grants for military and naval land bounties from the origin of these laws to June 30, 1883, amount to 61,064,150 acres, as follows:

Condition of bounty-land business under acts of 1847, 1850, 1852, *and* 1855, *showing the issues and locations from the commencement of operations under said acts to June* 30, 1883.

Grade of warrants.	Number issued.	Acres embraced thereby.	Number located.	Acres embraced thereby.	Number outstanding.	Acres embraced thereby.
Act of 1847:						
160 acres	80,669	12,907,040	79,033	12,645,280	1,636	261,760
40 acres	7,583	303,320	7,073	282,920	510	20,400
Total	88,252	13,210,360	86,106	12,928,200	2,146	282,160
Act of 1850:						
160 acres	27,439	4,390,240	26,825	4,292,000	614	98,240
80 acres	57,712	4,616,960	56,272	4,501,760	1,440	115,200
40 acres	103,970	4,158,800	100,654	4,026,160	3,316	132,640
Total	189,121	13,166,000	183,751	12,819,920	5,370	346,080
Act of 1852:						
160 acres	1,222	195,520	1,194	191,040	28	4,480
80 acres	1,698	135,840	1,662	132,960	36	2,880
40 acres	9,066	362,640	8,878	355,120	188	7,520
Total	11,986	694,000	11,734	679,120	252	14,880
Act of 1855:						
160 acres	114,720	18,355,200	109,220	17,475,200	5,500	880,000
120 acres	96,996	11,639,520	90,590	10,870,800	6,406	768,720
100 acres	6	600	5	500	1	100
80 acres	49,441	3,955,280	48,018	3,841,440	1,423	113,840
60 acres	359	21,540	310	18,600	49	2,940
40 acres	540	21,600	466	18,640	74	2,960
10 acres	5	50	3	30	2	20
Total	262,067	33,993,790	248,612	32,225,210	13,455	1,768,580

SUMMARY.

Act of 1847	88,252	13,210,360	86,106	12,928,200	2,146	282,160
Act of 1850	189,121	13,166,000	183,751	12,819,920	5,370	346,080
Act of 1852	11,986	694,000	11,734	679,120	252	14,880
Act of 1855	262,067	33,993,790	248,612	32,225,210	13,455	1,768,580
Total	551,426	61,064,150	530,203	*58,652,450	21,223	2,411,700

* While this aggregate does not show the exact area located, it exhibits the extent to which the warrants have been satisfied at $1.25 per acre.

TWO, THREE, AND FIVE PER CENT. FUNDS.

(See chapter XV, pages 238, 239, to June 30, 1880; see addenda to chapter XV, pages 721 to 727, to June 30, 1882.)

To June 30, 1883.

No accounts adjusted for any amounts accruing later than June 30, 1882. See page 721.

INDIAN RESERVATIONS FROM THE PUBLIC DOMAIN.

(See chapter XVI, pages 240 to 248 inclusive, to June 30, 1880; see addenda 727 to 753, to June 30, 1882.)

For list of agencies and agents to September 13, 1883, *see pages* 744 *to* 747.

To June 20, 1883.

The details of making and unmaking Indian reservations, and the historical and legal data, pages 241 to 244, is correct to December 1, 1883.

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NUMBER AND LOCATION OF RESERVATIONS.

The total number of Indian reservations in the United States, June 30, 1883, was 137, containing 135,998,101 acres, with an estimated population of 259,632, or about 529 acres to each Indian.

REFERENCES.

For decisions as to Indians and Indian reservations see "Decisions of the Department of the Interior and the General Land Office," to June, 1883. Titles: "Indians, Indian Lands, Indian Reservations, Indian women, and Indian titles."

For data as to names of and location of Indian reservations, and population, agents, and agencies, laws or orders creating, see pages 728 to 747. For map of reservations see facing page 727. This map is, in fact, correct to December 1, 1883. It is dated June 30, 1882. A reference to the text in this chapter will show any changes.

For number, location, and area of Indian reservations to June 30, 1880, see page 244 and to June 30, 1882, see page 727.

CHANGES IN, REDUCTIONS IN, OR CREATION OF NEW RESERVATIONS.

To June 30, 1883.

Indian reservations, October 10, 1883; *additions and corrections of tables on pages* 728 *to* 739.

Page.	State or Territory.	Name of reservation.	Increase of acres and new creation.	Decrease in acres.	Date of order and actual area.
728	Arizona	Gila River		46,720	Executive order May 5, 1882. Actual area 134,400.
		Gila Bend	22,391		Executive order Dec. 12, 1882.
		Hualipai	730,880		Executive order Jan. 12, 1883.
		Salt River	46,720		Executive order June 14, 1879.
		Yuma	134,400		Executive order July 6, 1883.
728	California	Mission (23 reservations.)	161,217		Executive orders June 27, July 24, 1882, and Feb. 5 and June 19, 1883.
729	Dakota	Sioux (5 reservations)		9,997,272	Actual area in 5 reservations 21,731,368 acres.
		Turtle Mountain	491,520		Executive order Dec. 21, 1882.
730	Indian Territory.	Iowa	228,152		Executive order Aug. 15, 1883.
		Kickapoo	206,466		Executive order Aug. 15, 1883.
731		Unoccupied Creek and Seminole lands ceded east of 98th meridian.		1,068,346	Actual area 1,211,272 acres.
732	Iowa	Sac and Fox	1,258		
732	Kansas	Miami		2,328	Sold.
733	Minnesota	Deer Creek	23,040		Executive order June 30, 1883.
		White Earth		294,851	Actual area 796,672 acres. Reduced by Executive order July 13, 1883.
734	Nebraska	Otoe		44,093	Sold.
		Sioux, Pine Ridge		32,000	Actual area. Executive order Jan. 24, 1882.
735	New Mexico	Zuni			Reconfirmed by Executive order May 1, 1883.
735	New York	Oneida	(*)	62	Actual area 350 acres.
		Tuscarora	(*)	1,249	Actual area 6,249 acres.
736	Oregon	Malheur		414,400	Actual area 320. Reduced by Executive orders Sept. 13, 1882, and May 21, 1883.
737	Utah	Uncompahgre	21,120		Actual area 1,933,440. Executive order Jan. 5, 1882.
737	Washington	Columbia		748,960	Actual area 2,243,040. Executive order Feb. 23, 1883.

*Surveys change areas.

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RECAPITULATION OF RESERVATIONS AND AREAS.

To October 10, 1883.

Page 728.

State or Territory.	Number of reservations.	Area in acres.	Area in square miles.
Arizona	10	6,514,871	10,179½
California (includes 23 reservations for Mission Indians)	5	427,058	667
Colorado	1	1,094,400	1,710
Dakota	13	27,480,785	42,860½
Idaho	4	2,748,981	4,295
Indian Territory	25	41,102,280	64,222
Iowa	1	1,258	2
Kansas	4	135,419	211½
Michigan	3	66,332	104
Minnesota	10	4,755,716	7,431
Montana (three in fact)	5	27,797,800	43,434
Nebraska	6	424,159	662½
Nevada	4	885,015	1,383
New Mexico (Pueblo Agency includes 19 pueblos)	5	7,154,525	11,179
New York	8	87,677	137
North Carolina	1	65,211	102
Oregon	6	2,075,560	3,243
Utah	2	3,927,480	6,207
Washington	16	6,330,148	9,891
Wisconsin	7	586,026	916
Wyoming	1	2,342,400	3,660
Grand total	137	135,998,101	212,497

The Commissioner of Indian Affairs in his annual report for 1883, says:

ALLOTMENT OF LANDS IN SEVERALTY, AND PATENTS.

During the year fifty-one certificates of allotments have been issued to the Pawnees, under the provisions of the fifth section of the act of April 10, 1876 (19 Stat., 30), and nineteen to the Chippewas of the Mississippi, on the White Earth Reservation, under the provisions of the seventh article of the treaty of March 10, 1867 (16 Stat., 721). Patents have been issued as follows: To the Chippewas of Lake Superior and the Mississippi, under the provisions of the third article of the treaty of September 30, 1854 (10 Stat., 1110), on the La Pointe or Bad River Reservation, thirty-four, and on the Lac Court d'Oreilles Reservation, eighteen; to the Winnebagoes, under the fourth section of the act of February 21, 1863 (12 Stat., 658), four; to the Kickapoos, under the provisions of the third article of the treaty of June 28, 1862 (13 Stat., 624), eleven; and to the Sisseton and Wahpeton bands of Sioux, under the fifth article of the treaty of February 19, 1867 (15 Stat., 505), nine; making the total number of certificates and patents issued one hundred and forty-six. Fifty Santee Sioux have made homestead entries under the concluding paragraph of the sixth article of the treaty with the Sioux Indians, concluded April 29, 1868 (15 Stat., 635). Allotments have also been made by the agents on the Nisqually, Squaxin, Bad River, and Lac Court d'Oreilles Reservations, the schedules of which have been returned for correction.

As to the utility and desirability of alloting lands in severalty to the Indians and giving them valid titles thereto, I can only reiterate what has been said in my preceding reports. In no case where allotments have been made and the titles secured, with proper restrictions, have any other than the best results followed. I shall, therefore, adhere to the policy of allotting lands wherever the same can legally be done and the condition of the Indians is such as to warrant it.

ALLOTMENTS IN SEVERALTY DELAYED BY LACK OF MONEY FOR SURVEYS.

One of the principal obstacles in the way of making allotments is the fact that there are no appropriations available for the survey of Indian reservations. In many cases allotments are authorized by treaty on reservations which have never been surveyed, and in other cases on reservations where the lines and monuments of the survey have become obliterated. In the latter cases I have, where practicable, authorized the employment of surveyors to rerun and remark the lines, paying for the work out of the appropriations for employés. Your attention is called to the importance of this matter in another portion of this report.

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The agent at the Fort Berthold agency reports that the Indians under his charge are anxious to take allotments, and that it would be greatly to their advantage to do so. There being no law nor treaty authorizing allotments to these Indians, it is my intention to prepare and submit for transmission to Congress at its next session, subject to your approval, a bill granting such authority.

At the last session of Congress a bill was submitted increasing the allotments to the Nez Percés in Idaho and the Willamette Indians on the Grand Ronde Reservation from twenty acres, as provided for in the treaty with the Nez Percés, and from the graduated quantity provided for in the treaty with the Willamette Indians, to one hundred and sixty acres for each Indian entitled to an allotment under the treaties. No action was taken by Congress. As the quantity of land in each of these reservations is more than sufficient to give the amount recommended, and the Indians are desirous of having the quantity increased, the bill will be again submitted to you for transmission to Congress at its next session.

The Secretary of the Interior, in his annual report for 1883, on the subject of allotment in severalty, says:

INDIAN TITLES.

The tenure by which most of the Indian tribes hold their land is very unsatisfactory. In a few cases the Indians are sufficiently advanced to appreciate the advantages of land in severalty, but the great mass of the Indians are not only not ready for land in severalty, but violently opposed to it, and incapable of taking care of such title if given to them. A title in severalty to or individual ownership of land is unknown in Indian polity, and they cannot understand why one man should have a claim on or title to land that he does not occupy, any more than they can understand how one man can become the owner of more air than he needs. They do not cultivate land in common, but each Indian has a separate patch or piece of ground which he tills year after year if he desires. When he neglects to cultivate it, any other person may do so. While he cannot comprehend individual ownership, he does know what title to his tribe means. He has been accustomed to hear the claim made that his tribe owns a section of the country. The invasion by one tribe of the region claimed by another has been the cause of innumerable wars. The denial of ownership in his tribe he fully understands, and whether that denial comes from a hostile tribe or from one of his own number, it is, in his opinion, a crime to be punished. The reservation belongs to the tribe in trust for all the members thereof if they wish to occupy it. If it is sold, it must be sold for all.

I renew the recommendation that I made on the subject in my former report:

"To the end that the Indians may be secure in their titles and have the assurance that they will not be removed, except by their free consent, I recommend the passage of a law to give each tribe a patent for the land the Government has guaranteed to it, leaving the Indians to determine the question of allotment for themselves. This system has given entire satisfaction to the civilized Indians of the Indian Territory, and is consonant with Indian law and religion."

SURVEYS OF INDIAN RESERVATIONS.

[From Report of Commissioner of Indian Affairs for 1883.]

Are surveyed under the direction of the General Land Office and its surveyors-general and assistants.

It would seem that the experience of the last few years had demonstrated the utter futility of endeavoring to procure adequate appropriations for the survey of Indian reservations. Year after year proper estimates are prepared and submitted to Congress with the most urgent recommendations. Last year $100,000 was asked for and but $5,000 was appropriated. For the present fiscal year $100,000 was estimated for and not a dollar was appropriated; and there has not been an appropriation of any consequence made for the survey of Indian reservations during the past ten years. There are thousands of miles of reservation boundaries that have never been defined and marked by official survey, and the wonder is that the conflicts between the Indians and settlers are not more frequent than they are, when it is considered that in very many instances it is found absolutely impossible to determine which party is in the right. The settlers, surrounding the Indians on all sides, are anxious to procure good land upon which to settle, while the Indians themselves are watchful and naturally jealous of their rights. There is no guide in the matter. The settlers, miners, or herders, as the case may be, approaching from all directions, and gradually circumscribing the Indians to the vicinity of their agencies, are finally confronted by the Indians or their agent with the warning that they are encroaching upon the reservation. This, in all

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likelihood, is disputed, and in the absence of proper marks indicating the boundaries of the reservation the dispute continues, engendering the bitterest feeling, which too often ends in unfortunate strife. When it is understood that all surveys of Indian reservations, by express stipulation of law, are executed under the direction and control of the General Land Office (see 2115, Rev. Stats.) with the same safeguards against fraud that are employed in the survey of the public lands, it is difficult to see why appropriations for these much-needed surveys are so persistently withheld. They are as much needed to determine the rights of settlers as to protect the interests of the Indians.

In the fulfillment of treaty stipulations and in carrying out the general policy of the Government in settling the Indians on individual allotments, it is necessary that arable lands within certain reservations be subdivided, and it is important in some cases that this be done at once; yet there is not a dollar available for this special purpose, although it was intended that a considerable portion of the $100,000 estimated for should be used in that way.

SURVEYING THE BOUNDARIES OF INDIAN RESERVATIONS.

The Secretary of the Interior in his annual report for 1883 says:

One great difficulty in keeping the Indians on their reservation and the whites off is the uncertainty of the boundary lines. The exterior of all the reservations should be surveyed, and plainly marked, so that neither Indians nor whites would have difficulty in determining the boundaries thereof, and I recommend a suitable appropriation for this purpose.

The Commissioner of the General Land Office in his annual report for 1883 says of

ALLOTMENT LANDS FOR UTE INDIANS:

The surveys made previous to the last fiscal year of lands for allotment to the Southern Utes in Colorado and New Mexico, amounting to 326,675.56 acres, have been examined and approved. In the past year surveys have been returned of 148,255.65 acres.

Two hundred and eighty-seven thousand one hundred and forty-seven and seventy-six one-hundredth acres have been surveyed within the Uintah Reservation in Utah for allotment to the White River Ute Indians.

Some progress has been made in the field-work of surveys in Utah for allotment to the Uncompahgre Utes, but no returns have been received.

INDIAN RESERVATIONS.

A contract has been entered into for the survey and subdivision of seventeen townships in the late Uncompahgre Reservation in Colorado.

The survey of the boundary between the Crow Reservation and Crow ceded lands in Montana, and surveys of Crow lands for allotment, have been contracted for. The survey of the boundary lines has not yet been executed. Some progress has been made in field surveys for allotment.

The lands within the old Sioux Indian Reservation west of Big Stone Lake in Dakota have been resurveyed and the western boundary line retraced, the original surveys having been reported fraudulent. The area shown by the original survey was 115,157.68 acres, and by the resurvey 137,648 acres, making an increase by the resurvey of 22,540.32 acres.

LANDS IN INDIAN TERRITORY.

(See chapter XXXIII, pages 458 to 462, to June 30, 1880; see addenda, page 1187.)

To December 1, 1883.

See map facing 462 for all holdings and titles of Indian tribes thereon. It is, in fact, correct to December 1, 1883.

No lands can be disposed of by the Indian tribes or individuals in the Indian Territory. The occupancy and other titles are as given, pages 459 to 462. The United States must approve or concur in title to lands in this Territory. There are no public lands in this Territory, or lands coming within the provisions of the settlement or disposition laws, as no act of Congress has brought any portion of the lands of this Territory under the operation of any public land laws. Persons entering Indian Territory as settlers claiming under any of the public land laws of the United States are merely intruders and trespassers. During the year 1883 an attempt was made to obtain the approval of the

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Department of the Interior of a lease of pasturage lands by the Indians of Indian Territory. In his annual report for 1883 the Secretary says:

LEASING OF INDIAN LANDS.

In April last (1883) certain parties, alleging that they had made leases or agreements with the Cheyenne and Arapahoe and other Indians of the Indian Territory for the privelege of grazing cattle on the reservation of said Indians, by paying therefor 2 cents per acre per annum, applied to the Department to have their leases or agreements approved by the Department, and to be put in possession of the lands included in said leases or agreements. It was understood that quite a large amount and nearly all the lands so occupied by the Cheyennes and Arapahoes were included in such leases or agreements. It was urged by the parties desiring the approval of such leases or agreements that the Indians could derive a large revenue from the use of the lands, and be otherwise benefited by such occupation. I did not find authority for the making of such leases or agreements by the Indians, or by the Department, and I therefore declined to approve them, and informed the parties that I saw no objections to allowing the Indians to grant permission to graze cattle on their reservation at fair and reasonable terms; that the authority to so occupy must be given by the tribe, and not an individual member, and the whole tribe must participate in the benefits thereof; that the Department would not feel called on to remove the occupants under such leases or agreements, provided the Indians made no complaints and the Department was satisfied that the Indians were properly treated; that the parties and their employés conformed strictly to the statutes and rules of the Department with respect to the intercourse laws, with reference to the introduction of liquors, fire-arms, ammunition, &c.; that the Department would, when it appeared to be desirable for the public interest to do so, exercise its right of supervision to the extent of removing all occupants, without reference to such leases or agreements, on such notice as might be right and proper under the circumstances; and that all parties, in accepting such agreements from the Indians, must accept the same subject to such conditions and to the future action of Congress.

It is undoubtedly to the interest of the Indians to allow parties to graze cattle on their lands, if a fair price is paid for such privileges, as it will in time become a source of considerable revenue to them, and will familiarize them with the care of stock. It is believed that the owners of lands would soon find it to their interest to hire Indians to herd their stock, and thus another source of revenue would be opened to them. Had the Department approved of the leases or agreements it would doubtless have been the duty of the Department to collect from the occupants the money to be paid under the terms of such leases or agreements, and such money so collected would necessarily go into the Treasury of the United States. The Indians, having assumed the right to lease the land, would not readily submit to have the money paid to the Department and put in the Treasury, although such fund might be subsequently used for their benefit. It will be impossible in the present condition of affairs to prevent conflicts between rival claimants for the privilege of grazing on Indian lands within the Indian Territory without legislation. Congress should provide some system by which the unoccupied lands can be leased by the tribe or the Department for the benefit of such tribes, and the money expended for the tribe without covering it into the Treasury.

ATTEMPT TO SETTLE ON LANDS IN INDIAN TERRITORY UNDER THE CLAIM THAT THEY ARE PUBLIC LANDS.

The Commissioner of Indian Affairs, in his annual report for 1883, speaking of this, says:

INTRUDERS ON INDIAN LANDS.

As stated in the previous reports, an amendment to the law in reference to intruders so as to punish by imprisonment as well as fine is absolutely necessary. An intruder without property has very little fear of a fine. Some intruders have already been removed several times by the Indian police or the military, and as often have returned. The present law, imposing a fine *only*, has no terrors for this class of men. All that can at present be done is to remove the intruder, and if he reappears to bring a civil suit against him in the nature of an action of debt to recover the statutory penalty of $1,000. I have yet to hear of a single instance in which the penalty has been recovered. The result is expense to the Government for no purpose. Notwithstanding his repeated expulsion from the Indian Territory, Payne and his party of "Oklahoma colonists" have twice during the present year made attempts at settlement in that country, requiring the aid of the military, at great expense to the Government, to effect their removal.

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In addition to the urgent recommendations which have repeatedly been made by this office and the Department on the subject, the Secretary of War deemed this frequent furnishing of troops for the removal of trespassers, at great expense to the Government, without any practical results, as a matter of such serious importance in the interests of the military service and of public economy that on the 2d February last he addressed a special communication to the President urging the amendment of section 2148, Revised Statutes, by providing a term of imprisonment for unlawfully entering upon Indian lands. This communication was transmitted by the President to Congress on the 5th February last, and on the 3d of the same month Mr. Dawes introduced in the Senate a a bill (S. 2450), some time previously prepared in this office,* reading as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-one hundred and forty-eight of the Revised Statutes of the United States be amended to read as follows, namely:

"Every person who without authority of law enters and shall be found upon any Indian lands, tribal reservation, or lands specially set apart for Indian purposes, shall for the first offense, upon conviction thereof, pay a fine of not more than five hundred dollars, and be imprisoned at hard labor for not more than one year; and for every subsequent offense, shall, upon conviction thereof, pay a fine of not more than one thousand dollars, and not less than five hundred dollars, and be imprisoned at hard labor for not more than two years, nor less than one year; and the wagons, teams, and outfit of such person or persons so offending shall be seized and delivered to the proper United States officer, and be proceeded against by libel in the proper court and forfeited, one-half to the informer and the other half to the United States, and in all cases arising under this act, Indians shall be competent witnesses: *Provided, however*, That the provisions of this section shall not apply to emigrants or travelers peaceably passing through such Indian lands, tribal reservations, or lands especially set apart for Indian purposes, without committing any willful trespass or injury to person or property."

On the 10th February last the bill as read and referred was reported back by the Senate Committee on Indian Affairs without amendment, but Congress again adjourned without taking action in the matter.

While on this subject I desire to say a few words in regard to the repeated attempts which have been made by United States citizens during the past four years to unlawfully appropriate certain lands of the Indian Territory reserved under treaty by the Government for Indian purposes, under the pretext that such lands are open to the public for settlement. Full accounts of these raids and of the measures taken by the Government to expel the intruders will be found in the successive annual reports of this office for the years 1879, 1880, 1881, and 1882. During the period referred to, D. L. Payne, the recognized leader of the movement, has been repeatedly arrested only to be released by the military authorities on the Kansas border, or held to answer to a civil suit in the United States court at Fort Smith to recover the penalty imposed by the statute, a suit invariably terminating without any practical result. With each repetition the movement appears to acquire additional strength. From official reports made to the War Department and on file in this office, I learn that in the expedition which left Arkansas City for the Oklahoma lands on the 1st February last there were about two hundred and fifty persons, principally from Kansas and Missouri, including some twenty women and children, with from eighty to one hundred wagons filled with provisions and forage sufficient to last them thirty or forty days, and with tents, furniture, agricultural implements, &c. They appeared in the main to be a well-to-do, quiet set of farmers, and a different class of people from those who had been engaged in previous similar enterprises, but they were all well armed, mostly with Winchester rifles and carbines, and among them it was reported there was one man from Wichita, Kans., who had with him a full wagon-load of whisky and cigars, intending to open a saloon on arriving at their destination.

Besides this party, there were other and smaller outfits which were discovered and heard of *en route* from Caldwell and Coffeyville, Kans., to join the main body. Those from Caldwell are stated to have been with one or two exceptions persons without visible means of support, whom the citizens, though deprecating the movement, were glad to get rid of at any price.

Payne, with his secretary, one W. H. Osburn, traveled with the Arkansas City party, and at a meeting held there the night before starting he is said to have roundly abused the Government and the Army. From the same official sources I learn that every member who joins the Oklahoma colony pays $2.50 for a certificate of membership therein, of which 50 cents are retained by the secretary and the remainder goes into Payne's pockets. The form of certificate is as follows:

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*See House Ex. Doc. No. 145, Forty-seventh Congress, first session.

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[Capt. D. L. Payne, president; Hon. J. M. Steele, treasurer; W. H. Osburn, secretary.]

Certificate of membership.

OFFICE OF PAYNE'S OKLAHOMA COLONY,
Wichita, Kans., ——— —, 188—.

This certifies that ——— ———, having paid the fee of two dollars, is a member of Payne's Oklahoma Colony, is entitled to all the benefits and protection of said colony and an equal voice in all matters pertaining to and the formation of its local government.

In testimony whereof the official signatures of the president and secretary are hereto subscribed, and the seal of the colony attached.

——— ———,
President.

——— ———,
Secretary.

I also learn that Payne issues "land certificates" to persons who do not desire to go down themselves, by which he guarantees them 160 acres of land in the "Oklahoma Colony," in consideration of $25, which it is also stated he appropriates to his own use. I have no copy of this last mentioned certificate; but, even if there are no other controlling influences at work, it is manifestly a profitable speculation for Payne himself, who is not likely to desist from starting these expeditions so long as he can find persons credulous enough to part with their money on such worthless assurances, or so long as the law in relation to trespassers on Indian lands remains in its present unsatisfactory condition.

From a letter dated June 26 last, addressed to the Department by the honorable Secretary of War, I am advised that Payne has now applied to the United States circuit court at Topeka, Kans., for an injunction restraining military interference with his entrance into and occupation of the Oklahoma district of the Indian Territory, thus bringing up for judicial decision the whole question affecting the status of said district; and that the matter has been referred by the War Department to the Attorney-General to take such measures as may be deemed necessary to protect the interests of the United States in the premises.

I respectfully recommend that the attention of Congress be specially drawn to these aggressive movements on Indian Territory lands as illustrating the urgent necessity for speedy and effective legislation in regard to trespassers.

MILITARY RESERVATIONS UPON THE PUBLIC DOMAIN.

(See Chapter XVII, pages 249 to 254, to June 30, 1882; see addenda, pages 748 to 752, to June 30, 1883.)

TO JUNE 30, 1883.

The following list shows the changes in reservations either by increase or decrease of area during the year ending June 30, 1883:

References.—The data on page 249 *et seq.* are correct. See also decisions of the Department of the Interior and General Land Office in cases relating to lands and land claims to June 30, 1883. Title, "Military Reservations."

The total number of military reservations on the public domain in the public land States and Territories June 30, 1883, was 177, containing 3,155,152.76 acres.

MILITARY RESERVATIONS.

[From the Annual Report Commissioner General Land Office, 1883.]

Military reservations declared, reduced, enlarged, modified, or restored to the public domain during the year ending June 30, 1883, are as follows:

In Arizona.—By Executive order dated May 14, 1883, Fort Huachuca reservation was enlarged on the north so as to include grazing lands and extend to the Babacomari land grant, as was intended by the original order dated October 29, 1881.

In California.—By Executive order dated October 21, 1883, Molate Island, or Red Rock, in San Francisco Bay, was formally declared a military reservation. It was reserved March 2, 1858, by order of the Secretary of the Interior. It contains 7.52 acres, in sec. 17, T. 1 N., R. 5 W., M. D. Mer.

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In Florida.—Fort Brooke military reservation, containing 148.11 acres, was relinquished by the Secretary of War to the Secretary of the Interior, under act of August 18, 1856 (11 Stat., p. 87). By Executive order dated November 17, 1882, the following described tracts were formally declared reserved for military purposes, the same being portions of reservations ordered by the Secretary of War on March 23, 1849, "until the completion of the surveys necessary for the coast defenses":

1. The south end of Gasparilla Island for a distance of 2 miles from its southern extremity; and the north end of Boca Grande, or Cayo Costa Island, for a length of 2 miles from its northern extremity.
2. The whole of Egmont Island, at the entrance of Tampa Bay, except the 15 acres at the north end previously reserved for light-house purposes.
3. Flagg Island, at Saint George's Sound.

In Indian Territory.—By Executive order dated January 17, 1883, the reserve at Fort Supply was enlarged by adding to it the south half T. 25 N, R. 22 W., and the SW. ¼ of T. 25 N., R. 21 W.

In Kansas.—By act of Congress approved August 4, 1882, Fort Larned reservation was authorized to be relinquished by the Secretary of War and sold to actual settlers, after survey and appraisal.

In Montana.—By act of Congress approved August 4, 1882, it was provided that the Fort Benton military reservation should be restored to the public domain, surveyed, and disposed of.

In Utah.—By Executive order dated the 12th of May, 1883, a military reservation for Fort Thornburgh was declared. Two tracts were reserved—one for the post and the other for wood and timber. The post reserve is partly surveyed land. The surveyed portion falls in T. 3 S., R. 20 E., and T. 4 S., R. 21 E.

All the land in the wood and timber reserve is unsurveyed.

Military reservations in public-land States and Territories, July 1, 1883.

[Additions to and corrections to tables. See pages 748 to 752.]

Page.	State or Territory.	Name of reservation.	Increase to acres.	Present area.
748	California	Camp Independence	5,210.18	
		Total area of reservations in California		17,531.68
749	Florida—15 reservations	Fort Brooke (relinquished by War Department). Three small ones created. (See text above about equaling this reduction)		148.11
		Total area of reservations in Florida as far as known		13,282.40
749	Kansas—5 reservations	Fort Larned (restored to public domain)		10,240.00
		Total area of reservations in Kansas as far as known		53,870.22
750	Montana—8 reservations	Fort Benton, area not known (restored to the public domain)		
751	Utah—5 reservations	Fort Thornburg, created by Executive order May 12, 1883		21,851.00
		Total area of reservations in Utah as far as known		147,450.47

Change in recapitulation of areas as far as known or estimated, during the year to June 30, 1883.

[See page 752].

Number of reservations.	June 30, 1883, total area of all reservations.	Increase of area.	Decrease of area.
California	17,531.68	2,560	
Reduced to 5, Kansas	53,870.22		10,240
Reduced to 8, Montana	861,956.64		
Increased to 5, Utah	147,450.47	21,850	
Total		24,410	10,240

Total number of reservations, 177. Total area, 3,155,152.76.

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DISTRIBUTION ACT OF SEPTEMBER 4, 1841.

(See Chap. XIX, page 256, to June 30, 1880; also addenda, page 753, to June 30, 1882.)

TO JUNE 30, 1883.

The table on page showing $691,117.05 is correct to June 30, 1883, and in fact to December 1, 1883, as the law is executed.

CANAL, WAGON, MILITARY-WAGON AND RAILROAD GRANTS.

(See Chap. XX., pages 257 to 288, to June 30, 1880, and addenda, pages 753 to 849, to June 30, 1882.)

TO JUNE 30, 1883.

The matter of a historical character, from pages 257 to 288, is correct to December 1, 1883. The Congressional reports and executive documents, from pages 789 to 849, are also of present value. For index of these see page 789. The official rules and regulations on pages 935 to 949 are in effect, with amendments, until December 1, 1883. The map of land-grants for wagon and rail roads, facing page 949, is correct to December 1, 1883.

REFERENCES.

For all laws and decisions relating to land granted for railroad purposes see "Laws of the United States relating to the Public Lands," volumes 1, 2, and 3, Public Land Commission, 1880, and addenda to, 1882. Also, Annual Report of Auditor of Railroad Accounts for 1880 for laws relating to Pacific Railroads, pages 148 to 255. Also see Annual Reports of the Commissioner of the General Land Office for 1851 to 1883 and Annual Reports of the Secretary of the Interior from 1851 to 1883. Also see the Decisions of Department of the Interior and General Land Office for June, 1881, to June, 1883, title "Railroads."

CONSTRUCTION OF LAND-GRANT RAILROADS.

[See pages 268 and 754.]

FOR THE YEAR ENDING JUNE 30, 1883.

The construction of 1,210.68 miles of land-grant railroad was reported during the year, making a total of 17,449.78 miles of road reported as constructed under all grants to June 30, 1883. This aggregate includes 205 miles in the Indian Territory, and 342.87 in the State of Texas for which there is no grant, such construction being an incident to land-grant lines proper.

States and Territories	Miles.	States and Territories.	Miles.
Alabama	822.00	Mississippi	406.00
Arkansas	620.16	Missouri	703.00
Arizona	200.00	Montana	508.00
California	1,228.89	Nebraska	832.00
Colorado	298.00	Nevada	460.00
Dakota	425.58	New Mexico	150.00
Florida	313.10	Oregon	227.00
Idaho	87.00	Texas (where there are no United States lands)	342.87
Illinois	705.72	Utah	255.00
Indian Territory	205.00	Washington	286.00
Iowa	1,672.00	Wisconsin	689.00
Kansas	1,654.00	Wyoming	400.00
Louisiana	412.00		
Michigan	1,148.96		
Minnesota	2,398.50	Total	17,449.78

AREA OF LAND GRANTS TO RAILROADS.

The data on page 753, being an estimate of 155,504,994.59 acres as the area necessary to fill all railroad land grants as granted, have not been materially changed. Of this area about 50,000,000 acres were granted to States and Territories and about 105,000,000 acres to corporations.

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RAILROAD LANDS CERTIFIED OR PATENTED.

To June 30, 1883.

The total area of lands certified or patented to railroads to June 30, 1883, was 47,004,043.96 acres.

To States	36,248,839.07
To corporations	11,422,946.65
	47,671,785.72
Deduct area forfeited by acts of Congress	667,741.76
Total	47,004,043.96

MILITARY WAGON-ROAD LANDS CERTIFIED OR PATENTED.

To June 30, 1883.

The total wagon and military wagon road lands certified or patented to June 30, 1883, was 1,741,897.59 acres.

CANAL LANDS PATENTED.

To June 30, 1883.

The total area of canal lands patented from 1824 to June 30, 1883, was 4,424,073.06 acres.

GRAND TOTAL FOR ALL GRANTS.

For all of these grants certified or patented to June 30, 1883, a grand total of 53,170,014.61 acres.

ATTACHMENT OF RAILROAD RIGHTS.

(See pages 280, 284, and 764 to 768.)

The table of attachment of railroad rights to June 30, 1882, on pages 764 to 768, is not printed for 1883. The courts by decisions having changed the general principle of attachment of railroad rights, and the General Land Office not having as yet prepared a corrected list to June 30, 1883, no attempt is made to correct the old table. The table to June 30, 1882, is not, in fact, correct, and in the light of recent decisions is misleading.

CERTIFIED OR PATENTED LANDS TO RAILROADS FOR THE YEAR ENDING JUNE 30, 1883, AND TOTAL ACRES CERTIFIED OR PATENTED TO ROADS NAMED TO JUNE 30, 1883.

Addenda—See tables, pages 756 to 763.

Statement showing number of acres of lands certified or patented to the several railroads during the fiscal year ending June 30, 1883.

Reference on pages herein.	State, Territory, or corporation.	Names of road.	Number of acres certified or patented for year ending June 30, 1883.	Total number of acres certified or patented up to June 30, 1883.
757	Arkansas	Little Rock and Fort Smith (additional five-mile limit)	139,853.62	506,009.88
759	Wisconsin	Wisconsin Central	66,504.91	642,149.47
759	Minnesota	St. Paul, Minneapolis and Manitoba	84,098.96	1,258,428.99
760	Corporation	Union Pacific	640.00	1,959,523.08
761	Corporation	Central Pacific	59,444.72	780,879.40
761	Corporation	Union Pacific (Kansas division)	46,193.33	963,714.03
762	Corporation	Union Pacific (successor to the Denver Pacific Railway Company)	78,484.78	164,721.51
762	Corporation	Southern Pacific	2,519.92	1,040,430.03

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CERTIFIED OR PATENTED TO MILITARY WAGON-ROADS.

TO JUNE 30, 1883.

(See pages 260 herein.)

The only wagon-road to which lands were patented during the fiscal year ending June 30, 1883, was the Willamette Valley and Cascade Mountain military wagon-road. The additional amount patented to this company was 440,856.52 acres; in all, 548,749.53 acres.

Corrections and changes in tables of areas certified or patented to June 30, 1883.

(See pages 756 to 763.)

Page herein.	Name of railroad.	To June 30, 1882, stated to be on page 756.	Should be to June 30, 1883.
756	Arkansas, Saint Louis, Iron Mountain and Southern, additional five miles.	204,079.17	203,999.17
760	Leavenworth, Lawrence and Galveston	256,281.67	256,121.67
760	Atchison, Topeka and Santa Fé	2,745,938.47	2,745,778.47
760	Union Pacific	1,953,883.08	1,954,523.08
762	Northern Pacific	746,509.52	746,390.22

These are the only changes, except in the case of roads to which lands were certified or patented during the fiscal year ending June 30, 1883, and noted herein.

AREA OF RAILROAD LANDS PATENTED.

Report of Commissioner of General Land Office.

DURING THE YEAR ENDING JUNE 30, 1883.

There were certified or patented under railroad grants during the year 477,740.24 acres, and 440,856.52 acres were patented for wagon-roads, an increase in patents for railroads and wagon-roads over the previous year of 742,190.10 acres.

LISTS AWAITING EXAMINATION AND APPROVAL.

Lists of railroad selections aggregating 3,070,453.41 acres are awaiting examination being an increase over the previous year of 1,112,060.62 acres.

NUMBER OF SETTLEMENT CLAIMS WITHIN LANDS CLAIMED BY RAILROADS.

The number of settlement claims within the granted or indemnity limits of the various railroad grants that were awaiting original or final action at the close of the year was 6,891, an increase of 1,327 over the arrears of the previous years. Of the total number pending 1,464 had received some action, and 5,427 had not been reached for examination.

RIGHT-OF-WAY RAILROADS.

(For list of, to June 30, 1882, see pages 769 to 771.)

The number of railroad companies recognized as entitled to a right of way through the public lands, to land for station purposes, and to take timber and other material from public lands for the construction of their roads, was at the close of the fiscal year 163, located in the various public-land States and Territories.

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RIGHT-OF-WAY RAILWAY COMPANIES.

FROM JUNE 30, 1882, TO JUNE 30, 1883.

(Corrected and additional to list on pages 769 to 771.)

States and Territories.	Date of laws.	Statutes.	Page.	Name of company.
Arizona	Mar. 3, 1875	18	482	Arizona Narrow-gauge Railroad.
Arkansas	Mar. 3, 1875	18	482	Eureka Springs Railway Company.
Colorado	Mar. 3, 1875	18	482	Colorado Northern Railway.
	Mar. 3, 1875	18	482	Georgetown, Breckenridge and Leadville Railway.
Dakota	Mar. 3, 1875	18	482	Black Hills and Fort Pierre Railroad.
	Mar. 3, 1875	18	482	Ellendale and Wahpeton Railroad.
	Mar. 3, 1875	18	482	Jamestown and Northern Railroad.
	Mar. 3, 1875	18	482	Northern Pacific, Fergus and Black Hills Railroad.
Florida	Mar. 3, 1875	18	482	Florida Southern Railway.
	Mar. 3, 1875	18	482	Palatka and Indian River Railway.
Louisiana	Mar. 3, 1875	18	482	Natchez, Red River and Texas Railroad.
Michigan	Mar. 3, 1875	18	482	Chicago and Northwestern Railway (successor to Menomonee River Railroad.
Minnesota	Mar. 3, 1875	18	482	Detroit, Mackinac and Marquette Railroad.
	Mar. 3, 1875	18	482	Cedar Rapids, Iowa Falls, and Northwestern Railway.
	Mar. 3, 1875	18	482	Duluth and Iron Range Railroad.
	Mar. 3, 1875	18	482	Red River and Lake of the Woods Railway.
Missouri	Mar. 3, 1875	18	482	Missouri and Arkansas Railroad.
	Mar. 3, 1875	18	482	Springfield and Southern Railway.
New Mexico	Mar. 3, 1875	18	482	Clifton and Lordsburg Railway.
	Mar. 3, 1875	18	482	New Mexican Railroad.
Utah	Mar. 3, 1875	18	482	California Short Line Railway.
Washington	Mar. 3, 1875	18	482	Columbia and Pelouse Railroad.
Wisconsin	Mar. 3, 1875	18	482	Milwaukee, Lake Shore and Western Railway.
Wyoming	Mar. 3, 1875	18	482	Wyoming, Montana and Pacific Railroad.
	Mar. 3, 1875	18	482	Wasatch Iron and Coal Company.

PATENTED AND CERTIFIED CANAL, WAGON, AND MILITARY WAGON-ROAD AND RAILROAD LANDS.

TO JUNE 30, 1883.

See page 755.

Statement showing number of acres certified or patented during the year, to June 30, 1883, *and the total up to June* 30, 1883, *for canal, wagon-road, and military wagon-roads, and railroads, to States and corporations.*

RECAPITULATION.

States.	Number of acres certified or patented for the year ending June 30, 1883.	Number of acres certified or patented up to June 30, 1883.
Illinois		2,595,053.00
Mississippi		935,158.70
Alabama		2,882,076.40
Florida		1,760,834.98
Louisiana		1,072,406.47
Arkansas	139,853.62	2,516,665.11
Missouri		1,395,429.87
Iowa		4,706,458.39
Michigan		3,229,010.84
Wisconsin	66,504.91	2,874,088.79
Minnesota	84,098.96	7,832,750.24
Kansas		4,448,906.28
Total for States, to June 30, 1883	290,457.49	36,248,839.07
Total for corporations	187,282.75	11,422,946.65
Total railroad grants, to June 30, 1883	477,740.24	47,671,785.72
Deduct amount of land declared forfeited by Congress		667,741.76
		47,004,043.96
Wagon roads:		
Wisconsin		302,930.96
Michigan		221,013.35
Oregon	440,856.52	1,217,953.28
Total wagon roads		1,741,897.59
Total railroads		47,004,043.96
Grand total to June 30, 1883	918,596.76	48,745,941.55

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Canals from 1824 *to June* 30, 1883.

(For names of canals, see page 258.)

Indiana	1,457,366.06
Ohio	1,100,361.00
Illinois	290,915.00
Wisconsin	325,431.00
Michigan	1,250,000.00
Total canals	4,424,073.06
Grand total railroad, wagon-road, and canal grants patented or certified from 1824 to June 30, 1883	53,170,014.61
Patented or certified during the year ending June 30, 1882	918,596.76

This statement varies from year to year, from the fact that the adjustment of grants frequently reduces areas stated to be due railroads.

REPORT OF GOVERNMENT DIRECTORS OF THE UNION PACIFIC RAILROAD.

For Annual Report of the Directors of the Union Pacific Railroad for the year 1882, see Ex. Doc., No. 94, 2d sess., 47th Cong. H. of R.

LAPSED RAILROAD LAND GRANTS AND TAXATION OF RAILROAD LANDS.

Hon. H. M. Teller, Secretary of the Interior, in his annual report for 1883, speaking of the two subjects above noted, says:

RAILROAD LAND GRANTS.

In my last report I called attention to the necessity for some legislation in reference to lapsed grants. The necessity for such legislation still exists, and I repeat what I said on that subject:

"Congress has from time to time, commencing in 1850, made grants to the several States or to corporations to aid in the construction of railroads. In some instances the roads have been constructed and in others partially completed; but in some cases no attempt has been made to build the roads and thus secure a title to the land. The lands thus granted have been withheld from the operation of the settlement laws. The Supreme Court of the United States has declared, in the case of Schulenburg *v.* Harriman (21 Wallace, 44), that a failure to complete the road within the time fixed in the grant did not forfeit the grant. Lands thus withheld from the operation of the settlement laws must so remain until Congress shall declare such lands forfeited. If it is the intention of Congress to allow the railroad companies to complete their roads after the expiration of the term fixed in the grant, and thus claim the benefit of the grant, it should be so declared at an early day. Large tracts of land are not available for settlement, because the settler cannot determine whether the title is in the government or in the railroad company. If he purchase from the railroad company and it fails to complete its road and secure the title, he takes nothing by such purchase, and he cannot secure the land under the settlement laws, for the Department is not authorized to treat such lands as public lands. Besides this, the even sections within the limits of the grants are subject to cash entry at not less than $2.50 per acre. Thus the settler is sometimes compelled to pay a double price for the privilege of owning lands near a railroad which is never constructed."

It is difficult to make the people understand that the executive department of the Government cannot declare a grant forfeited when the corporation for whose benefit it was made has failed to comply with the conditions thereof. Petitions are presented to the Executive demanding the forfeiture of grants for non-compliance with the conditions thereof. Individual claimants declare themselves outraged because the Commissioner of the General Land Office refuses to allow filings on the odd sections of land within the unforfeited railroad grants. The Government is derided as the government of the rich and opposed to the poor, because the executive department of the Government does not do what the courts have repeatedly declared could be done only by the legislative branch of the Government, that is, declare a forfeiture of a grant.

Complaint is made that grants made more than a quarter of a century ago are still treated as valid, subsisting grants, and the settler forbidden to go thereon, although nothing has been done toward the building of the road, which must be built before the

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railroad company can receive the evidence of the title given to it by the Government so many years before.

If the executive department of the Government disregard the law and issue a patent to such settler, he takes nothing by the instrument, and is as much at the mercy of the corporation as if he had not received the Government patent. Congress alone can relieve the settler by declaring the grants forfeited.

If the grants are not forfeited when there has not been a full compliance with the conditions of the grant, it seems to be just and proper that some provision should be made by which the settlers, who, through ignorance, or because they believed such grants had been or would be forfeited, have made settlement on such railroad lands, can secure a title, either through the railroad company or from the Government.

TAXATION OF RAILROAD LANDS.

By section 21 of the act of July 2, 1864 (13 Stat., 356), amendatory of the Pacific Railroad act of July 1, 1862 (12 Stat., 489), it is provided—

"That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same, by the said company or party in interest, as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed, as provided under the provisions of this act."

By act of July 31, 1876 (21 Stat., 121), substantially the same provision was extended to all railroad companies receiving grants of lands, "unless * * * exempted by law from the payment of such cost."

By the failure of the companies to pay such costs and apply for patents a large amount of lands granted and available for railroad purposes are, under the rulings and decisions of the Supreme Court, as enunciated in Kansas Pacific Railway Company *v.* Prescott (16 Wall., 603) and Railroad Company *v.* McShane (22 Wall., 444), substantially relieved from State taxation, and contribute nothing to the fair support of the burden and revenue of the local governments, and at the same time deny to the General Government the due compensation provided by law for the surveys already extended over a portion of the lands, and the benefit of the enlarged appropriations intended to secure further surveys along the line of the road.

Experience has shown that, instead of aiding the Government and facilitating the survey and sale of the public lands along the routes, and the consequent settlement of the country, the provision has operated to retard such laudable results, and also has served to enable the companies to obtain such valuable parcels of land as they may find speedy profit in selling, thus imposing the full burden of taxation upon their grantees and other settlers who purchase lands in the same neighborhood, while refusing to take the patents for the larger body of less valuable lands upon which such burden would fall in the hands of the companies themselves.

It is earnestly to be desired that some means of adjustment of these grants, as a whole, be provided, or some method devised which shall, under cover of legislative authority, not only remedy the evil suggested, but enable this Department to reach a finality as to the titles to be conveyed to these corporations at the earliest practicable moment, and thus relieve an anxious and excited public feeling, already sufficiently aroused upon the various difficult and complicated questions connected with the administration of this momentous and important branch of public affairs.

To this end I most urgently recommend that the prompt and serious attention of Congress be invited to the foregoing suggestions.

LAND GRANT RAILROADS NOT COMPLETED IN TIME.

[From the Annual Report of the Commissioner of the General Land Office for 1883.]

JUNE 30, 1883.

(For areas granted to these several roads see pages 756 to 763 herein.)

The following tables show the grants for roads not completed in time in cases where the granting acts contain similar provisions relative to conditions or the reversion of lands to the United States. These are classified under the following heads:

1. Where the grant provides that if any portion of the roads be not completed within the time fixed, no further sale shall be made and the lands unsold shall revert to the United States.

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2. Where the grant provides that if the roads be not completed within the time fixed, no further patents shall be issued to the railroad company, and no further sale shall be made, and the lands unsold shall revert to the United States.

3. Where the grant provides that if the road should not be completed in time the lands not patented should revert to the United States.

4. Where the grant provides that if the road should not be completed within ten years the lands not patented should revert to the State, and if the State should fail to complete the road within five years after the expiration of the ten years the land undisposed of should revert to the United States.

5. Where the grant provides that if the companies fail to file their assent to the act, or to complete their roads as provided therein, the act shall be null and void, and all lands not patented to the company or companies at the date of such failure shall revert to the United States.

6. Where the provision is that the company should complete a section of twenty or more miles within two years and the entire road within six years.

7. Where it is provided that if the companies make any breach of the conditions of the grant, Congress may do any and all acts necessary to secure the speedy completion of the roads.

Statement showing States to which grants have been made to aid in the construction of rail roads which have not been completed within the time required by law, the grants to which provide that if any of the roads be not completed within the time therein fixed no further sales of the lands granted for such road, or roads, shall be made, and the lands unsold shall revert to the United States.

State to which grant was made.	Name of railroad.	Date of act making grant and acts supplemental thereto.	Statutes.	Page.
Mississippi	Gulf and Ship Island	Aug. 11, 1856	11	30
	Tuscaloosa to the Mobile Railroad	Aug. 11, 1856	11	30
Alabama	Mobile to New Orleans	Aug. 11, 1856	11	30
Louisiana	do			
Alabama	Selma, Rome, and Dalton	June 3, 1856	11	17
	Coosa and Tennessee	June 3, 1856	11	17
	Coosa and Chattooga	June 3, 1856	11	17
	Elyton and Beard's Bluff	June 3, 1856	11	17
	Memphis and Charleston	June 3, 1856	11	17
	Mobile and Girard	June 3, 1856	11	17
	Savannah and Albany	Mar. 3, 1857	11	195
Florida	Atlantic, Gulf, and West India Transit	May 17, 1856	11	15
	Pensacola and Georgia	May 17, 1856	11	15
	Florida, Atlantic, and Gulf Central	May 17, 1856	11	15
Louisiana	Vicksburgh, Shreveport, and Texas	June 3, 1856	11	18
	New Orleans to the State line in the direction of Jackson, Miss.	June 3, 1856	11	18
Michigan	Ontonagon and Brulé River	June 3, 1856	11	21
	Port Huron and Lake Michigan	June 3, 1856	11	21
	Marquette, Houghton, and Ontonagon	June 3, 1856	11	21
		Mar. 3, 1865	13	520
	Jackson, Lansing, and Saginaw	June 3, 1856	11	21
		July 3, 1866	14	78
	Northern Central Michigan	June 3, 1856	11	21
		July 3, 1866	14	78
Wisconsin	West Wisconsin	June 3, 1856	11	20
		May 5, 1864	13	66
	North Wisconsin, now Chicago, Saint Paul, Minneapolis and Omaha	June 3, 1856	11	20
		May 5, 1864	13	66
Minnesota	Brainerd Branch, Saint Paul and Pacific, now Western Railroad	Mar. 3, 1857	11	195
		Mar. 3, 1865	13	526
	Saint Vincent Extension, Saint Paul and Pacific, now Saint Paul, Minneapolis and Manitoba.	Mar. 3, 1857	11	195
		Mar. 3, 1865	13	526

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Statement showing States to which grants have been made to aid in the construction of railroads which have not been completed within the time required by law, the grants to which provide that if the roads be not completed within the time therein fixed no further patents shall be issued to the railroad company, and no further sale shall be made, and the lands unsold shall revert to the United States.

State to which grant was made.	Name of railroad.	Date of act making grant.	Statutes.	Page.
Wisconsin	Wisconsin Central	May 5, 1864	13	66
Minnesota	Lake Superior and Mississippi	May 5, 1864	13	64

Statement showing States to which grants have been made to aid in the construction of railroads which have not been completed within the time required by law, the grants to which provide that if the roads be not completed within the time therein fixed the lands not patented shall revert to the United States.

State to which grant was made.	Name of railroad.	Date of act making grant.	Statutes.	Page.
Minnesota	Southern Minnesota Railway Extension	July 4, 1866	14	87
	Hastings and Dakota	July 4, 1866	14	87
Missouri	Saint Louis, Iron Mountain and Southern	July 4, 1866	14	83
Arkansas	Iron Mountain	July 4, 1866	14	83

Statement showing grant made to aid in the construction of a railroad, which has not been completed within the time required by law, wherein it is provided that if the road be not completed within ten years the lands not patented shall revert to the State for the purpose of securing the completion of the road, and should the State fail to complete the road within five years after the ten years aforesaid, then the lands undisposed of shall revert to the United States.

State to which grant was made.	Name of railroad.	Date of act making grant.	Statutes.	Page.
Iowa	Sioux City and Saint Paul	May 12, 1864	13	72

Statement showing corporations to which grants have been made to aid in the construction of railroads which have not been completed within the time required by law, the grants to which provide that if the companies fail to file their assent or complete their roads as provided therein the act shall be null and void, and all lands not conveyed by patent to the company or companies, as the case may be, at the date of such failure, shall revert to the United States.

Corporation to which grant was made.	Date of act making grant.	Statutes.	Page.
California and Oregon Railroad Company	July 25, 1866	14	239
Oregon and California Railroad Company	July 25, 1866	14	239

Statement showing corporations to which grant has been made to aid in the construction of a railroad, which has not been completed within the time required by law, wherein it is provided that the company shall complete a section of twenty or more miles of its road within two years and the entire road within six years from the same date.

Corporation to which grant was made.	Date of act making grant.	Statutes.	Page.
Oregon Central Railroad Company	May 4, 1870	16	94

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Statement showing corporations to which grants have been made to aid in the construction of railroads which have not been completed within the time required by law, the grants to which provide that if the companies make any breach of the conditions thereof Congress may do any and all acts necessary to secure the speedy completion of the roads.

Corporation to which grant was made.	Date of act making grant.	Statutes.	Page.
Northern Pacific Railroad Company	July 2, 1864	13	365
Atlantic and Pacific Railroad Company	July 27, 1866	14	292
Southern Pacific Railroad Company	July 27, 1866	14	292
Texas Pacific Railroad Company, now Texas and Pacific Railway Company	Mar. 3, 1871	16	573
New Orleans, Baton Rouge and Vicksburg Railroad Company, of which the New Orleans Pacific Railway Company claims to be the assignee	Mar. 3, 1871	16	573

FORFEITURE OF RAILROAD LAND GRANTS.

(From the annual report of the Commissioner of the General Land Office for 1883.)

The following tables show the grants made to several States and corporations for roads that have not been constructed within the time required by law, classified for reference and convenience under four heads, viz:

1. Where the roads have been completed but not within the time required.
2. Where the roads have not been completed within time but which are in course of construction.
3. Where the roads have been partly completed and construction suspended.
4. Where no part of the roads has been constructed.

Twelve grants fall within the first classification, eight in the second, nine in the third, and twelve in the fourth.

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Statement showing States and corporations to which grants have been made to aid in the construction of railroads which have been completed, but not within the time required by law.

State or corporation to which grant was made.	Name of railroad.	Date of act making grant and acts extending time for completion of road.	Statutes.	Page.	Date when road should have been completed.	Number of miles of road completed before expiration of grant.	Number of miles of road completed after expiration of grant.	Total length of road.	Remarks.
								Miles.	
Florida	Pensacola and Georgia	May 17, 1856	11	15	May 17, 1866	.....	161	311	The date of the completion of 150 miles of this road is not known to this office. It was, however, constructed prior to the 106 miles given as completed since the expiration of the grant.
	Florida, Atlantic and Gulf Central	May 17, 1856	11	15	May 17, 1866	.....	59	59	Date of completion not known.
Missouri	Saint Louis, Iron Mountain and Southern.	July 4, 1866	14	83	July 1, 1871	20	77.84	97.84	Road not built on line of definite location.
Michigan	Port Huron and Lake Michigan	June 3, 1856	11	21	June 3, 1866	.....	.....	205	Date of completion not known to this office.
	Jackson, Lansing, and Saginaw	June 3, 1856 July 3, 1866	11 14	21 78	June 3, 1873	188.10	73.27	261.37	
Wisconsin	West Wisconsin, now Chicago, Saint Paul, Minneapolis and Omaha.	June 3, 1856 May 5, 1864 July 13, 1868	11 13 15	20 66 257	May 5, 1869 May 5, 1872	217.09	39	256.09	
Minnesota	Saint Vincent Extension Saint Paul and Pacific, now Saint Paul, Minneapolis and Manitoba.	Mar. 3, 1857 July 12, 1862 Mar. 3, 1865 Mar. 3, 1873	11 12 13 17	195 624 526 631	Dec. 3, 1873	140	174	314	
	Brainerd Branch, Saint Paul and Pacific, now Western Railroad.	Mar. 3, 1857 Mar. 3, 1865 Mar. 3, 1873	11 13 17	195 526 631	Dec. 3, 1873	.....	54.21	54.21	
	Southern Minnesota Railway Extension.	July 4, 1866	14	87	Feb. 25, 1877	$149\frac{1844}{5280}$	$130\frac{97}{5280}$	$279\frac{1941}{5280}$	
	Hastings and Dakota	July 4, 1866	14	87	Mar. 7, 1877	74	128.1	202.1	
	Lake Superior and Mississippi	May 5, 1864	13	64	May 5, 1872	30	124.42	154.42	
New Orleans, Baton Rouge and Vicksburg.	New Orleans Pacific, assignee	Mar. 3, 1871	16	573	Mar. 3, 1876	.....	328	328	

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Statement showing States and corporations to which grants have been made to aid in the construction of railroads which have not been completed within the time required by law, but which are in course of construction.

State or corporation to which grant was made.	Name of railroad.	Date of act making grant and acts extending time for completion of road.	Statutes.	Page.	Date when road should have been completed.	Number of miles of road completed before expiration of grant.	Number of miles of road completed after expiration of grant.	Total length of constructed road.	Number of miles of road uncompleted at expiration of grant.	Number of miles of road uncompleted June 30, 1883.	Remarks.
Florida	Atlantic, Gulf and West India Transit.	May 17, 1856	11	15	May 17, 1866	155	70.97	225.97	150	79.03	
Louisiana	Vicksburg, Shreveport and Texas.	June 3, 1856	11	18	June 3, 1866	94	.....	94	95	95	
Michigan	Ontonagon and Brulé River.	June 3, 1856	11	21	June 3, 1866	.....	20	20	75	55	
Wisconsin	North Wisconsin, now Chicago, Saint Paul, Minneapolis and Omaha.	June 3, 1856 May 5, 1864	11 13	20 66	May 5, 1869	.....	200	200	240	40	
Northern Pacific	Northern Pacific	July 2, 1864 May 7, 1866 July 1, 1868 Apr. 10, 1869 May 31, 1870	13 14 15 16 16	365 335 255 57 378	July 4, 1879	530.5	1,104.58	1,635.08	1,812.58	708	The date given for the completion of this road is that fixed by the decision of the Secretary of the Interior, dated June 11, 1879. (See General Land Office Report for 1879, p. 109.) Since June 30 the company has completed about 150 miles additional in Montana, which with that already completed forms a continuous line from Superior, Wis., to Wallula Junction, Wash. It has also constructed 42 miles, extending from Portland, Oreg., to Kalama, Wash., leaving 516 miles of its road now unconstructed, to wit: From Superior to the mouth of the Montreal River in Wisconsin, 76 miles; from Wallula Junction, Wash., to Portland, Oreg., 225 miles; and the branch line in Washington Territory, 215 miles. So far as known to this office no part of the main line between Wallula Junction and Portland, nor of the branch line, is in process of construction.

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Oregon and California.	Oregon and California.	July 25, 1866 June 25, 1868	14 15	239 80	July 1, 1880	197	45	242	118	73	
California and Oregon.	California and Oregon.	July 25, 1866 June 25, 1868	14 15	239 80	July 1, 1880	152	.....	152	136	136	
Atlantic and Pacific.	Atlantic and Pacific...	July 27, 1866	14	292	July 4, 1878	125	612	737	2,301	1,689	No official evidence of the construction of 162 miles of the amount given as constructed since the expiration of the grant has been filed, although the same is in operation. The number of miles given as unconstructed includes both main and branch lines.

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Statement showing States and corporations to which grants have been made to aid in the construction of railroads which have been partly completed and construction suspended, so far as known to this office.

State or corporation to which grant was made.	Name of railroad.	Date of act making grant and acts extending time for completion of road.	Statutes.	Page.	Date when road should have been completed.	Number of miles of road completed before expiration of grant.	Number of miles of road completed after expiration of grant.	Total length of constructed road.	Number of miles of road uncompleted at expiration of grant.	Number of miles of road uncompleted June 30, 1883.	Remarks.
Alabama	Selma, Rome and Dalton	June 3, 1856	11	17	June 3, 1866	100	43.93	143.93	67.35	23.42	Road not built on line of definite location.
	Mobile and Girard	June 3, 1856	11	17	June 3, 1866	.....	.....	84	.....	139	Date of construction not known, no official evidence thereof being on file.
Michigan	Marquette and Ontonagon	June 3, 1856 June 18, 1864 May 20, 1868	11 13 15	21 137 252	Dec. 31, 1872	52	.....	52	46	46	
	Northern Central, Michigan	June 3, 1856 July 3, 1866	11 14	21 78	June 3, 1873	.....	60	60	80	20	
Iowa	Sioux City and Saint Paul	May 12, 1864	13	72	Sept. 20, 1881	56.25	.....	56.25	$26\frac{73}{80}$	$26\frac{73}{80}$	
Wisconsin	Wisconsin Central	May 5, 1864 Apr. 9, 1874	13 18	66 28	Dec. 31, 1876	248	9	257	93	84	
Oregon Central	Oregon Central	May 4, 1870	16	94	May 4, 1876	*25 †$22\frac{1}{2}$	.....	$47\frac{1}{2}$	97	97	
Southern Pacific	Southern Pacific (main line)	July 27, 1866	14	292	July 4, 1878	232	240	472	324	84	The 240 miles of road given as constructed since the expiration of the grant extended from Mojave, Cal., to The Needles on the Colorado River, and although this portion of the road is in operation, no official evidence of its construction has been filed.
Texas Pacific	Texas and Pacific	Mar. 3, 1871 May 2, 1872	16 17	573 59	May 2, 1882	705	.....	705	778	778	Although 524 miles of the amount given as completed is in operation, no official evidence of its construction has been filed. The completed road is all in the State of Texas, where there are no United States lands.

* Main line. † Branch.

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Statement showing States to which grants have been made to aid in the construction of railroads none of which have been constructed in whole or in part.

Name of State to which grant was made.	Name of railroad.	Date of act making grant.	Statutes.	Page.	Date when road should have been completed.	Remarks.
Mississippi	Gulf and Ship Island	Aug. 11, 1856	11	30	Aug. 11, 1866	Map of definite location filed November 27, 1860.
	Tuscaloosa to the Mobile Railroad	Aug. 11, 1856	11	30	Aug. 11, 1866	No map of definite location filed.
Alabama	Mobile to New Orleans	Aug. 11, 1856	11	30	Aug. 11, 1866	Do.
Louisiana	do					
Alabama	Coosa and Tennessee	June 3, 1856	11	17	June 3, 1866	Map of definite location filed January 18, 1859.
	Coosa and Chattooga	June 3, 1856	11	17	June 3, 1866	Map of definite location filed September 20, 1858.
	Memphis and Charleston	June 3, 1856	11	17	June 3, 1866	State refused to accept grant.
	Elyton and Beard's Bluff	June 3, 1856	11	17	June 3, 1866	No map of location filed.
	Savannah and Albany	Mar. 3, 1857	11	195	Mar. 3, 1867	Do.
Louisiana	New Orleans to the State line in the direction of Jackson, Miss.	June 3, 1856	11	18	June 3, 1866	State declined to accept grant.
Arkansas	Iron Mountain	July 4, 1866	14	83	July 1, 1871	Road never definitely located.

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INDEBTEDNESS OF THE PACIFIC RAILROADS TO THE UNITED STATES FOR BOND SUBSIDIES TO JUNE 30, 1883.

(See pages 933 to 935.)

[Furnished by Hon. W. H. Armstrong, Commissioner of Railroads, from advance sheets of his annual report for 1883.]

CONDITION OF THE BOND AND INTEREST ACCOUNT.

The public debt statement issued by the Treasury Department, June 30, 1883, shows the condition of the accounts with the several Pacific railroad companies, but takes no account of moneys in the sinking funds held by the Treasurer of the United States, or of the compensation for services not at that time settled by the accounting officers. In the following statement the semi-annual interest which matured July 1, 1883, is included under the heading "Interest paid by the United States:"

Name of railway.	Principal outstanding.	Interest accrued and not yet paid by the United States.	Interest paid by the United States.	Interest repaid by transportation to credit of bond and interest account.		Balance of interest paid by the United States.
				By transportation services.	By cash payment, 5 per cent of net earnings.	
Central Pacific	$25,885,120	$776,553 60	$23,452,555 27	$4,592,158 25	$648,271 96	$18,212,125 06
Western Pacific	1,970,560	59,116 80	1,668,248 94	9,367 10	.....	1,658,881 94
Union Pacific	27,236,512	817,095 36	24,957,850 41	8,933,292 87	.....	16,024,557 54
Kansas Pacific	6,303,000	189,090 00	6,129,333 09	2,969,049 59	.....	3,160,283 50
Central Branch, Union Pacific	1,600,000	48,000 00	1,549,808 26	152,157 10	6,926 91	1,390,724 25
Sioux City and Pacific	1,628,320	48,849 60	1,464,297 49	121,355 39	.....	1,342,942 10
Totals	64,623,512	1,938,705 36	59,222,093 46	16,777,380 20	655,198 87	41,789,514 39

The total indebtedness of the several subsidized Pacific railroads to the UnitedStates on June 30, 1883, was as follows:

TOTAL DEBT.

Union Pacific (including Kansas Pacific):		
Principal	$33,539,512 00	
Accrued interest	31,087,183 50	
		$64,626,695 50
Central Pacific (including Western Pacific):		
Principal	27,855,680 00	
Accrued interest	25,120,304 21	
		52,976,484 21
Sioux City and Pacific:		
Principal	1,626,320 00	
Accrued interest	1,464,297 49	
		3,092,617 49
Central Branch, Union Pacific:		
Principal	1,600,000 00	
Accrued interest	1,549,808 26	
		3,149,808 26
Total		123,845,605 46

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TOTAL CREDIT.

TRANSPORTATION SERVICES PERFORMED AND MONEY PAID INTO THE TREASURY.

Union Pacific:		
Transportation services	$11,902,342 46	
Half transportation applied to sinking fund	1,536,379 10	
Interest on sinking-fund investments	96,318 49	
		$13,535,040 05
Central Pacific:		
Transportation services	4,601,525 25	
Cash payment, 5 per cent. net earnings	648,271 96	
Cash payment, sinking fund	633,992 48	
Half transportation applied to sinking fund	1,650,452 68	
Interest on sinking-fund investments	119,570 70	
		7,653,813 07
Sioux City and Pacific:		
Transportation services		121,355 39
Central Branch, Union Pacific:		
Transportation services	152,157 10	
Cash payment, 5 per cent. net earnings	6,926 91	
		159,084 01
Total		21,469,292 52
Balance in favor of the United States but not due until maturity of principal, 1895–'99		$102,376,312 94

RECAPITULATION.

Due from Union Pacific	$51,091,655 45
Due from Central Pacific	45,322,671 14
Due from Sioux City and Pacific	2,971,262 10
Due from Central Branch, Union Pacific	2,990,724 25
	102,376,312 94

CONDITION OF THE SINKING-FUND ACCOUNTS.

Appendix to this report (Report of Commissioner of Railroads for 1883) gives a detailed statement showing the condition of the sinking-funds of the Union and Central Pacific Companies, respectively, held by the Treasurer of the United States under the act of Congress approved May 7, 1878, from which it will be seen that on June 30, 1883, those funds amounted to $4,036,713.45; the Central Pacific having to its credit $2,404,015.86, and the Union Pacific $1,632,697.59.

Investments have been made by the Secretary of the Treasury as follows:

Character of bonds.	Central Pacific.	Union Pacific.	Total.
Funded loan of 1881, 5 per cent	$736,700 00	$256,450 00	$993,150 00
Funded loan of 1907, 4 per cent	199,100 00	32,650 00	231,750 00
Currency sixes	444,000 00	361,000 00	805,000 00
Principal	1,379,800 00	650,100 00	2,029,900 00
Premium paid	179,563 73	124,065 43	303,629 16
Total cost	1,559,363 73	774,165 43	2,333,529 16

On June 30, 1883, the amounts remaining in the United States Treasury, *uninvested*, were as follows:

Credit of the Union Pacific	$858,532 16
Credit of the Central Pacific	844,652 13
Total	1,702,184 29

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That the sinking-fund has not accomplished the result anticipated is quite evident, and may practically be regarded as a failure for want of suitable investment. The last investment for the Union Pacific was made April 6, 1881, at which time a premium as high as 35 per cent. was paid, but the company repeatedly protested against such high rates of premium. Reference to the foregoing table will show that the sum of $650,100 has been invested at a cost of $124,065 43, or an average premium of nearly 20 per cent. On June 30, 1882, the amount in the sinking-fund uninvested was $407,441.99, and on June 30, 1883, it had increased to $858,532.16. This is a manifest hardship to the company, as so large an amount should be drawing a fair rate of interest.

The last investment for the Central Pacific was made November 27, 1882, the sum of $541,800 having been invested in the funded loan of 1881 continued at 3½ per cent., at a premium of 2 per cent. The sum of $1,379,800 has been invested for this company at a cost of $179,563.73. On June 30, 1883, the amount in the sinking-fund uninvested was $844,652.73.

SCRIP.

[See Chapter XXI, pages 289, 290, to June 30, 1880. See addenda, pages 949 to 926, to June 30, 1882.]

TO JUNE 30, 1883.

Total scrip issued by the General Land Office, other than bounty-land scrip for military service, to June 30, 1883, embraces in all 2,949,113.664 acres. The additional scrip issued under various laws, to June 30, 1882, and to June 30, 1883, was as follows:

Scrip issued by surveyor-general of Louisiana, under act of June 2, 1858		219,808.524
Scrip issued by surveyor-general of Florida, under act of June 2, 1858		6,250.000
Scrip issued by surveyor-general of Missouri, under acts of July 4, 1836, and June 2, 1858		283,567.400
Scrip issued by the Commissioner of the General Land Office pursuant to decrees of the United States Supreme Court, under act of June 22, 1860, and supplemental legislation		624,269.220
Scrip issued in satisfaction of the claims of Israel Dodge, Walter Fenwick, and Mackey Wherry, under act of June 21, 1860		15,870.610
Scrip issued in satisfaction of the claim of T. B. Valentine, under act of April 5, 1872		13,316.000
Scrip issued in satisfaction of the claim of Pascal L. Cerre, under act of January 27, 1857		3,004.510
Scrip issued in satisfaction of the claim of Samuel Ware, under act of December 28, 1876		640.000
Scrip issued in satisfaction of the claim of the heirs of Joseph Gerard, under act of February 10, 1855		1,920.000
Scrip issued by surveyor-general of Florida in satisfaction of the claim of Fernando de la Maza Arredondo, under act of May 23, 1828		38,000.000
Scrip issued in satisfaction of the claim of Coleman Fisher, under act of May 14, 1834		640.000
Scrip issued by the recorder of land titles for Missouri, under act of February 17, 1815		174,910.420
Scrip issued under fourteenth article of treaty of March 17, 1842, with Wyandot Indians		22,400.000
Scrip issued by surveyor-general of Louisiana, under act of June 29, 1854		2,671.060
Scrip issued to Charles Gayarré, Louisiana		340.280
Scrip issued for Las Ormigas and La Nana grant		15,372.440
Scrip issued in satisfaction of act of June 1, 1878, for Robert Cole (20 Stat., p. 536)		2,320.000
Warrants issued under act of April 11, 1860—Porterfield warrants (12 Stats., p. 836)		6,133.000
Choctaw scrip issued under treaty of 1830, the greater portion of which has been located and patented:		
Heads of families, 1,159; amount each (acres), 320	370,880.00	
Children over 10 years, 1,460; amount each (acres), 320	467,200.00	
Children under 10 years, 1,192; amount each (acres), 160	190,720.00	
		1,028,800.000
Chippewa half-breed scrip, Red Lake Pembina Chippewa half-breed scrip, and Sioux half-breed scrip		488,880.000
Total to June 30, 1883		2,949,113.464

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GRADUATION ACT OF 1854.

[See Chapter XXII, pages 291-962.]

To DECEMBER 1, 1883.

No change in the chapter as printed on page 962.

COAL LANDS.

To JUNE 30, 1883.

[See Chapter XXIII, pages 292 to 294, to June 30, 1880, and addenda, pages 962 to 969, to June 30, 1882; also "Decisions of Department of the Interior and General Land Office to June 30, 1883," title "Coal Lands."]

The regulations as to entry of coal lands and forms on pages 965-969 are in effect December 1, 1883.

NUMBER OF ENTRIES TO JUNE 30, 1883.

The total number of entries under this act from March 3, 1866, to June 30, 1883, was 283, containing 40,172.97 acres, realizing $623,305.65.

AREA OF COAL LANDS.

The estimate on pages 292 and 293 of the area of the coal fields on the public domain is 5,528,970, and should be increased to 10,000,000, as new discoveries to June 30, 1883, have so increased it. This area will be constantly increased by new developments in the arid regions.

The Commissioner of the General Land Office in his annual report for 1883, speaking of fires in the public coal lands, says:

FIRES IN COAL FIELDS.

The continuous burning for a number of years of extensive coal fields at different points in the Black Hills district of Dakota having been reported to this office, the special timber agent on duty in that Territory was detailed to examine and carefully report upon the matter, which resulted in a thorough investigation of two of the numerous fires now in progress; one, the burning of a vein of coal 21 feet thick, situated in the region of Belle Fourche River, 91 miles northwest of Deadwood; and the other, a vein of coal 24 feet thick in the vicinity of Donkey Creek.

In these two fields the fire has been raging for the known periods of three and five years, respectively, and has originated from some unknown cause where the coal has been exposed by the washing away of the earth. At times the earth over the fire slides down and covers the face of the fire, causing it to smoulder. Pent up gases are thus generated and explode. This, with the settling of the earth from above, forms openings acting in effect like chimneys, and causing the coal below to burn as in a furnace.

The coal croppings show that these fields abound in lignite coal extending many miles. The surface ground is valuable for grazing purposes and grain raising, as well as for coal mining. The fields are of great value to the Government and surrounding country; the value of the same may be compared to equal areas of coal lands in Pennsylvania. In close proximity to these lands are mountains of iron ore of a superior grade destined to furnish a great manufacturing industry for the West.

The agent is of the opinion that excavations around the coal fields, forming a cut-off, would serve to extinguish the fires, and presents an estimate of the probable expense in the two cases examined, recommending that the work be let to the lowest responsible bidder. It has also been suggested that the War Department detail an officer from Fort Meade to make a careful and accurate examination of the matter, aided by competent assistants. Prompt and vigorous measures should be taken to arrest the destruction of these coal fields. This can be accomplished only by a legislative appropriation of funds sufficient for the purpose.

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Statement of coal lands from March 3, 1866, *to June* 30, 1883.

States and Territories.	Recapitulation to June 30, 1882.			1883.			Recapitulation to June 30, 1883.		
	No. of Entries.	Acres.	Amount.	No. of Entries.	Acres.	Amount.	No. of Entries.	Acres.	Amount.
Alabama	.....	.....	.....	3	239.40	$2,394 00	3	239.40	$2,394 00
California	21	2,674.79	$37,772 75	3	480.00	5,200 00	24	3,154.79	42,972 75
Colorado	39	5,198.43	62,365 10	39	7,195.41	140.708 20	78	12,393.84	203,073 30
Dakota	.....	.....	.....	5	431.13	4,311 30	5	431.13	4,311 30
Montana	4	520.00	5,200 00	8	851.19	15,423 80	12	1,371.19	20,623 80
New Mexico	5	721.35	7,220 10	.....	.....	.....	5	721.35	7,220 10
Oregon	2	185.18	1,851 80	1	157.06	1,570 60	3	342.24	3,422 40
Utah	50	5,790.38	68,709 60	15	2,051.51	39,865 00	65	7,841.89	108,574 60
Washington	44	6,035.02	91,109 30	27	3.929.90	71,759 70	71	9,964.92	162,869 00
Wyoming	15	3,435.00	62,300 00	2	277.22	5,544 40	17	3,712.22	67,844 40
Total	180	24,560.15	336,528 65	103	15,612.82	286,777 00	283	40,172.97	623,305 65

DONATION ACTS.

(See Chapter XXIV, pages 295 and 297, to June 30, 1880; also addenda, page 969, to June 30, 1882.)

TO JUNE 30, 1883.

Under the several donation acts to June 30, 1883, the nation has disposed of 3,121,-534.52 acres.

The donations to June 30, 1882, were 3,117,401.73 acres. (See page 969.)

From June 30, 1882, to June 30, 1883, the entries were as follows:

Donation claims for the fiscal year ending June 30, 1883.

States and Territories.	No. of entries.	Acres.
Mew Mexico	2	280.00
Oregon	12	3,532.67
Washington	1	319.79
	15	4,132.46

TOWN-SITE AND COUNTY-SEAT ACTS.

(See Chapter XXV, pages 298 to 305, inclusive, to June 30, 1880. Also addenda, 970 to 978, to June 30, 1882.)

TO JUNE 30, 1883.

Under all of the several township and lot acts there has been disposed of to June 30, 1883, 167,871.39 acres.

NAMES OF TOWNS LOCATED PRIOR TO JUNE 30, 1882.

The names, area, and locations of towns entered prior to June 30, 1882, can be found on pages 300 to 305 and 970 to 971.

The entries of town sites during the year ending June 30, 1883, were seventeen, containing 5,076.98 acres.

TOTAL ENTRIES TO JUNE 30, 1883, OF TOWN SITES.

To June 30, 1880, under the town-site acts, there were located, on public lands, 420 towns, containing 144,131.23 acres; from June 30, 1880, to June 30, 1882, there were located 45 towns, with an acreage of 12,626.50 acres; from June 30, 1882, to June 30, 1883, there were located 17 towns, with an acreage of 5,076.98 acres; in all to June 30, 1883, 482 towns, with a total acreage of 161,834.71.

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Town-site entries approved during year ending June 30, 1883, by pre-emption division, General Land Office.

Name.	State or Territory.	Acres.	Approved.	Date of act.
Spearfish	Dakota	320.00	July 25, 1882	Mar. 2, 1867
Willard City	Utah	120.00	Aug. 9, 1882	Mar. 3, 1877
Santa Clara	Utah	80.00	Aug. 9, 1882	Mar. 2, 1867
Soulsbyville	California	50.29	Sept. 23, 1882	Mar. 2, 1867
Bristol	Nevada	160.00	Sept. 23, 1882	Mar. 2, 1867
Bellevue	Idaho	242.47	Aug. 16, 1882	Mar. 2, 1867
Globe	Arizona	320.00	Mar. 12, 1883	Mar. 2, 1867
Decatur	Colorado	58.05	Mar. 13, 1883	Mar. 2, 1867
Custer City	Dakota	640.00	Mar. 14, 1883	Mar. 2, 1867
Jamestown	California	84.52	Mar. 20, 1883	Mar. 2, 1867
Grantsville	Utah	360.18	Mar. 22, 1883	Mar. 3, 1877
Wilcox	Arizona	320.00	Mar. 31, 1883	Mar. 2, 1867
Callahan's	California	258.19	Apr. 9, 1883	Mar. 2, 1867
Defiance	Colorado	400.00	Apr. 9, 1883	Mar. 2, 1867
Council Bluff	Iowa	621.00	Apr. 11, 1883	Apr. 6, 1854
Salmon City	Idaho	442.28	June 8, 1883	Mar. 2, 1867
Montrose	Colorado	640.00	June 18, 1883	Mar. 2, 1867

MINES ON THE PUBLIC DOMAIN.

(See Chapter XXVI, pages 306 to 331, inclusive, to June 30, 1880. See also pages 978 to 1015, to June 30, 1882.)

To June 30, 1883.

Under the acts of 1866, 1870, and 1872 there have been patented as quartz, vein or lode, or other valuable deposit mining claims in the several precious metal bearing States and Territories of the public domain, from 1867 to June 30, 1883, 7,209 lodes, containing 67,764.21 acres, and realizing $350,746.00; under the placer acts of 1866, 1870, and 1872 there have been patented in the same localities to June 30, 1882, 1,822 placer claims, containing 156,719.33 acres, realizing $405,266.00; in all, vein and placer, from 1866 to June 30, 1883, patents for 9,031 claims, containing 224,483.54 acres, realizing to the nation $756,012. (See Tables —.)

REGULATIONS IN EFFECT DECEMBER 1, 1883.

The mining regulations on pages 986 to 1015, together with the forms on pages 1013 to 1014, are in effect, and correct to December 1, 1883.

FORMS USED IN MINERAL ENTRIES.

In Effect December 1, 1883.

The data as to mineral-land entries on pages 1013 and 1015, and forms required and procedure in district land office to complete a mining title, are correct to December 1, 1883.

The forms enumerated, from 1 to 11, to be used by applicant when publication is made, and Nos. 1 to 4, after publication, and others, are not furnished by the United States. They can be found in "Copp's United States Mineral Lands," laws, forms, instructions, and decisions, second edition, Henry N. Copp, Washington, D. C., 1882, pages 527 to 548. They can also be found in the "American Mining Code," by Henry N. Copp, Washington, D. C., pages 67 to 87.

MINING ENTRIES AND DETAILS FOR THE YEAR ENDING JUNE 30, 1883.

(From the annual report of the Commissioner of the General Land Office for 1883.)

(*N—Mineral Lands Division.*)

This division has charge of all entries, claims, and matters arising under the mining and coal-land laws of the United States.

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The following statement shows the quantity of mineral and coal lands sold, and the number of entries, filings, &c., therefor, made during the fiscal year ending June 30, 1883:

MINERAL LANDS.

Acres of mineral lands sold		31,520.18
Mineral entries made	2,112	
Mineral applications filed	2,312	
Adverse claims filed	390	
* * * * * * *		
Total acres sold		47,133.00
Mineral contests received		119

The principal work done by this division during the last fiscal year is shown by the following statement:

Mineral patents issued, including the making of plats of surveys		1,750
Coal patents issued		51
Pages of patent record, including plats of surveys made		9,578
Mineral entries examined, including examination of survey plats	2,120	
Mineral entries examined except as to survey	400	
Total mineral entries examined		2,520
Mineral contests finally disposed of		31
Number of letters received and docketed		6,623
Number of letters written		6,023
Number of pages of letter record written		4,856

The above showing of work done does not include the work done in making connected diagrams of the surveys of mineral claims, the preparation of certified copies of papers, the examination of *ex parte* agricultural entries referred to this division upon allegations that the land claimed is mineral, and other miscellaneous work which has to be kept up in the division.

The following statement shows the condition of work in the division at the close of the fiscal year:

Mineral entries unexamined	1,085
Mineral entries examined and in suspended files	986
Mineral entries awaiting examination of survey (about)	400
Mineral contests in files and not finally disposed of	174
Total cases not disposed of	2,645

NOTE.—This statement does not include the *ex parte* agricultural cases in the division suspended upon allegations that the land is mineral in character.

DECREASE IN ANNUAL SALES OF MINERAL LANDS.

During the year ending June 30, 1882, there were 36,768.63 acres of mineral lands sold. The statement for the year ending June 30, 1883, shows a decrease in quantity of 5,248.45 acres. This decrease, it is believed, is due largely to the timely action taken by the Department and the regulations adopted to prevent the fraudulent appropriation of large tracts of public lands as "placers." Soon after the beginning of the last fiscal year applications by an association of persons for patent to a placer claim were, by circular instructions, restricted to one hundred and sixty acres each (see paragraph 8 of circular approved September 23, 1882), and by amendment of December 9, 1882, to said circular, still further precautions were adopted to prevent the wrongful appropriation of public lands as alleged placer claims.

Excepting this decrease in the number of acres of mineral lands sold, the above statements show that the volume of business under the mining laws is steadily growing.

As compared with the year ending June 30, 1882, the increase is shown as follows:

INCREASE DURING THE YEAR ENDING JUNE 30, 1883.

In number of mineral entries made	264
In number of mineral entries examined and suspended	261
In mineral patents issued	452
In acres of coal lands sold	6,978.49
In coal filings made	107
In mineral contests received	91
In letters received	907
In number of letters written in the division	1,013

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PROTESTS AGAINST MINERAL ENTRIES.

In a large number of cases *protests* against mineral entries come up with the final entry papers or are filed here after the entries have reached this office. The examination of these protests requires care and takes up considerable time. As they are examined and disposed of in the same order as the entries against which they are filed, this work is not stated separately, but is included in the number of mineral entries examined. These protests frequently present intricate questions of law for consideration, and questions of fact which have to be determined by the taking of testimony. They are often argued by counsel, and frequently the consideration of a single protest will require much labor and time.

OVERLAPPING SURVEYS.

In many of the surveys where there are conflicting or overlapping claims it is a matter of the greatest difficulty to determine some of the questions that arise, and the examination for the purpose of determining the correctness of these surveys has to be made with the utmost care.

PLACER MINING CLAIMS.

TO JUNE 30, 1833.

(See pages 982, 983.)

Statement showing the number of placer claims patented in the several precious-metal-bearing States and Territories of the public domain for the fiscal year ending June 30, 1883.

States and Territories.	No. of placers.	Total acres.	Total amount.
California	70	9,377.81	$23,430 00
Oregon	2	38.06	97 50
Montana	15	751.49	1,897 50
Wyoming	2	1,200.00	1,600 00
Utah	1	16.39	42 50
Colorado	40	3,184.41	8,000 00
Dakota	3	81.52	207 50
Alabama	1	119.62	300 00
Total	134	14,769.30	35,575 00

RECAPITULATION.

(See pages 982, 983.)

From 1867 *to June* 30, 1883—*The results of the various acts.*

States and Territories.	No. of placers.	Total acres.	Total amount realized.
California	1,018	100,821.03	$261,114 50
Oregon	69	3,785.83	9,911 50
Nevada	6	2,257.74	5,645 00
Idaho	4	75.87	285 00
Montana	334	20,461.95	52,631 50
Wyoming	9	1,851.95	3,480 00
Utah	8	165.15	630 00
Colorado	322	26,629.63	69,896 50
Dakota	51	450.56	1,372 00
Alabama	1	119.62	300 00
Total to June 30, 1883	1,822	156,719.33	405,266 00

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LODE, QUARTZ, OR VEIN MINING CLAIMS.

To June 30, 1883.

(See pages 984, 985.)

Statement showing the number of quartz vein or lode claims, or other valuable deposit mining claims patented in the several precious-metal-bearing States and Territories of the public domain from 1867 to June 30, 1883, under the several mining acts.

States and Territories.	No. of lodes.	Total acres.	Total amount.
California	74	1,256.90	$6,445 00
Oregon	2	41.28	210 00
Nevada	76	1,062.52	5,500 00
Idaho	16	304.99	1,560 00
Montana	133	1,522.98	7,940 00
Wyoming	1	20.66	105 00
Utah	129	1,052.44	5,570 00
Colorado	1,031	7,066.14	38,300 00
New Mexico	50	1,011.84	5,155 00
Arizona	73	1,294.75	6,660 00
Dakota	15	109.24	575 00
Total	1,600	14,743.74	78,020 00

RECAPITULATION.

(See pages 983, 984, and 985.)

Total lode or quartz and placer claims.

From 1866 to June 30, 1883, under all acts.

States and Territories.	No. of lodes.	Total acres.	Total amount.
Arkansas	1	20.66	$105 00
California	898	19,633.02	97,520 00
Oregon	10	129.58	660 00
Nevada	927	9,269.43	47,615 00
Idaho	40	663.78	3,405 00
Montana	572	6,625.16	34,825 00
Wyoming	2	29.55	150 00
Utah	815	5,925.47	30,047 00
Colorado	3,585	19,644.03	107,274 00
New Mexico	64	1,229.51	6,270 00
Arizona	226	3,906.79	10,038 00
Dakota	69	523.76	2,837 00
Total vein or lode claims from 1866 to June 30, 1883	7,209	67,764.21	350,746 00
Number of placer claims patented from 1866 to June 30, 1883	1,822	156,719.33	405,266 00
Grand total, vein and placer	9,031	224,483.54	756,012 00

HOMESTEADS.

(See Chapter XXVII, pages 332 to 350, to June 30, 1880; see addenda, pages 1015 to 1046, to June 30, 1882.)

To June 30, 1883.

The regulations and procedure, pages 1017 to 1031, and the forms used in the several entries, pages 1031 to 1046, are in effect December 1, 1883.

GREAT NUMBER OF ENTRIES.

Total entries under the law to June 30, 1883.

From May 20, 1862, date of the law, to June 30, 1883, there were made 608,677 original homestead entries, containing 75,215,104.17 acres. During the same period 213,486 final entries were made, containing 25,917,210.43 acres.

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HOMESTEADS TO JUNE 30, 1883.

The number of original homestead entries during the year was 56,565, embracing an area of 8,171,914.38 acres, an increase of 11,234 entries and 1,823,769.33 acres over the previous year. Final proof was made on 18,998 entries, embracing 2,504,414.51 acres.

One thousand and ninety soldiers' additional claims were presented, of which 569 were approved and 156 rejected.

RECOMMENDATIONS AS TO AMENDMENT OF THE HOMESTEAD LAWS.

For recommendations of Commissioner and proposed action of Congress on the amendment of the homestead laws, see pages 683 and 1063.

INDIAN HOMESTEADS.

(See pages 1032 and 1045–1046.)

The Commissioner of Indian Affairs, in his annual report for 1883, says of

INDIAN HOMESTEAD ENTRIES.

I again, and for the third time, invite attention to the necessity of legislation by Congress to enable Indians to enter lands under the fifteenth and sixteenth sections of the act of March 3, 1875, extending to Indians the benefits of the homestead act of May 20, 1862, without the payment of the fees and commissions now prescribed by law, or to the necessity of placing a fund at the disposal of the Department which can be used for such payments. I have again submitted an estimate for the sum of $5,000, and, as stated in my last annual report, I trust that Congress will either amend the law so as to allow Indians to enter homesteads without cost to them, or make appropriation of the sum estimated.

In this the Secretary of the Interior, Hon. H. M. Teller, in his annual report for 1883, concurs. He says:

In this I heartily concur. I think when an Indian will settle on land, intending to make it his home, he ought to be encouraged in so doing.

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THE RESULTS OF THE HOMESTEAD ACTS FROM MAY 20, 1862, TO JUNE 30, 1883.

Number and area of entries under the homestead acts by States and Territories from May 20, 1862, to June 30, 1883.

States and Territories.	Recapitulation of aggregate entries by States and Territories and acres, from May 20, 1862, to June 30, 1882.				To June 30, 1883.				Recapitulation of aggregate entries by States and Territories and acres, from May 20, 1862, to June 30, 1883.			
	Original homestead entries.		Final homestead entries.		Original homestead entries.		Final homestead entries.		Original homestead entries.		Final homestead entries.	
	Number of entries.	Acres.	Number of entries.	Acres.	Number of entries.	Acres.	Number of entries.	Acres.	Number of entries.	Acres.	Number of entries.	Acres.
Alabama	28,995	2,873,547.12	5,227	542,147.69	2,212	268,732.09	1,066	178,625.39	31,207	3,142,279.21	6,293	660,773.08
Arizona	359	49,452.41	79	11,842.86	70	10,422.81	43	6,178.27	429	59,875.22	122	18,021.13
Arkansas	44,940	4,095,743.94	11,562	1,142,623.01	3,035	353,824.00	1,118	117,023.73	47,975	4,449,567.94	12,680	1,259,646.74
California	24,750	3,218,745.16	10,012	1,235,213.09	2,057	299,800.12	1,199	170,545.61	26,807	3,518,545.28	11,211	1,405,758.70
Colorado	8,462	1,156,989.62	3,249	447,075.28	1,387	210,800.43	722	107,092.15	9,849	1,367,790.05	3,971	554,167.43
Dakota	52,733	8,142,999.85	7,806	1,142,263.71	22,061	3,437,386.68	1,735	264,843.27	74,794	11,580,386.53	9,541	1,407,106.98
Florida	16,390	1,743,331.41	3,305	353,702.91	1,646	212,895.66	767	90,201.35	18,036	1,956,227.07	4,072	443,904.26
Idaho	2,910	432,763.27	718	99,081.95	604	90,907.61	177	26,694.26	3,514	523,670.88	895	125,776.21
Illinois	72	5,560.77	65	5,170.46	.....	.....	.....	.....	72	5,560.77	65	5,170.46
Indiana	21	1,446.13	15	1,272.28	1	56.70	.....	.....	22	1,502.83	15	1,272.28
Iowa	13,942	1,346,776.97	8,263	845,468.26	26	1,982.61	60	5,066.35	13,968	1,348,759.58	8,323	850,534.61
Kansas	86,936	11,746,949.80	34,055	4,660,734.83	3,549	508,780.91	3,577	506,081.49	90,485	12,255,730.71	37,572	5,166,816.32
Louisiana	9,965	1,172,960.13	2,188	264,732.14	936	124,660.19	185	20,996.94	10,901	1,297,620.32	2,373	285,729.08
Michigan	26,664	3.102,787.40	11,439	1,338,374.57	639	79,173.12	534	59,569.08	27,303	3,181,960.52	11,973	1,397,943.65
Minnesota	70,616	8,473,058.89	31,610	3,672,710.61	3,146	431,872.75	2,279	286,238.75	73,762	8,904,931.64	33,889	3,958,949.36
Mississippi	12,489	1,175,037.45	2,094	203,410.86	1,356	167,079.90	288	32,603.77	13,845	1,342,117.35	2,382	236,014.63
Missouri	27,008	2,730,379.87	10,157	1,030,800.64	1,755	206,233.16	352	34,856.82	28,763	2,936,613.03	10,509	1,065,657.46
Montana	2,475	370,686.88	692	102,703.79	569	81,213.01	144	18,027.88	3,044	451,899.89	836	120,731.67
Nebraska	64,328	8,133,076.25	29,140	3,566,477.29	4,728	716,509.90	1,768	241,511.71	69,056	8,849,586.15	30,908	3,807,989.00
Nevada	837	117,546.74	218	28,743.28	26	3,687.89	21	2,751.16	863	121,234.63	239	31,494.44
New Mexico	1,379	229,407.79	580	88,850.84	1,014	151,800.87	551	81,487.35	2,393	381,208.66	1,131	170,338.19
Ohio	170	11,750.93	105	7,473.16	1	40.00	1	160.00	171	11,790.93	106	7,633.16
Oregon	11,710	1,544,526.43	4,017	551,284.02	1,589	236,362.04	600	85,559.67	13,299	1,780,888.47	4,617	636,843.69
Utah	5,689	750,252.60	2,018	271,065.12	432	58,639.05	465	61,915.86	6,121	808,891.65	2,483	332,980.98
Washington	12,668	1,675,162.92	3,360	436,246.96	2,537	375,735.94	646	88,506.67	15,205	2,050,898.86	4,006	524,753.63
Wisconsin	25,162	2,682,445.44	12,421	1,351,804.79	1,000	115,567.96	719	72,901.67	26,162	2,798,013.40	13,140	1,424,706.46
Wyoming	442	59,803.62	93	11,521.52	189	27,748.98	41	4,975.31	631	87,552.60	134	16,496.83
	552,112	67,043,189.79	194,488	23,412,795.92	56,565	8,171,914.38	18,998	2,504,414.51	608,677	75,215,104.17	213,486	25,917,210.43

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TIMBER AND STONE ACT.

(See Chapter XXVIII, pages 357 to 359, to June 30, 1880; addenda, pages 1047 to 1087, to June 30, 1882.)

To June 30, 1883.

From June 3, 1878, the date of the act, to June 30, 1883, 456,743.91 acres of timber and stone lands have been sold.

REGULATIONS IN EFFECT DECEMBER 1, 1883.

Instructions to special timber agents, from pages 1053 to 1081, are in effect December 1, 1883. The regulations as to entries and forms, from pages 1084 to 1087, are also in effect December 1, 1883.

TIMBER AND STONE LAND ENTRIES FOR THE FISCAL YEAR 1883.

Two thousand one hundred and one entries, embracing 297,735.50 acres, were made under the timber and stone land act of June 3, 1878, (chiefly timber-land entries), being an increase of 1,373 entries and 202,498.48 acres over the previous year, in the States of California, Oregon, and Nevada, and Washington Territory, to which States and Territory only the act is applicable.

RECOMMENDATIONS AS TO THIS LAW AND ITS ABUSES.

See page 1165 for recommendations as to this law and the frauds committed under it, especially as to the grabbing of the timber lands of the Pacific coast by home and foreign capitalists. Also, see page 684.

SPECIAL TIMBER AGENTS TO DECEMBER 1, 1883.

For list of special timber agents to September 13, 1883, see page 1051 herein. For list to December 1, 1883, see page 1237. These special agents are appointed by the Secretary of the Interior and act under direction of the Commissioner of the General Land Office and aid in the suppression of timber depredations.

RECOMMENDATIONS OF THE COMMISSIONER OF THE GENERAL LAND OFFICE, 1883.

For recommendations of the Commissioner of the General Land Office for the fiscal year 1883, as to the timber lands of the United States, see pages 1165 and 1166; also, see page 684.

GREAT NUMBER OF ENTRIES IN CALIFORNIA IN 1883.

More entries with greater area under this act were made in California in the year 1883 than made in the other three States and Territories to which it applies from 1878 to 1883. These entries were all suspended for color of or actual fraud; in Washington Territory as well.

The Commissioner, in his report for 1883, gives the following in regard to timber trespass:

TIMBER TRESPASS.

Special agents were employed during the year for the protection of the public timber. The number of trespass cases investigated and fully reported was 987. Three hundred and thirty-one criminal actions and two hundred and eight civil suits were commenced. Propositions of settlement were received and acted upon in 154 cases. Five hundred and sixty cases are now pending in the courts, and 294 cases are waiting further investigation and action of this office.

The amount of timber involved in trespass cases investigated was upwards of 300,000,000 feet, at an estimated market value of over $8,000,000 and a stumpage value of nearly $2,000,000.

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The amount recovered or paid into the Treasury in cases in which final action has been had was $33,260.59. The amount involved in pending suits is $208,929.28, and the amount due on accepted propositions of settlement $12,736.27.

I found it necessary to cause an investigation to be made of alleged extensive depredations near the Canadian frontier in the State of Minnesota, and anticipate as a result the discontinuance of trespasses from the Canada side.

Agents cannot be sent to such distant points, far from settlements and lines of public travel, without camping outfits and the necessary assistance for making surveys and measurements, all of which involve greater expense than can be continuously maintained under existing appropriations.

FOREST FIRES.

Several reports have been received relative to the destruction of large bodies of timber by cyclones and forest fires. Negotiations are in progress to dispose of fallen and of scorched standing timber in these cases.

Public notices, calling for information of fires and pointing out methods for preventing their spread, have been furnished special agents for posting in timber districts, and these measures and the duties performed by agents in case of fires have been the means of saving much timber during the past year. Ten extensive fires have recently occurred, in seven of which the agents have performed valuable service in checking and extinguishing the same, although greatly retarded in such work on account of the necessary limit placed upon their expenditures.

The appropriation for the timber service should permit the employment of persons under the direction of the special agents to watch against and give prompt notice of fires, and take efficient measures at the first outbreak of a fire to check its progress.

[From the Annual Report of the General Land Office, 1883.]

P.—*Special Service Division.*

In charge of special timber agents.

(See pages 1048 to 1050 for operations for the years 1881 and 1882.)

Since the presentation of my last annual report there has been placed under the direction of what was then known as the Timber Depredations Division, having charge of the special agents appointed to aid in protecting the timber upon the public domain, the supervision of all the special agents appointed to examine and report upon all cases of fraudulent entry of public lands, to examine mineral surveys, and to perform various other duties under the direction of this Bureau. The division is now styled the Special Service Division.

The work performed therein during the past fiscal year is summarized as follows:

Letters received and registered	5,930
Letters written	3,119
Pages of record	2,637

PROTECTION OF PUBLIC TIMBER.

For this branch of the service there have been continuously employed during the greater part of the year twenty-five special agents. Towards the close of the year thirteen additional agents were employed.

The following statements present in brief the results accomplished by these special agents during the fiscal year, the number of cases investigated and reported, the value involved in the same, the amount received and amount still due on account of accepted propositions of settlement, the amount involved in civil suits, and the amount and kind of material involved, and the stumpage and market value of the same:

Statement showing number of timber-trespass cases reported during the fiscal year and action taken.

Cases reported	987
Criminal prosecutions instituted	331
Civil suits instituted	208
Propositions of settlement acted upon	154
Cases awaiting further investigation and action	294
Total	987

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Statement showing action taken on propositions of settlement.

Propositions of settlement received		174
Propositions of settlement accepted	85	
Propositions of settlement rejected	69	
Propositions of settlement awaiting action	20	
Total		174

Statement showing number of cases in which legal proceedings have been instituted, and number of cases disposed of, so far as reported to this office.

Civil suits disposed of	36	
Civil suits pending	172	
		208
Criminal suits disposed of	43	
Criminal suits pending	288	
		331
Total number of cases in which legal proceedings have been instituted		539

Statement showing amount and kind of timber, lumber, and other material involved in cases reported to this office during the fiscal year, also showing the estimated stumpage and market value of the same.

Feet of timber	301,140,487
Number of railroad ties	2,485,956
Number of trees	55,583
Number of logs	1,281,648
Number of poles	41,640
Number of sticks of square timber	2,244
Number of cords of bark	2,178
Number of posts	135,256
Number of shingles	900,000
Number of cords of wood	91,669
Number of pickets	33,800
Number of acres of land trespassed upon in which amount of timber is not stated	62,013
Estimated market value of timber above stated	$8,144,658
Estimated stumpage value of same	1,709,824

Statement showing amount involved in cases acted upon, and amount accruing to the Government thereby.

Amount reported paid into court on account of civil suits disposed of	$11,629 52	
Amount involved in civil suits pending, or which have been disposed of, and not reported to this office	208,929 28	
Total amount involved in civil suits instituted		$220,558 80
Amount of fines reported paid in criminal suits disposed of		6,625 61
Amount paid to receivers of public moneys in settlement of accepted propositions	$12,754 73	
Amount due on propositions of settlement accepted	12,736 27	
Total amount involved in propositions of settlements accepted		25,491 00
Amount reported received by receivers of public moneys for timber disposed of		2,250 73
Total amount paid in and involved in suits		254,926 14
Amount of appropriation		75,000 00
Balance in favor of the Government		179,926 14

In considering the above statement due allowance must be made for civil suits pending, in many of which there may be a failure to secure verdicts for the full amount of damages claimed, although in every case where civil suit has been instituted the parties are reported to be financially responsible.

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It should also be taken into consideration that reports have been made in 294 cases, which, from lack of sufficient clerical help, are yet unacted upon. The amount involved in these cases would materially increase the figures already given. A considerable portion of the time of special timber agents during the fiscal year has been taken up in investigating cases of alleged fraudulent entries and of illegal fencing of public lands in localities where there was no other agent for that purpose.

Fewer propositions of settlement were accepted during the last fiscal year than during the year previous. This was owing to the abandonment of the policy of establishing a uniform rate of stumpage. Such policy was found to operate in the interest of flagrant violators of the law, and afforded them opportunity to escape on the same terms as innocent or unintentional trespassers.

Therefore the existing policy is not to accept or entertain any proposition of settlement unless there are mitigating circumstances in the case, making it neither just nor proper to institute legal proceedings. In each case the measure of damages to be paid is determined by the circumstances of trespass. The various instructions to special timber agents have been compiled in pamphlet form, giving explicit directions in any case of trespass that may arise, the laws relating to public timber, all circular instructions, rules, and regulations in force under those laws, and forms of reports, affidavits, &c., for their official use.

Several reports have been received at this office relative to large bodies of public timber destroyed by cyclones, and large bodies of burned standing timber. Negotiations are now in progress relative to disposal of the same in order that it may be utilized and saved from waste.

Public notices relative to forest fires have been prepared to be posted by the special timber agents in conspicuous places, which, in connection with the instructions to the agents relative to their duties in case of such fires, has had a most beneficial effect, and has been the means of saving millions of feet of public timber.

Information has been received of ten extensive forest fires since the notices referred to were issued, in seven of which the special timber agents have performed valuable services in checking and extinguishing the same, although they have been greatly retarded in such work on account of the necessary limit placed upon their expenditures. This feature of the service needs special attention, and it is hoped that the next appropriation for protecting the public timber will be sufficient to enable this office to give it the consideration it is entitled to, and to authorize the employment of persons under the direction of special timber agents to watch, and take prompt measures at the first outbreak of a fire to check its progress, which otherwise would gain uncontrollable headway and destroy more valuable timber in one day than is felled in a year.

While much has been effected toward suppressing depredations upon the public timber near the centers of population, and in preventing wanton waste and destruction in such felling and removing of timber as is sanctioned by law for the construction of railroads, and for mining and domestic purposes, the fund has been expended with so much necessary caution in order to maintain the force in the field and provide for possible contingencies and emergencies, that it has been wholly inadequate for the more expensive requirements of the service at remote points.

It has been found necessary to check the depredations upon timber lands of the United States in Minnesota, near the northern international boundary line, committed by parties from the sparsely timbered sections of the Dominion of Canada. Special agents cannot be sent to these far-distant points without proper camping outfit and the necessary assistance for survey and measuring; all of which requires greater expense than could be incurred continuously with the amount appropriated for the timber service.

Much greater vigilance is needed than has been possible with the force of special agents employed to prevent the cutting of timber on the public lands in New Mexico and Arizona to be exported to Mexico and there used in building the railways of that country.

SALES OF TIMBER AND STONE LANDS FOR THE FISCAL YEAR 1883.

[See pages 359 and 1052.]

The results of the stone and timber act to June 30, 1882, can be found on page 1051. The total area to that date was 159,008.41 acres; for the year 1883, 297,735.50 acres; in all a grand total to June 30, 1883, of 456,743.91 acres.

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Sales of timber and stone lands for the fiscal year ending June 30, 1883.

States and Territories.	No. of entries.	Acres.
California	1,242	180,799.54
Nevada		
Oregon	132	15,912.52
Washington	727	101,023.44
Total	2,101	297,735.50

TIMBER CULTURE.

[See Chapter XXIV, pages 360–362, to June 30, 1880, and also addenda, pages 1088 to 1103, to June 30, 1882.]

To June 30, 1883.

The rules and regulations on pages 1091 to 1093 are in effect December 1, 1883.

The forms on page 1091 to 1103 are in effect to December 1, 1883.

REPEAL OF THE LAW.

For recommendations as to the amendment of this law, see page 683. For recommendations as to the repeal of this law and for statement of frauds under it, see Mr. Commissioner McFarland's annual report for 1883, cited on page 1164 herein.

AREA ENTERED UNDER THIS LAW.

To June 30, 1883.

The number of first or original entries under this law since its date, March 3, 1873, was 101,358, containing 16,768,076.70 acres, an area about equal to the area of the States of West Virginia and Delaware. The number of final or consummated entries to June 30, 1883, was 500, containing 67,589.46 acres. The statistics are given in full below.

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Statement showing the number of timber-culture entries, with areas, made during the year 1883 *in each State and Territory, and recapitulation from March* 3, 1873, *to June* 30, 1883.

States and Territories.	Recapitulation to June 30, 1882.				1883.				Recapitulation to June 30, 1883.			
	Original entries.		Final entries.		Original entries.		Final entries.		Original entries.		Final entries.	
	Number of entries.	Acres.	Number of entries.	Acres.	Number of entries.	Acres.	Number of entries.	Acres.	Number of entries.	Acres.	Number of entries.	Acres.
Arizona	88	11,866.08			33	4,336.85			121	16,202.93		
Arkansas	3	231.92			1	160.00			3	391.92		
California	1,245	168,413.53			327	44,670.05	1	160.00	1,572	213,083.58	1	160.00
Colorado	1,101	153,373.87	1	160.00	413	58,685.02			1,514	212,058.89	1	160.00
Dakota	31,178	4,870,802.15	4	521.68	1,199	1,755,419.58	111	14,968.12	32,377	6,626,221.73	115	15,489.80
Idaho	1,089	141,903.25			310	40,105.17			1,399	182,008.42		
Iowa	640	55,151.51			42	3,373.40	20	2,165.33	682	58,524.91	20	2,165.33
Kansas	22,252	3,594,775.49	71	9,915.52	1,690	237,860.95	185	24,965.06	23,942	3,832,636.44	256	34,880.58
Louisiana	28	3,417.85			52	7,754.26			80	11,172.11		
Minnesota	10,266	1,510,382.56	21	2,998.50	883	122,750.39	84	11,495.25	11,149	1,633,132.95	105	14,493.75
Montana	497	63,273.25			403	53,952.71			900	117,225.96		
Nebraska	17,183	2,338,155.60	68	9,975.42	3,216	481,704.70	317	43,522.32	20,399	2,819,860.30		
Nevada	30	4,120.00			2	280.00			32	4,400.00		
New Mexico	87	11,619.13			159	22,091.82			246	33,710.95		
Oregon	1,570	232,954.86			767	116,334.14	2	240.00	2,337	349,289.00	2	240.00
Utah	137	16,144.59			62	7,509.99			199	23,654.58		
Washington	3,332	476,841.52			944	139,737.05	3	320.00	4,276	616,578.57		
Wisconsin	1	40.00							1	40.00		
Wyoming	30	3,679.21			98	14,204.15			128	17,883.36		
	90,757	13,657,146.47	165	23,571.12	20,601	3,110,930.23	723	97,836.08	101,358	16,768,076.70	500	67,589.46

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DESERT LANDS.

[See Chapter XXX, pages 363, 364, to June 30, 1880; see also addenda, pages 1104 to 1111, to June 30, 1882.]

TO JUNE 30, 1883.

REGULATIONS BLANKS AND FORMS IN EFFECT DECEMBER 1, 1883.

The official regulations given on pages 1104 to 1106 are in effect December 1, 1883.

Also the forms used in and procedure in desert-land entries as given on pages 1106 to 1111.

For the evils growing out of and abuses under this law, see Mr. Commissioner McFarland's annual report for 1883, cited on page 1165, herein; also see pages 684 and 1221.

AREA EMBRACED IN FIRST ENTRIES TO JUNE 30, 1883.

From March 3, 1877, to June 30, 1883, there have been 5,103 entries under this act, containing 1,607,310.22 acres, realizing to the nation, in entry fees, $401,036.62.

FIRST ENTRIES OF DESERT LANDS DURING THE YEAR ENDING JUNE 30, 1883.

The number of entries made under the desert-land act of March 3, 1877, during the fiscal year ending June 30, 1883, is 1,254, embracing an area of 436,633.69 acres, realizing $109,186.91; which is an increase of 271,677.75 acres as compared with such entries made during the previous fiscal year.

Sales of desert lands during the year 1883 *to June* 30, *under the act of March* 3, 1877.

	No. of entries.	Area.
		First entries.
Arizona	71	36,584.78
California	69	23,511.10
Idaho	199	58,562.11
Montana	213	71,315.47
Nevada	2	120.00
New Mexico	129	33,781.67
Oregon	52	13,673.50
Utah	137	34,313.27
Washington	58	25,616.29
Wyoming	324	139,155.50
	1,254	436,633.69

Recapitulation of first entries by fiscal years.

Years.	Entries.	Acres.	Amount.
1877	741	271,604.91	$67,654 69
1878	957	298,586.07	74,168 45
1879	611	164,368.30	40,994 95
1880	546	162,601.29	40,652 63
Total to June 30, 1880	2,855	897,160.57	223,470 72
1881	426	108,560.02	} 68,378 99
1882	568	164,955.94	
Total to June 30, 1882	3,849	1,170,676.53	291,849 71
1883	1,254	436,633.69	109,186 91
Total to June 30, 1883	5,103	1,607,310.22	401,036 62

FINAL DESERT-LAND ENTRIES.

If all first entries are consummated and the final one dollar per acre paid (twenty-five cents per acre being paid at time of first entry), the nation will realize on the area entered to June 30, 1883, $2,008,346.84. For final desert entries for the years 1882 and 1883 see pasters, "statements of entries for years 1882–'83, facing pages 521 and 521."

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PRIVATE LAND CLAIMS.

See Chap. XXXI, pages 365 to 410, to June 30, 1880; also addenda, pages 1111 to 1157, to June 30, 1883.)

ADDITIONAL—TO JUNE 30, 1883.

The addenda, pages 1111 to 1157, brings this chapter, with statistics and map, down to June 30, 1883, and in most particulars to December 1, 1883.

The recommendations on pages 1155 to 1157 of the Commissioner of the General Land Office, taken from his annual report for 1883, are valuable and pertinent.

RECOMMENDATIONS OF SURVEYORS-GENERAL, 1883.

(See pages 1121 to 1125.)

RECOMMENDATIONS OF THE SURVEYOR-GENERAL OF ARIZONA.

J. W. Robbins, surveyor-general of Arizona, in his annual report to June 30, 1883, says:

SPANISH LAND GRANTS.

"This branch of the business of my office necessarily progresses slowly on account of the difficulty of obtaining such evidence as is necessary in determining the merits of the claims presented. This difficulty results from various causes:

First. Within my immediate reach there are no original records in which historic data may be found, or standards for the comparison of handwriting;

Second. The dates of the grants are so far back that it is very difficult to find witnesses who can testify in relation thereto; and,

Third. The description of boundaries given in the original title papers are often so vague that it is almost impossible to fix the location of the tract granted, even when the original title papers are found to be genuine. Several important cases which were before the office on my taking charge are still pending for the reason that the claimants have failed as yet to furnish the necessary evidence, and some very important new claims, among them being the grant to Miguel de Peralto of 300 square leagues, or 1,350,000 acres, have been lately presented, which will require much labor and considerable time in the procurement of evidence and in the investigation thereof.

Of the grants made by the treasury department of Sonora between 1822 and 1854, the original records are to be found in the capitol at Sonora, and in relation to this class of grants there is but little difficulty in obtaining the required archive evidence; but in relation to grants made before 1822 by the Spanish Government there are several places where the ancient records may be found, and which places it may be necessary to visit in order to compare copies with originals and to obtain other proofs necessary in determining the validity of such claims.

Apart from the grants made by the General Governments of Spain and Mexico, many small grants were made by the commandants of presidios under the decree of 1791. Of these no records were kept, save in the local archives of the presidios. The presidios of Tucson and Tubac were located in the present Territory of Arizona, and that of Santa Cruz near the boundary thereof. Under the Spanish Government grants were made by the commandantes of these presidios, some of which have been presented for examination, and more doubtless will be presented; but since, with the abandonment of these ancient presidios, the records perished, there is no archive evidence of these presidial grants in existence, and their investigation therefore is attended with much difficulty."

RECOMMENDATION OF THE SURVEYOR-GENERAL OF NEW MEXICO.

(See pages 1123 to 1125.)

Henry M. Atkinson, surveyor-general of New Mexico, in annual report to June 30, 1883, says of Spanish and Mexican land grants:

PRIVATE LAND CLAIMS.

The following private land claims have been filed during the past year, viz:

No. 192, Antonio Jacques *et al.;* No. 193, Santa Clara Pueblo; No. 194, Elquea grant (refiled); No. 195, Sito de Navajo tract.

Testimony has been taken in a number of cases, and final action had in the following:

Reported No. 130, town of Albuquerque, approved.

Reported No. 131, Juan Pablo Martin, approved.

Reported No. 132, Antonio de Salazar, approved.

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Reported No. 133, Antonia Rosa Lujan, approved.

Reported No. 134, San Mateo Spring, approved.

In the latter case four leagues square were claimed, but as the granting decree restricted the claim to one square league it was approved to that extent only.

The transcript in these cases will be forwarded as soon as they can be prepared. The case of (reported No. 117) Juan de Jesus Lucero, grant rejected in 1879, and reopened for the introduction of further testimony, has not been closed, as the parties are slow in introducing their evidence. I am convinced that the grant is a forgery, as shown on the face of the papers.

I again, for the eighth time, call attention to the unsatisfactory results of adjusting these grant titles under the present system. It is all-important that Congress should fix a limitation of time in which all claims of this character should be filed and prosecuted and thereafter barred, and some more safe and speedy method should be provided for their adjudication, as the present one is unsatisfactory and unsafe, both for the Government and claimants.

As to the plans to be adopted I will reiterate the statement made in my last annual report.

(See pages 1123 to 1125 for this.)

MINERAL ON UNCONFIRMED LAND GRANTS.

(See page 1125.)

Mr. Atkinson continues:

There is another feature in these grant cases which I again desire to call attention to, and which should receive the early consideration of Congress; I refer to the right to the mineral on unconfirmed grants.

The local Spanish and Mexican authorities were empowered to make grants for agricultural purposes, but they were not authorized to alienate the right to the mineral; hence the latter was by force of law reserved to the Spanish or Mexican Government, and upon the acquisition of this Territory by the United States the right to the mineral within the limits of these grants became vested in this Government. Yet there is no statutory provision permitting the miner to acquire a right to what mineral he may discover thereon.

There should be some legislation by Congress whereby the Government can realize from the mineral interest in grants and the prospector secure to himself the benefits of discoveries upon tracts of this character, on payment to the claimants the value for agricultural or pastoral purposes of the area claimed as necessarily used in mining, together with such other reasonable compensation for such damages as the proprietors of the grant may sustain in the premises by virtue of an easement to the miners, whereby they can have ingress to and egress from the mines over the lands of the claimants, and the appropriation of necessary timber for mining purposes.

CONDITION OF BUSINESS IN THE PRIVATE LAND-CLAIMS DIVISION OF THE GENERAL LAND OFFICE, JUNE 30, 1883.

For exhaustive statements as to claims pending and business during the year in this division see pages 51 and 52, annual report of the General Land Office for 1883.

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CHAPTER XXXVI.

THE NATIONAL PARK.

DECEMBER 1, 1883.

The insertion of a chapter on the National Park is warranted by the fact that it was a portion of the public domain, and a portion of it may be returned to it. It is the largest reservation of the kind in the world, and its being reserved is due to the labor of a few earnest men. The preservation of its curious natural wonders is largely due to Col. P. W. Norris, its former superintendent.

Natural wonders and venerable or interesting relics of architectural value or domestic use on the public domain should be preserved. The Shoshone Falls, on Snake River, Idaho, lie adjacent to surveyed lands; we shall shortly expect some enterprising person to capture the land lying around the falls, aided by some one of the numerous settlement or other disposition laws. Deposits of sulphur, nitrate of soda, and other indispensable elements of war, now disposed of as "valuable minerals," should also be reserved by the Government. Many of the old Indian and Mexican ruins in Arizona, Colorado, New Mexico, and California should be reserved, along with other remains of former civilizations. The big trees of California, such as are on public lands, should also be reserved, as well as hot, sulphur, and other mineral springs, which are scattered over the Western public lands, should also be reserved for the common good.

LOCATION OF THE PARK.

The Park or reservation lies in the northwest corner of Wyoming Territory, extending on the north and west into Montana and Idaho Territories. In or immediately adjacent to it rise Lewis fork of the Columbia River, Snake (or Shoshone as it is commonly known), Green River, fork of the Colorado, flowing into the Pacific Ocean. The Jefferson, Madison, Gallatin, and Big Horn, and other branches of the Missouri and Mississippi, which flow into the Atlantic, also originate within or near its borders.

ITS DISCOVERY.

John Coulter, a sergeant in the expedition of Lewis and Clarke in 1805, after his discharge, along with a portion of the Sheep Eater (Bannock) Indians, explored this region. His description was received with ridicule, and until about 1859 this region was known in derision as "Coulter's Hell."

AREA OF THE PARK.

The Park is an oblong square, 65 miles in length from north to south, and 55 miles wide from east to west, and contains 3,575 square miles, or 2,288,000 acres, or more than the area of Rhode Island and Delaware.

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HOW LEGISLATION TO RESERVE WAS OBTAINED.

On December 18, 1871, Hon. S. C. Pomeroy, of Kansas, introduced into the United States Senate a bill for the reservation of a national park near the source of the Yellowstone River. Hon. William H. Claggett, Delegate from Montana, introduced a duplicate of this bill in the House of Representatives about the same time. After reference to the Committees on Public Lands in each body, a favorable report was made by both. Mr. Mark H. Dunnell, of Minnesota, for the House Committee on Public Lands, made the report, and the bill passed the House without amendment. It became a law March 1, 1872. The most urgent advocate of this measure, and the one person who did the most to secure this law, was Doctor F. V. Hayden, who prepared the map, data, and the House committee's report, at the request of Hon. C. Delano, Secretary of the Interior. The act was as follows:

ACT OF DEDICATION.

AN ACT to set apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tract of land in the Territories of Montana and Wyoming lying near the headwaters of the Yellowstone River, and described as follows, to wit: commencing at the junction of Gardiner's River with the Yellowstone River and running east to the meridian passing ten miles to the eastward of the most eastern point of Yellowstone Lake; thence south along the said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning, is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people; and all persons who shall locate, settle upon, or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition.

The Secretary may, in his discretion, grant leases for building purposes, for terms not exceeding ten years, of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same and the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of the fish and game found within said park and against their capture or destruction for the purpose of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

Approved March 1, 1872.

SUPERINTENDENTS OF THE PARK.

In 1872 N. P. Langford, esq., of Montana, was appointed superintendent of the Park, but without compensation.

In 1877 Col. P. W. Norris, of Norris, Mich., an indefatigable explorer and mountaineer, succeeded Mr. Langford as superintendent, and so continued until 1882. He opened up the Park to tourists, and laid out and improved paths and roads. His annual reports for 1879, 1880, and 1881 contain much practical information and historical data. The rules and regulations provided under his administration were as follows:

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Rules and regulations of the Yellowstone National Park.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 4, 1881.

1. The cutting or spoliation of timber within the Park is strictly forbidden by law. Also the removing of mineral deposits, natural curiosities or wonders, or the displacement of the same from their natural condition.

2. Permission to use the necessary timber for purposes of fuel and such temporary buildings as may be required for shelter and like uses, and for the collection of such specimens of natural curiosities as can be removed without injury to the natural features or beauty of the grounds, must be obtained from the superintendent; and must be subject at all times to his supervision and control.

3. Fires shall only be kindled when actually necessary, and shall be immediately extinguished when no longer required. Under no circumstances must they be left burning when the place where they have been kindled shall be vacated by the party requiring their use.

4. Hunting, trapping, and fishing, except for purposes of procuring food for visitors or actual residents, are prohibited by law; and no sales of game or fish taken inside the Park shall be made for purposes of profit within its boundaries or elsewhere.

5. No person will be permitted to reside permanently within the Park without permission from the Department of the Interior; and any person residing therein, except under lease, as provided in section 2475 of the Revised Statutes, shall vacate the premises within thirty days after being notified in writing so to do by the person in charge; notice to be served upon him in person or left at his place of residence.

6. *The sale of intoxicating liquors is strictly prohibited.*

7. All persons trespassing within the domain of said Park, or violating any of the foregoing rules, will be summarily removed therefrom by the superintendent and his authorized employés, who are, by direction of the Secretary of the Interior, specially designated to carry into effect all necessary regulations for the protection and preservation of the Park, as required by the statute, which expressly provides that the same "shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish such rules and regulations as he shall deem necessary or proper"; and who, "generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the object and purposes of this act."

Resistance to the authority of the superintendent, or repetition of any offense against the foregoing regulations, shall subject the outfits of such offenders and all prohibited articles to seizure, at the discretion of the superintendent or his assistant in charge.

P. W. NORRIS,
Superintendent.

Approved:
S. J. KIRKWOOD,
Secretary.

Colonel Norris was succeeded in 1882 by P. H. Conger, the present superintendent.

REFERENCES.

For a complete and thorough description—physical and scientific, with much historical data—of the Yellowstone National Park, see volume 12, Annual Report of the United States Geo logical and Geographical Survey of the Territories, F. V. Hayden, United States Geologist, in charge, in two parts, with an atlas. Washington, 1883. The illustrations and letter-press are exhaustive, and the preparation of the several divisions of the work was done by experts under Dr. Hayden's immediate direction and observation. Also, see guide-books and Northern Pacific and Union Pacific Railroad guides. Also, see reports of Superintendent of National Park for 1879, '80, '81, '82, and 1883. Also, see "Calumet of Coteau." P. W. Norris, J. B. Lippincott & Co., Phila., 1883, page 235, and following, for data as to discovery and explorations of the Park.

DISTANCES IN THE PARK.

To illustrate the size of the reservation and the distance between points of interest, the following data from the Report of the Secretary of the Interior for 1881 is given:

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Synopsis of roads, bridle-paths, and trails in the Yellowstone National Park.

	Between points.	Total.
Road towards Bozeman.	*Miles.*	*Miles.*
From headquarters at the Mammoth Hot Springs to northern boundary line of Wyoming		1.99
Northern boundary line of the National Park, below the mouth of the Gardiner River	5.00	6.99
Direct road to the Forks of the Fire Hole River.		
From headquarters at the Mammoth Hot Springs to Terrace Pass		1.93
Swan Lake	3.21	5.14
Crossing of Middle Fork of Gardiner River	2.33	7.47
Willow Park, upper end	3.50	10.97
Obsidian Cliffs and Beaver Lake	1.37	12.34
Green Creek	1.40	13.74
Lake of the Woods	.76	14.50
Hot Springs	1.68	16.18
Norris Fork Crossing	4.17	20.35
Norris Geyser Basin	.71	21.06
Geyser Creek and forks of the Paint Pot trail	3.13	24.19
Head of Cañon of the Gibbon and foot-bridge on trail to Monument Geysers	.72	24.91
Falls of the Gibbon River	3.75	28.66
Cañon Ceeek	.59	29.25
Earthquake Cliffs	3.00	32.25
Lookout Terrace	1.59	33.75
Marshall's Hotel at the Forks of the Fire Hole River	2.43	36.18
Road from Forks of the Fire Hole River to foot of the Yellowstone Lake.		
From Marshall's Hotel to forks of the road near Prospect Point		1.00
Hot Springs	1.08	2.08
Rock Fork	3.86	5.94
Willow Creek	2.00	7.94
Foot of the grade up the Madison Divide	2.00	9.94
Upper end of Mary's Lake	1.91	11.85
Sulphur Lakes and Hot Springs	1.12	12.97
Alum Creek Camp	2.00	14.97
Sage Creek Crossing	2.00	16.97
Fork of the road to the falls near the Yellowstone River	5.00	21.97
Mud Geysers	2.00	23.97
Grizzly Creek	3.00	26.97
Foot of the Yellowstone Lake	3.26	30.23
Branch road to the Great Falls of the Yellowstone.		
From Forks of the Fire Hole River to forks of the lake road to the Great Falls, as above		21.97
Sulphur Mountain	1.50	23.47
Alum Creek	1.61	25.08
Upper Falls of the Yellowstone, bridle-path	3.26	28.34
Crystal Falls and Grotto Pool, bridle-path	.40	28.74
Lower (Great) Falls of the Yellowstone	.24	28.98
Road to Tower Falls.		
Headquarters at the Mammoth Hot Springs to bridge over the Gardiner River		1.77
Bridge over the East Fork of the Gardiner River	.38	2.15
Upper Falls to East Fork of the Gardiner River	2.06	4.21
Black Tail Deer Creek	2.70	6.91
Lava Beds	2.00	8.91
Dry Cañon, or Devil's Cut	4.69	13.60
Pleasant Valley	2.28	15.88
Forks of the Yellowstone	2.48	18.36
Tower Falls	3.19	21.55
Geyser Basin road.		
Marshall's Hotel to forks of road at Prospect Point		1.00
Old Camp Reunion	1.00	2.00
Fountain Geyser in the Lower Geyser Basin	1.00	3.00
Excelsior Geyser, in the Midway Geyser Basin	2.00	5.00
Old Faithful, in the Upper Geyser Basin	6.00	11.00
Madison Plateau road.		
Marshall's Hotel to Forest Spring		3.00
Marshall's Park	2.12	5.12
Lookout Cliffs	3.59	8.71
Riverside Station and Forks of Kirkwood or Lower Madison Cañon road to Virginia City	3.52	12.23
Bridge over South Madison River		23.76

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Synopsis of roads, bridle-paths, and trails in the Yellowstone National Park—Continued.

	Between points.	Total.
Madison Cañon road.	*Miles.*	*Miles.*
Marshall's Hotel to forks of road to the Mammoth Hot Springs	.....	4.00
Mouth of the Gibbon River	5.00	9.00
Foot of the Madison Cañon	6.00	15.00
Riverside Station	3.00	18.00
Queen's Laundry road.		
Marshall's Hotel to crossing Laundry Creek	.....	1.00
Twin Mounds	1.00	2.00
Queen's Laundry and bath-house	.50	2.50
A bridle-path 3 miles long extends from there to the Madison Plateau road, and another is partially completed *v.a* Twin Buttes and Fairy Falls to the Midway Geyser Basin.		
Middle Fork of the Gardiner bridle-path.		
Headquarters at the Mammoth Hot Springs to the West Gardiner	.....	2.00
Falls of the Middle Gardiner	2.00	4.00
Sheepeater Cliffs	2.00	6.00
Road to the Geysers	1.00	7.00
Painted Cliff bridle-path.		
Meadow Camp to head of Grand Cañon	.....	1.00
Safety Valve Pulsating Geyser	1.00	2.00
Yellowstone River at Painted Cliffs	1.00	3.00
Paint Pots bridle-path.		
Mouth of Geyser Creek to the Paint Pots	.....	1.00
Geyser Gorge	1.00	2.00
Earthquake Gorge	2.00	4.00
Rocky Fork Crossing	2.00	6.00
Mary's Lake Road, near Yellowstone Creek	5.00	11.00
Mount Washburn bridle-path.		
Tower Falls to Forks of Trail	.....	1.87
To Summit of Mount Washburn	4.13	6.00
Cascade Creek	7.22	13.22
Great Falls of the Yellowstone	2.00	15.22
Grand Cañon bridle-path.		
Tower Falls to Forks of Trail	.....	1.87
Antelope Creek	4.00	5.87
Rowland's Pass of Mount Washburn	2.00	7.87
Glade Creek	2.47	10.34
Mud Geyser	1.00	11.34
Hot Sulphur Springs	.83	12.17
Meadow Camp and fork of Painted Cliffs bridle-path Trail	1.59	13.76
Brink of the Grand Cañon	1.00	14.76
Lookout, Paint, and forks of trail into the cañon below the falls	2.19	16.95
Great Falls of the Yellowstone	.74	17.69
Shoshone Lake bridle-path.		
Old Faithful, in the Upper Geyser Basin, to Kepler's Cascades	.....	1.94
Leech Lake	2.72	4.66
Norris Pass, Continental Divide	3.00	7.66
DeLacey Creek, Pacific waters	.97	8.63
Two-Ocean Pond, on Continental Divide	3.50	12.13
Hot Springs at head of thumb of the Yellowstone Lake	2.99	15.12
Hot Spring, on Lake Shore	2.02	17.14
Hot Spring Creek	4.00	21.14
Natural Bridge	7.44	28,58
Outlet of Yellowstone Lake	4.68	33.26
Miners' bridle-path.		
Baronette's Bridge, at forks of the Yellowstone River, to Duck Lake	.....	1.76
Ameythyst Creek	8.30	10.06
Crossing, East Fork of Yellowstone River	2.16	12.22
Gamekeeper's Cabin	.50	12.72
Soda Butte, medicinal springs	2.65	15.37
Trout Lake	2.00	17.37
Round Prairie	3.00	20.37
North line of Wyoming	3.84	24.21
Clarke's Forks Run Camp, near northeast corner of the Park	3.18	27.39

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Synopsis of roads, bridle-paths, and trails in the Yellowstone National Park—Continued.

	Between points.	Total.
Hoodoo or Goblin Mountain bridle-path.	*Miles.*	*Miles.*
Gamekeeper's cabin, on the Soda Butte, to Hot Sulphur Springs		2
Ford of Cache Creek	1	3
Alum Springs and return	4	7
Calfee Creek	4	11
Miller's Creek	2	13
Mountain Terrace	8	21
Old Camp	5	26
Goblin Labyrinths	2	28
Monument on Hoodoo Mountain	1	29
Fossil Forest bridle-path.		
Summit of Amethyst Mountain		3
Gamekeeper's cabin to foot of Mountain	3	6
Orange Creek	5	11
Sulphur Hills	4	15
Forks of Pelican Creek	8	23
Indian Pond at Concretion Cove of the Yellowstone Lake	5	28
Lower Ford of Pelican Creek	3	31
Foot of the Yellowstone Lake	3	34
Passamaria or Stinkingwater bridle-path.		
Concretion Cove to Turbid Lake		3
Jones' Pass of the Sierra Shoshone Range	7	10
Confluence of the Jones and Stinkingwater Fork of the Passamaria River	12	22
Nez Percé bridle-path.		
Indian Pond to Pelican Valley		3
Ford of Pelican Creek	3	6
Nez Percé Ford of the Yellowstone	6	12
Alum Creek bridle-path.		
From the Great Falls of the Yellowstone, via Crystal Falls and Grotto Pool and the Upper Falls, to the mouth of Alum Creek	4	4
Terrace Mountain Trail.		
Headquarters at the Mammoth Hot Springs, amongst the numerous active and extinct Mammoth Springs, to foot of the Ancient Terraces		1
Up steep pine, fir, and cedar clad terraces, to summit of the mountain	1	2
Along the range of the vertical cliffs, for 400 to 800 feet high	2	4
Descent of South Terrace to Rustic Falls, 40 feet high, at the head of the impassable cañon of the West Fork of the Gardiner River	1	5
Upon the southern cliff, above these falls, is a Sheepeater arrow-covert, and the remains of an ancient game-driveway thereto.		
Swan Lake, on the Fire Hole road	1	5
Trail to the Falls of the East Gardiner River.		
From the road near the middle of the cañon along the eastern declivity, one mile		1
To the fall, not unlike the famous Minnehaha, and like which, allows a safe pathway between the sheet of water and the wall rock.		
Monument Geyser Trail.		
Foot-bridge at head of the cañon of the Gibbon, which ascends nearly 1,000 feet within a distance of one mile, some portions of which are exceedingly difficult for a horseman, and hence called a trail		1
The active and the extinct and crumbling geyser cones are alike uniquely interesting, and the outlook remarkably beautiful.		
Trail, or foot-path, to head of the Great Falls of the Yellowstone.		
Leaves at the lower end of the camping ground above, and descends 500 or 600 feet within one-fourth of a mile to the pole-bordered outlook at the very head of the cataract.		
Trail to the Yellowstone River below the Lower Falls of the Yellowstone.		
This trail descends Spring Run from the rustic bridge nearly to its waterfall, thence along the steep declivity beneath Lookout Point in a winding, dangerous way, to the foaming river, which cannot now be ascended, along it, as formerly, to the foot of the falls upon this side; but can be reached upon the other, via the timber-fringed gorge.		
The main danger is from detached fragments of rock, which attain incredible volocity before reaching the river.		
Besides these trails there are several others to fossil forests, cliffs, geyser or sulphur basins or falls, which will be fully noted in the forthcoming guide-book of the Park.		

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Recapitulation of distances, roads, bridle-paths, and trails within the Park.

ROADS.

	Miles.
1. Road to the north line of the Park, towards Bozeman, about	7.00
2. Direct road to the Forks of the Fire Hole Rivers	36.00
3. Road from Forks of the Fire Hole Rivers to the foot of the Yellowstone Lake, about	30.00
4. Branch road from Sage Creek to Alum Creek	4.00
5. Tower Falls road, about	21.50
6. Geyser Basin road	11.00
7. Madison Plateau	24.00
8. Madison Cañon	18.00
9. Queen's Laundry	2.50
	153.00

BRIDLE-PATHS.

1. Middle Gardiner	7.00
2. Painted Cliffs	3.00
3. Paint Pots	11.00
4. Mount Washburn	15.00
5. Grand Cañon from the Forks, about	16.00
6. Shoshone Lake	33.00
7. Mines, to Clark's Fork, about	27.00
8. Hindoo or Goblin Mountain	29.00
9. Fossil Forest	34.00
10. Passamaria	22.00
11. Nez Percé Ford	12.00
12. Alum Creek	4.00
	213.00

TRAILS.

1. Terrace Mountain	6.00
2. Falls of the East Gardiner	1.00
3. Monument Geyser	1.00
4. To head of Great Falls of the Yellowstone, about 200 yards.	
5. To river below the Great Falls of the Yellowstone, 200 yards.	
	8.00

Superintendent Conger, in his report dated October 1, 1882, calls attention to acts of—

VANDALISM IN THE PARK.

I have hardly the patience to discuss this subject without passion. The most of the depredations committed seem to me so entirely purposeless that I am unable to conceive the cause that impels men and women to wantonly destroy, purely for destruction's sake. What are we to think of a man that will pack long poles, as heavy as he can carry, a great distance, for the purpose of thrusting them into the cone and down the throats of these great geysers, when the only possible effect must be to obstruct their flow and mar their beauty? This is done repeatedly, although I have neglected no opportunity to warn, admonish, and entreat all tourists whom I have met in the Park not on any account to do so. I have also by published order forbidden the collection of any specimens, and cautioned all persons having occasion to build a fire in the Park to be certain to extinguish the same before leaving camp. But, notwithstanding all this, tourists go into the Park with iron bars and picks secreted in their wagons, with the express intent to disregard the law and defy the Superintendent. The cones of the great geysers are already badly defaced, and vast tracts of the beautiful forests that adorn this Wonder-Land are laid waste by fire annually through the wanton carelessness and neglect of visitors.

Another source of great annoyance are the hunters in the Park. I am sure you will agree with me that it is not possible for a single gamekeeper to guard so vast a territory as the National Park and prevent the breach of the laws in regard to the killing of game. When we consider the temptation, and the opportunity which these vast solitudes afford, we need not wonder that the laws are broken and the orders disobeyed. But I leave it for the superior wisdom of the honorable Secretary of the Interior to suggest some remedy for these evils.

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APPROPRIATIONS FOR THE CARE OF THE PARK.

Congress each year makes an annual appropriation for the care of the Park. It is expended subject to the approval of the Secretary of the Interior. Men are employed to watch, drive out marauders, and to open new roads and paths. Mr. Conger, in his last report, speaking of the annual allowance for care of and opening the Park, says:

In this connection I would call the attention of members of Congress to the fact that heretofore the annual allowance for all purposes in the Park has been only $15,000; and I beg them to inquire of themselves how far this sum would go toward building and repairing the roads in their State or district, and also to bear in mind that this Park is on the top of the Rocky Mountains, and that everything that enters into use there costs at the least twice as much as the same would cost in almost any of the States.

PRIVILEGES GRANTED IN THE PARK.

Details as to this lease can be found in Senate Ex. Doc. No. 10, second session Forty-seventh Congress, being a letter of the Secretary of the Interior of December 11, 1882, transmitting to the Senate, in response to a resolution of December 7, copies of agreements with certain parties for privileges in Yellowstone Park. Also see—

Senate Ex. Doc. No. 48, second session Forty-seventh Congress, being a letter from the Secretary of the Interior of date January 16, 1883, in response to Senate resolution of January 9, transmitting copies of all letters and communications in regard to the contract made by him with certain parties for granting privileges in and leasing portions of the Yellowstone National Park.

RATES AND FARES TO AND IN THE PARK.

Round-trip tickets from Ogden, Utah (Union Pacific Railroad), over the Utah and Northern Railroad to the Park and return are sold at $45 each. At Beaver Cañon connection is made with Bassett Brothers Tourist Line for the Park. Distance from Beaver Cañon to Fire Hole Basin is 100 miles over a good mountain road. Time required for the trip is two days (stopping over night), and fare for round trip is only $25.

The Park Branch of the Northern Pacific Railroad is now open. It leaves the main line at Livingston, Montana, so that tourists can go all the way to the border of the Park by rail. No railroad is permitted to enter the Park.

Stages will convey them from the railroad terminus to the new hotel at Mammoth Hot Springs, where carriages, guides, and saddle-horses will be furnished for visiting all the many wonderful features of this great pleasure-ground of the nation. The rate of fare from Saint Paul, Minn., to Mammoth Hot Springs and return is about $90.

Tourists who desire to camp out can hire tents and camp equipage and engage guides at Mammoth Hot Springs.

ROUTES TO THE PARK.

Superintendent Conger, in his report for 1882, says:

The tourist desiring to visit the Park, who may be, we will say, at Chicago, has his choice of either of the great Pacific railroads. The Union Pacific via Omaha to Ogden, thence by the Utah Northern to Beaver Cañon, where he takes stage or private conveyance up the valley of the Snake River to the Lower Fire-Hole Basin, a little over 100 miles from the railroad. Or he can take the northern route via Saint Paul and the North Pacific to Livingstone (Benson's Landing), from whence a branch road is to be built, I am informed, early next season, to the borders of the Park near my headquarters, 65 miles from Livingstone

GUIDE-BOOKS TO THE PARK.

The most exhaustive guide-book to the Park can be found in the work entitled the "Calumet of the Coteau." Also, see the guide-book published by the Yellowstone National Park Improvement Company, and by the various railroads leading to the Park.

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ACCOMMODATIONS FOR TRAVELERS.

The Yellowstone National Park Improvement Company, of which Mr. Rufus Hatch, of New York, is president, under a lease from the Secretary of the Interior, as provided by law, has erected hotels and other accommodations for the use and benefit of tourists. The hotel at Mammoth Hot Springs is under the management of this company.

Under the terms of the lease the Secretary of the Interior must approve the rates and charges made by the Yellowstone National Park Improvement Company. The following are the approved rates:

Stage-route fares, Yellowstone National Park Improvement Company.

[Single trip rates.]

Final terminal station of railroad at Cinnabar to Mammoth Hot Springs	$1 00
Mammoth Hot Springs to Norris Geyser Basin	4 00
Mammoth Hot Springs to Lower Geyser Basin	7 50
Mammoth Hot Springs to Upper Geyser Basin	9 00
Mammoth Hot Springs to Lake Outlet	16 00
Mammoth Hot Springs to Great Falls	19 00
Norris Geyser to Upper Geyser Basin	5 00
Norris Geyser to Lake Outlet	12 00
Norris Geyser to Great Falls	15 00
Lower Geysers to Upper Geysers	1 50
Lower Geysers to Lake Outlet	8 50
Lower Geysers to Great Falls	11 50
Upper Geysers to Lake Outlet	7 00
Upper Geysers to Great Falls	10 00
Lake Outlet to Great Falls	3 00
Round trip rate from Mammoth Hot Springs to cover all of above points	25 00

The rate from the temporary stations of railroad to Mammoth Hot Springs to be a pro rata per mile of the round trip rate.

Approved July 17, 1883.

H. M. TELLER,
Secretary of the Interior.

Schedule of hotel charges, Yellowstone National Park Improvement Company.

Board and lodging, single room, per day	$5 00
Two persons in single room, each, per day	4 00
Attic, fourth story, single room, per day	3 50
Two persons in attic room, each, per day	3 00
Private parlor, per day	5 00
Private baths in bedrooms, each	75
Baths in bathing hall, each	50
Meals served in rooms, each	50
Guides or cooks for private camps, per day	4 00
Hire for "A" tents, for private camps, per day	1 00
Board and lodging in tents at fixed camps, per day	5 00
Saddle horse or pony, per day	3 50
Saddle horse or pony, first hour	1 00
Saddle horse or pony, each subsequent hour	50
Pack horses or mules, per day, each	2 50
Wagon hire, double team, per day, with driver	10 00
Single horse and buggy, per day	6 00
Billiards, per game	25
Pool, per game, each player	10
Bootblacking, per pair	10

Guide-books, periodical publications, newspapers, &c., at 20 per cent. above publishers' selling rates.

Approved July 17, 1883.

H. M. TELLER,
Secretary of the Interior.

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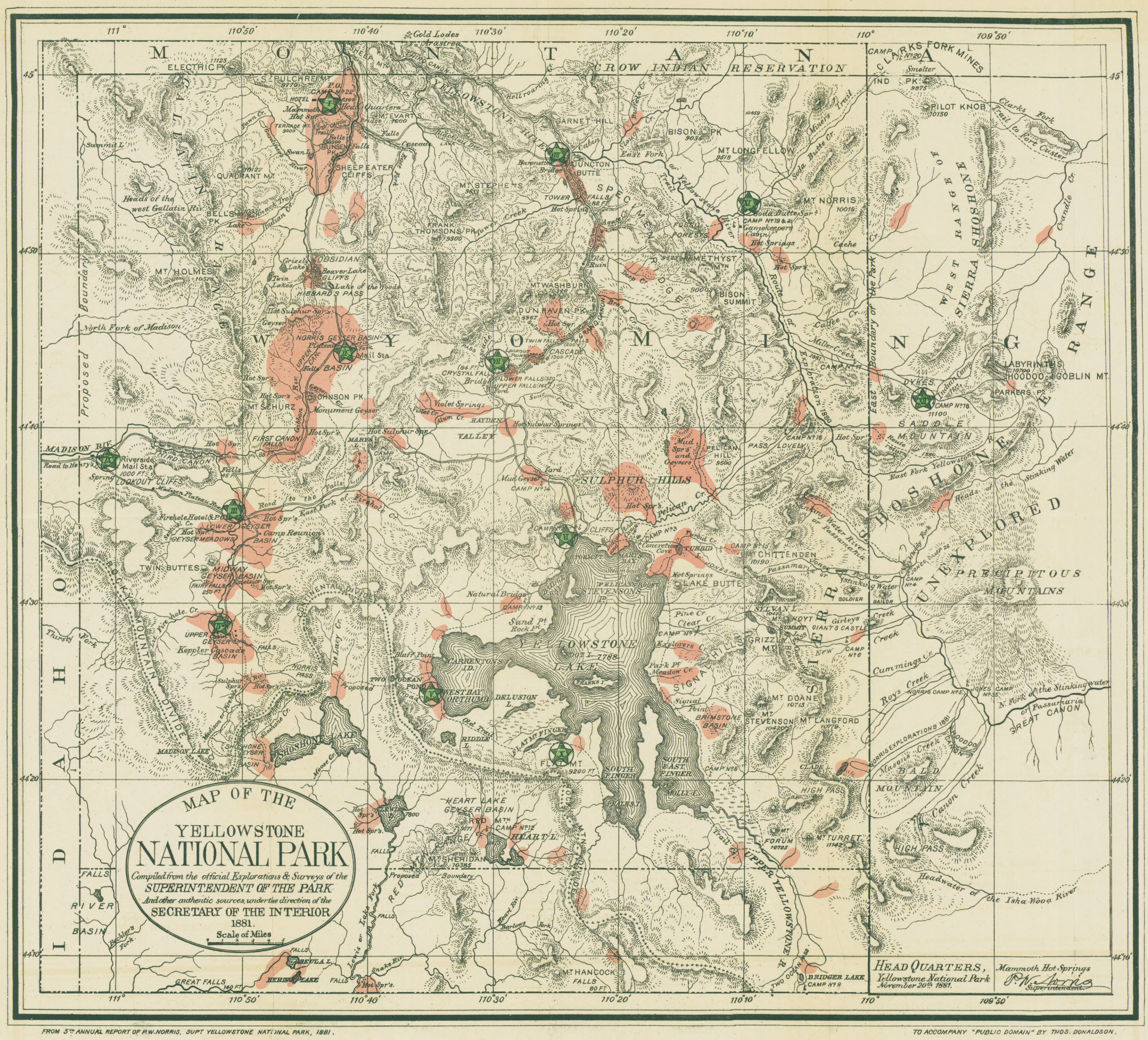

FROM 5TH ANNUAL REPORT OF P.W. NORRIS, SUPT YELLOWSTONE NATIONAL PARK, 1881.

TO ACCOMPANY "PUBLIC DOMAIN" BY THOS. DONALDSON.

REFERENCES.

Hotel Sites.

Geyser and other Hot Spring Basins.

EXPLANATION.

	Miles.	Miles.
No. 1. Mammoth Hot Springs (NEW HOTEL AT THIS POINT)		
" 2. Norris Geyser Basin		21
" 3. Forks of the Fire Hole River	16	37
" 4. Upper Geyser Basin	11	48
" 5. Thumb of the Yellowstone Lake	15	63
No. 6. Foot of Yellowstone Lake	18	81
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